



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
Thursday, February 10, 2022, at 3:00 p.m.

By
David Lassner
President
University of Hawai'i

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

Chair Kim, Vice Chair Kidani, and members of the committee:

Thank you for the opportunity to provide testimony in opposition to proposed 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 role the University plays in educating the workforce of Hawai'i, as well as 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, either through the tenure system for faculty or civil service for its staff. 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 introduced by SB 3269, and we seek deferral of this measure for the following reasons.

First, the bill's timing preempts a critical conversation on faculty classifications and tenurability of some types of existing faculty positions that should be at the institutional level. The introductory language of SB 3269 implies that SCR 201 S.D.1, H.D.1 that resolved that the University should set up a task force to investigate tenure resulted in the formation of a Board of Regents (BOR) permitted interaction group (PIG). Such a statement is factually inaccurate. The PIG was established before SCR 201's passage and issued independent policy recommendations to the BOR. The SCR 201 task force and its report included different, though overlapping members and had a different mandate.

However, SB 3269 appears to adopt the proposed policy language presented to the Board of Regents by the PIG with only some revisions. Not only were the recommendations of the PIG tabled pending the outcome and recommendations of the SCR 201 task force, but the PIG's proposals were never fully developed or intended to be final drafts. Furthermore, the draft policy language submitted by the PIG to the BOR was intended to be University policy and not statutory language. 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 from the protection of tenure without appropriate bargaining with UHPA. Both tenure and faculty classifications are subject to collective bargaining under the "other conditions of employment" clause as outlined in Chapter 89-1. HRS §89-9(3) states that "[o]ther terms and conditions of employment which are subject to collective bargaining and which are to be embodied in a written agreement as specified in section 89-10." As such, 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 as proposed in SB 3269. To make such a restriction and to eliminate some faculty 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, the President's authority will be limited to only providing tenure upon initial appointment for those Faculty classifications that can be granted tenure under SB 3269. There are instances when a Tenured Faculty Member could transfer their locus of tenure within the UH System with the possibility of also changing their classification and will be harmed by the language in this bill.

Third, the requirements included in SB 3269 regarding review after tenure are unnecessary as all faculty already undergo periodic review after tenure. 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 that classifications should be revised, that process must be completed internally under the UH System and only after considerable consultation and debate. The faculty classification language in SB 3269 raises serious questions that are not resolved or addressed. For example, while SB 3269 SD1 has revised the language to clarify that there should be a classification for Community College faculty (C), SB 3269 SD1 language currently precludes CC faculty from being tenured because only (F) faculty can be tenured.

Additionally, while the language in the bill is to be applied prospectively, it is unclear what that means in the context of legislation. Is the intent that upon inclusion in the statute, it will apply to future faculty or apply after a specific time period or academic year?

Enshrining such detailed 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 very 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.



The Committee on Higher Education
Thursday, February 10, 2022
3:00 pm
Video Conference, Room 229

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

Attention: Chair Donna Mercado Kim, Vice Chair Michelle Kidani 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.

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 to justify the proposed statutory changes, but also incorrectly provides a false narrative and reasoning for its purpose, aims, and justification.

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! 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.

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 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

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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 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

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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:

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;

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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 job security and 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 held in committee indefinitely.

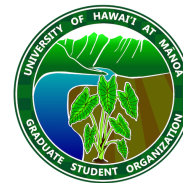
Respectfully submitted,

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

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

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February 9, 2022

TO: Senator Donna Mercado Kim
Hawai'i State Legislature

CC: Senators Kurt Fevella, Les Ihara, Gil Riviere, and Glenn Wakai
Hawai'i State Legislature

David Lassner, CEO and President
University of Hawai'i System

Michael Bruno, Provost
University of Hawai'i at Mānoa

Randolph Moore, Chair
University of Hawai'i Board of Regents

FROM: Sara Maaria Saastamoinen, Academic Affairs Chair *Sara M Saastamoinen*
Alena Shalaby, Advocacy Chair *alena*
University of Hawai'i at Mānoa Graduate Student Organization Executive Committee

RE: **Senate Bill 3269 Relating to Academic Tenure at the University of Hawai'i**
University of Hawai'i at Mānoa Graduate Student Organization Executive Committee
Testimony in **OPPOSITION**

The Graduate Student Organization ("GSO") of the University of Hawai'i at Mānoa ("UHM") is the elected body that represents more than 4,900 classified graduate students at UHM. Our kuleana is "to serve, advocate for, and support graduate students at UH Mānoa; to foster community engagement; to facilitate positive change; and to encourage"¹ a Native Hawaiian place of learning. By a vote of the elected officers and committee chairs of the GSO, **the Graduate Student Organization Executive Committee opposes Senate Bill 3269 relating to academic tenure at the University of Hawai'i.**

As a Native Hawaiian place of learning and a Truth, Racial Healing and Transformation campus, UHM must be "responsive to the needs and assets of Native Hawaiian communities"² and enable "each individual, family, and community [to] recognize their collective and interdependent kuleana—irrespective of race—to aloha one another and the 'āina throughout Hawai'i."³ Academic freedom and tenure allow students, faculty, staff, and university members to speak truth to power and to challenge systems of power that historically have been and continue to be oppressive today—both of which are critical components to becoming a Native Hawaiian place of learning.

The provision of tenure secures academic freedom for faculty and staff that enables graduate students at UHM to conduct boundary-pushing, ground-breaking, field-changing research. Our ability to research and to serve as graduate assistants is contingent, however, upon having faculty members who can supervise our work and mentor us without fear of political retribution due to the subject matter of research, instruction, or administration and whether it may be politically or economically palatable for outside institutions, organizations, and actors. Graduate students come to UHM to learn, study, and undertake research that bolsters culturally and historically relevant knowledge, including when such content may be considered controversial, not politically viable, or to which outside agents and actors may be hostile. Without the protections of tenure to safeguard academic freedom, the best and brightest could not choose

¹ <https://uhmgso.wixsite.com/website-1/about-us>

²

<https://manoa.hawaii.edu/nhpol/language-option/pathways/auamo/aloha-aina>
<https://manoa.hawaii.edu/nhpol/language-option/pathways/auamo/aloha-aina>

³ <http://manoa.hawaii.edu/nhpol/language-option/pathways/auamo/trht-truth-racial-healing-transformation>

UHM as the institutions at which to study and research for their doctoral and masters degrees or certificate programs.

Furthermore, the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) articulates the rights of Indigenous peoples to their own cultural traditions, customs, education systems, histories, knowledges, languages, literatures, oral traditions, philosophies, sciences, technologies, and writing systems.⁴ By international resolution, the State of Hawai‘i must not only recognize but also protect the ability of Kānaka Maoli to exercise these rights⁵ as the Indigenous peoples of Hawai‘i. Tenure and academic freedom is crucial for Kānaka ‘Ōiwi scholars to continue exercising this right to conduct, publish, and disseminate exemplary research at UHM as they have for decades.

The granting of tenure allows faculty members to research, write, create, teach, and mentor without pressure from political, corporate, and other entities whose interests could subvert the ability of the faculty to carry out the mission of UHM to “provide environments in which faculty, staff and students can 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.”⁶ As the only provider of public higher education in Hawai‘i,⁷ if UHM is to fulfill its mission and to support itself as a Research 1 institution, then the State of Hawai‘i Legislature (“Legislature”) must support tenure fervently as a critical cornerstone of freedom of thought, inquiry, and expression for faculty and staff and, thereby, the students they teach, mentor, and support.

Today, out of over 400 public higher education institutions, UHM is ranked as 59 in terms of total research and development expenditures from sources ranging from federal to state and local government as well as businesses, non-profit organizations, and institutions, according to the most recent National Science Foundation Higher Education Research & Development Expenditures Survey.⁸ UHM is one of only 131 universities from more than 3,000 nationwide to be distinguished as a Carnegie Research I university, and is one of the select land-, sea-, space- and sun-grant universities.⁹ Graduate students contribute to these commendable statistics in our multiple capacities as students, researchers, teachers, and administrators. Our work as graduate students to conduct, author, and publish research—including our theses, dissertations, and journal articles—as well as our work as graduate assistants to research, teach, and administer programming provides a crucial service to UHM and to the State of Hawai‘i.

This makes graduate students major stakeholders in any decisions to alter, amend, restrict, reduce, or otherwise change the structure of tenure at UHM. Graduate students’ perspectives must be considered prior to making any recommendations, reports, or legislations, and GSO, as the representative body of graduate students at UHM, must be consulted on all issues of academic freedom and tenure. In not consulting with the GSO during their process, the Tenure Permitted Interaction Group failed to engage with all major stakeholders and seek various perspectives.

Denying tenure and the academic freedom it grants to one respective group of scholars, researchers, teachers, thinkers, and staff inherently and necessarily undermines the academic freedom of all other faculty, staff, students, and workers at the university. Tenure and academic freedom are essential to the service UHM provides to the State of Hawai‘i, in particular as a Native Hawaiian place of learning. Do not cut away one of the critical structural supports that allows students and faculty to work diligently to fulfil the mission of this university and to support the State of Hawai‘i. **We ask the Legislature to vote “no” on Senate Bill 3269 relating to academic tenure at the University of Hawai‘i.**

Mahalo for listening to the voices of graduate students.

⁴ <https://undocs.org/A/RES/61/295>

⁵ <https://undocs.org/A/RES/61/295>

⁶ <https://www.hawaii.edu/policy/?action=viewPolicy&policySection=rp&policyChapter=4&policyNumber=201>

⁷ <https://www.hawaii.edu/policy/?action=viewPolicy&policySection=rp&policyChapter=4&policyNumber=201>

⁸ <https://research.hawaii.edu/uh-research-and-innovation>

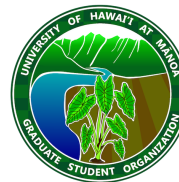
⁹ <https://research.hawaii.edu/uh-research-and-innovation>

Sincerely,
Executive Council of the Graduate Student Organization of the University of Hawai'i at Mānoa

Enclosures:

1. October 20, 2021 GSO Executive Council Testimony Opposing Board of Regents Resolution 21-06 and the proposed revisions to RP 9.201, RP 9.202, and RP 9.213 regarding the findings and recommendations of the Tenure Permitted Interaction Group

Submitted by:
Alena Shalaby, Advocacy Chair
Graduate Student Organization of University of Hawai'i at Mānoa
gsoadvoc@hawaii.edu




October 20, 2021

TO: Randolph Moore, Chair
University of Hawai'i Board of Regents

CC: David Lassner, CEO & President
University of Hawai'i System

Michael Bruno, Provost
University of Hawai'i at Mānoa

FROM: Sara Maaria Saastamoinen 
Academic Affairs Chair on behalf of the Executive Council,
University of Hawai'i at Mānoa Graduate Student Organization

**RE: University of Hawai'i at Mānoa Graduate Student Organization Executive Council Testimony
Opposing Board of Regents Resolution 21-06**

The Executive Council of the Graduate Student Organization (GSO) of the University of Hawai'i at Mānoa OPPOSES Board of Regents Resolution 21-06 and the proposed revisions to RP 9.201, RP 9.202, and RP 9.213. We support the testimony to the University of Hawai'i Board of Regents (BOR) provided by the Mānoa Faculty Senate (MFS) Senate Executive Committee (SEC) on October 11, 2021, disagreeing with both the findings and recommendations of the Tenure Permitted Interaction Group (PIG).

In establishing the original charge of the PIG in the February 18, 2021 BOR meeting, then-Chair Benjamin Kudo noted that the PIG would “also include representatives of the major stakeholders concerned with tenure.” Then-Vice-Chair Randolph Moore noted that the PIG “will contain a wide spectrum of members with diverse backgrounds that will allow various perspectives to be brought forward.” We argue that graduate students are major stakeholders in any decisions to significantly change the tenure structure and whose perspectives should be considered prior to making any recommendation. In not consulting with the GSO during their process, the PIG failed to engage with all major stakeholders and seek various perspectives.

As PIG member Christian Fern, Executive Director of the University of Hawaii Professional Assembly, notes in his dissenting opinion, “Tenure provides the essential conditions and optimal environment for faculty to educate students, to pursue research and innovation, and to draw upon evidence-based conclusions that are free from undue political interference or corporate pressure.” As graduate students, we echo this sentiment. The granting of tenure allows faculty members to research, write, create, teach, and mentor without pressure from political, corporate, and other entities whose interests could subvert the ability of the faculty to carry out the mission of the University of Hawai'i to “provide environments in which faculty, staff and students can 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.”¹ If UH is to fulfill its mission, then tenure must be supported fervently by the BOR as a

¹ *About the University of Hawai'i*. University of Hawai'i, 19 July 2021, www.hawaii.edu/about-uh. Accessed 18 Oct. 2021.

critical cornerstone of freedom of thought, inquiry, and expression for faculty and thereby, the students they teach, mentor, and support. As graduate students, our ability to conduct research, including for our theses and dissertations, as well as our ability to serve as teaching assistants providing a crucial service to the university, is contingent upon having faculty members who can supervise our work and mentor us without fearing political retribution because of the subject matter being researched or taught.

Do not cut away one of the critical structural supports allowing students and faculty to work diligently to fulfill the mission of the university. We ask the BOR to vote “no” on Resolution 21-06 and the proposed RP amendments.

Sincerely,

Graduate Student Organization Executive Council, University of Hawai'i at Mānoa



April 10, 2019

Testimony regarding Sb3269 SD 1

Jonathan Kay Kamakawiwo'ole Osorio

Wēlina Mai e Chairs Kim and Vice Chairs Kidani and Members of the Committee on Higher Education and Ways and Means

I oppose the adoption of SB3269 SD 1 as an unnecessary intrusion into the management of the University of Hawai'i by the Senate. The bill is based on a flawed and harmful premise. The introduction states with regard to higher education that "The ability to instruct, educate, and prepare students to enter the workforce are **paramount** skills that should be supported by public funds." Preparing students to enter the "workforce" is clearly a mission of the university, but it is not the only mission. Anticipating the workforce needs, encouraging and resourcing innovation, and responding to urgent physical, economic, and social change in Hawai'i has also been a major function of this university, even before I first became a student here, more than fifty years ago.

Research carried out in Biochemistry, Ocean and Environmental Sciences, Social the Science Research Institute, Urban and Regional Planning, the College of Education, and even, must I say it, Astronomy, all produce significant knowledge about our physical and social environment, human learning and behavior, and cultural understanding that undergird our ability in Hawai'i to cope with a changing world and to maintain a highly productive and largely optimistic society. Much of this research is formulated and conducted by by Research Faculty and Faculty Specialists, and we need to assure them that they are valued to the same degree that we value instructors.

As a teacher, I am convinced of the importance of teaching and the school I lead is primarily a teaching institution. But imagining new careers, looking beyond military spending and tourism, and formulating new policies and and adopting best practices in our government and civic agencies is as important a function of a first-rate university as teaching accounting, computer science, and communication.

I would not say that the system of tenure at the University is fool-proof or flawless, but I do question why the Legislature sees the need to impose a new structure that sets up such a hard line between teaching and non-teaching faculty. If there was problem with whether certain faculty should be tenured, wouldn't the issue be whether the individual maintained their productivity and value to their department across their career? Or perhaps, whether our university had correctly anticipated and foreseen the changing needs of our society, and had recruited and hired the professionals who could lead in those areas?

This bill does not address real issues here, and instead introduces a fallacious notion that teaching faculty are more deserving or have a greater need for the protection of tenure. What is the evidence for that? I can produce evidence that the Specialist Faculty in Hawai‘inuiākea have been essential, in fact, irreplaceable faculty in their departments. A specialist in the Center for Hawaiian Studies is the current director/chair, and has helped engineer two new partnerships with the College of Education and the Department of Urban and Regional Planning to allow our undergraduates to earn a BA in Hawaiian Studies and Language and Masters Degrees in DURP or COE in five years. Faculty Specialists in Native Hawaiian Student Services have brought nearly twenty million dollars in federal Title III dollars to Native Hawaiian student programs at UH Mānoa that have greatly improved the percentage of Kanaka Maoli students at Mānoa and also their rate of retention. Faculty Specialists in Outreach and in Hawaiian Language have provided new on-line programs teaching Hawaiian language and culture free to the general community—an absolute blessing when COVID shut us in.

Allowing Faculty Specialists to work toward tenure allows us a five year window not just to evaluate them but to direct them to setting the goals and adopting the practices that lead to a long and fruitful career. How will this bill replace that? I cannot imagine how it will improve the way the university works. There is tremendous value in this faculty beyond the thousands of students we teach each semester. In fact, that value is enshrined in our contracts, which even for teaching faculty, demand research and service, both to our profession and to our communities.

Please allow our administration, our faculty leadership, and our union to work together to determine how we recognize and encourage professional excellence with tenure. If a better system is to be devised, it should be constructed by the faculty themselves, their senates, our provost, our regents, and our union. There is strength and authenticity in that kind of broad review, and it will produce a better result. Please do not pass this bill.

Mahalo

Jonathan K Osorio, PhD
Professor of Hawaiian Studies
Dean, Hawai‘inuiākea School of Hawaiian Knowledge
University of Hawai‘i Mānoa



HAWAII
Library Association

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

February 9, 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.

SB-3269

Submitted on: 2/7/2022 5:05:22 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Faith Kahale Saito	Individual	Oppose	Yes

Comments:

Aloha mai e Senator Mercado-Kim and the rest of the Higher Education Committee,

I sincerely and humbly mahalo you as the leaders of our community and your commitment to ensure pono within the UH System. But I assure you that you are targeting the wrong group of faculty, especially at the community colleges. I STRONGLY OPPOSE SB3269. 2022 makes 10 years of my service to Honolulu Community College as a tenured (since 2016) Associate Professor (Native Hawaiian Counselor). Please take the time to read the closing statement to my Promotion to Associate Professor Dossier in 2020, as it provides just a glimpse to my commitment to the college. I strongly feel my tenurship proves the institutions investment in ME, and my tenacity and commitment rises to the occassion. Before passing this bill, please take the time to learn more about the incredible work of of my colleagues across the UH Community College System. We are passionate and committed individuals in our community and our campuses. If you look at it from a Ho‘okele Wa‘a perspective, the instructional faculty are the kapena (captains) and the non-instructional faculty are the ho‘okele (navigators). Our haumana (students) cannot get to their destination without both expertise.

Mahalo nui to all of you who continue to do good work for the people of Hawai‘i. I look forward to further discussions about this matter.

Me ka ha‘aha‘a,

Kahale Saito

CLOSING STATEMENT- 2020 Dossier

I dare not look down as if i‘ m superior, I look down ready to pull you up. If I am Pō (night) and you are Mahina (moon), then my hands are nā Hōkū (the stars) that pull you through the night‘ s sky, for we dance together harmoniously, when one rises, WE ALL RISE. (Kanoë Davis, Cultural Practitioner and Fashion Designer, Moloka‘ inuiahina)

This quote captures the essence of my pursuit to fulfill my kuleana to the students of Honolulu Community College, our surrounding community, and my one hānau. Although the dossier process seeks to elevate the individual contributions to the campus, our professionalism thrives and succeeds only through a team effort. “ Teamwork makes the dreamwork.” I am blessed to work with an incredible team of professionals with vibrant personalities and astounding characteristics. Honolulu Community College is a small community of diverse individuals, where passion and commitment intersect with life altering experiences. We are all shining stars in our attempt to positively contribute to our community.

HAUMANA. Although every student counts, and I assist any and all students of all ethnic backgrounds. I have a special commitment and passion for our Native Hawaiian students. As I share with them at our NSR presentation, every single one of them counts, and I treat and honor them as if they are my ‘ohana. In the 8 years I have been at HonCC, I have seen an enormous amount of success stories come to fruition due to our programming. Aunties, uncles, grandmothers, grandfathers, formerly incarcerated, struggling single mothers, the abused, and all facets of kānaka who are the result of historic trauma of my people, have SUCCEEDED and are positively contributing to our community. A handful of them initially came to HonCC to only seek an Associate degree, but with the right support and advising, I have seen many go on to their Bachelor’s degree and in some cases their Masters degree. Many of them never experienced someone truly believing in their potential, most of it self-doubt. I believe I have developed a special talent and gift, one of my students calls it “a magic wand.” To see and expose THE BEST in each individual, and assist them in believing in themselves. Most importantly being there to catch them each time they falter or lose hope. The fruits of our labor are seen almost on a daily basis, whether it be in passing or through social media feeds. These

reminders feed my soul and my desire to continue doing this work wholeheartedly.

I consider myself to be very fortunate to absolutely love the work I am committed to at Honolulu Community College. I am blessed to be able to live a lifestyle where all aspects of my life converge as a mother, a kānaka ʻōiwi, a cultural practitioner, an educator, and a community member. My hard work and dedication to this work is a mere reflection of my akua, ʻaumakua, and kūpuna who have guided me on this path. I have found my niche in society, and I am refining my craft as a counselor and professional every single day. Forever striving to remain pono, to show aloha and compassion to every single person who crosses my path, and to leave a legacy for my three keiki to follow. Please take the time to read each Letter of Support from my colleagues, as they do a much finer job of articulating my contributions to this campus and community. I look forward to many more years of service to Honolulu Community College.

Mahalo nui to all the reviewers of this document. I would like to close with this pule that was shared by my dear friend Kealoha Moku:

E malu ke kino, e mālie ka noʻonoʻo, e maha ka naʻau

Bring calmness and peace to the body, mind, and heart

Mai ke poʻo a ka hiu, mai nā kihi ehā i ke kino

From head to toe, to the four corners of the body

Mai kahikina i komohana, mai loko a i waho

From east to west, from within and out

E ulu a'e ka ikaika

May we open ourselves up to strength

E ulu a'e ke ola

May we open ourselves up to life

E ulu a'e ka maopopo

May we open ourselves up to understanding

Mālama mai i ko mākou nui kino

May we nourish our greater spirit

Mālama mai i ke kānaka

Always caring for our people

Aloha 'ohana

Unconditionally love your family

Aloha 'Āina

May this land fill you with love

Amama, Ua noa

It is free, it is lifted



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 Higher Education

Testimony by
Hawaii Government Employees Association

February 10, 2022

S.B. 3269, Proposed 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 the proposed Senate Draft 1 to S.B. 3269 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.

As written, the proposed draft 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 the proposed draft to S.B. 3269.

Respectfully submitted,

Randy Perreira
Executive Director

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 HIGHER EDUCATION

For Hearing on Thursday, February 10, 2022
3:00 P.M., Conference Room 229 (Via Videoconference)

By

RYKER WADA
CHIEF NEGOTIATOR

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

WRITTEN TESTIMONY ONLY

CHAIRPERSON MERCADO KIM, VICE-CHAIR KIDANI AND MEMBERS OF THE SENATE COMMITTEE ON HIGHER EDUCATION:

The purpose of Senate Bill No. 3269 Proposed 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 Proposed 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 on this measure.



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

" A Police Organization for Police Officers Only "
Founded 1971

February 8, 2022

ONLINE /FAX: 808-587-7205; 586-7109

The Honorable Donna Mercado Kim
Chair
The Honorable Michelle N. Kidani
Vice-Chair
Committee on Higher Education
Hawaii State Capitol, Rooms 218, 228
415 South Beretania Street
Honolulu, HI 96813

Re: **SB3269 SD1-Relating to Academic Tenure at the University of Hawaii**

Dear Chair Mercado Kim, Vice-Chair Kidani, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in opposition to SB3269 SD1. Our opposition is based on our general concern that this bill will encroach on the public unions' constitutionally protected collective bargaining rights guaranteed by the Hawaii Constitution.

As a public union, any bill that appears to take away or restrict our members' collective bargaining rights is always a cause for serious concern. The reason is that HRS §89 arises from Article 13 of the Hawaii Constitution which provides certain bargaining rights and protections to the public unions balanced against specific managements rights and protections afforded to the employers. If tenured rights and benefits are part of a collective bargaining agreement and have been the subjects of bargaining over the many years, this bill would encroach on those bargaining rights.

As this Honorable legislative body previously declared:

The legislature finds that joint decision-making is the modern way of administering government. Where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective.

See HRS §89-1(a).

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The Honorable Donna Mercado Kim, Chair
The Honorable Michelle N. Kidani, Vice-Chair
Committee on Higher Education
February 8, 2022
Re: SB3269 SD1-Relating to Academic Tenure at the University of Hawaii
Page 2

The Hawaii Legislature has further declared that “it is the public policy of the State to promote harmonious and cooperative relations between government and its employees” by “[r]ecognizing the right of public employees to organize for the purpose of collective bargaining” and “[r]equiring public employers to negotiate with and enter into written agreements with exclusive representatives on matters of wages, hours, and other conditions of employment.” See HRS §89-1(b),(1), (2).

HRS §89-9 facilitates harmonious and cooperative relations by authorizing the public unions and the employers to negotiate over terms and conditions of employment including procedures and criteria on promotions.

A bill that infringes on our public union rights is one that we must oppose in exercising and fulfilling our statutory and legal obligation owed to our public union members to protect and maintain their constitutionally guaranteed collective bargaining rights. For those reasons we must respectfully oppose SB3269 SD1.

We thank you for allowing us to be heard on this very important issue that has wide reaching ramifications and hope your committee will unanimously oppose SB3269 SD1.

Respectfully submitted,

ROBERT “BOBBY” CAVACO
SHOPO President



Daniel Ross, RN
President

Gary Nuber
Director of Field Services

1600 Ala Moana Blvd Suite 100
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The Thirty-First Legislature, State of Hawaii'i
Hawaii'i State Senate
Committee on Higher Education

Testimony by
Hawaii Nurses Association
February 10, 2022

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

The Hawaii Nurses Association -OPEIU Local 50 is affiliated with the AFL-CIO and was founded in 1917 and represents 4,000 nurses in the State of Hawaii. We are writing in **OPPOSITION** to [SB 3269](#), relating to academic tenure at the University of Hawaii'i.

Hawaii Nurses Association strongly oppose the elimination of tenure for Specialist faculty, Librarians and extension agents. Among other things, faculty in these areas like the Center for Labor Education and Research, fulfill legislative-backed initiatives and establish equity of college access for undeserved populations, such as lower socioeconomic and rural students, with a special commitment to Native Hawaiians= success, as our UH missions emphatically state,

This bill is an unprecedented attempt to interfere with public sector collective bargaining rights long-recognized to protect unionized faculty from arbitrary and capricious termination as provided in the contracts. As such, it is pure and simple union-busting.

Despite popular belief, tenure only recognizes the completion of a probationary period during which faculty can be summarily fired, as an at will employees, a condition seen virtually in non-union employment only.

Once faculty are awarded tenure they can still be terminated for just cause or by lay-off for such circumstances as financial exigency or program discontinuation.

Most labor agreements provide for considerably shorter probationary periods (commonly 6 month to a year) to allow employers time to assess their employees= suitability before protecting them from summary termination. The process as set forth in the UHPA CBA takes 5 years and involves several levels of review.

Under the existing faculty labor agreement, failure to achieve tenure at the UH automatically results in termination, the dossier is tantamount to a re-application that is subsequently scrutinized by faculty peers and administrators.

SB 3269 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.

The Hawai'i Public Employment Relations Board (later renamed HLRB) conducted an extensive review of the classifications to be covered in the faculty Bargaining and issued its decision and certification. SB 3269 would reject these classifications and the 1972 Board order that the BOR must bargain with the exclusive representative over such a universally accepted subject as job security (i.e. tenure) for these classifications.

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 focusing on advanced degree for traditional students and to the detriment of its community service mission to the general public.

It is grossly unfair to single out librarians, specialists and extension agents from other faculty for this disparate treatment.

The elimination of tenure for librarians who 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).

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

Academic freedom is essential to all faculty including specialists and librarians in their roles as teachers and researchers, especially in digital scholarship and information literacy.

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.

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

Thank you for your consideration and we urge you to pass this legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Ross", written in a cursive style.

Daniel Ross
President



Randy Perreira
President

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

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The Thirty-First Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Higher Education

Testimony by
Hawai'i State AFL-CIO
February 10, 2022

S.B. 3269 – 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.

Tenure for Specialist Faculty, Librarians, and Extension Agents 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.

Respectfully submitted,

Randy Perreira
President

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

Senate Committee on Higher Education

Hearing Date:

3:00 PM, Thursday, February 10, 2022

Conference Room 229 & Videoconference

Submitted by the Hawaii Community College Academic Support Division Faculty

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

We, the undersigned Faculty of the Hawai'i Community College Academic Support Division, respectfully but strongly oppose SB 3269 (including SB 3269 SD 1) 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.

Since the PIG report is erroneously but prominently mentioned in SB 3269, we have confidence in 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**

Hawai'i Community College
Academic Support Division Faculty

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 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.

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

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 Kanoë Lambert, M.Ed., Ph.D. Candidate, Instructor, Pathway Coordinator

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

Group Testimony AGAINST SB 3269

Submitted to the Senate Committee on Higher Education

February 09, 2022

To: Chair Donna Mercado Kim, and Members of the HRE Committee, Senators Kidani, Keith-Agaran, Fevella, and Wakai

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

We, the faculty and staff of the University of Hawaii Cancer Center, are writing this testimony to document our **strong OPPOSITION to SB 3269**, and we urge the HRE Committee to oppose this bill.

SB 3269 proposes to change tenure requirements and criteria for tenure-track faculty, stipulates how and when performance reviews should be administered for faculty, redefines faculty categories for all campuses, and prohibits faculty in certain categories from being eligible for tenure. This bill goes against Article X of the Hawaii State Constitution and Title 18A of the Hawaii Revised Statutes “The board of regents shall classify all members of the faculty of the university (304A-1002)” and “personnel of the university not subject to chapter 76 shall be under the direction of the president of the University of Hawaii. (304A-1001).” Therefore, if enacted, this bill would be unconstitutional. Moreover, it undermines the authority of the board of regents and UH president and poses a threat to the University’s International reputation and standing.

It is important to note that “tenure” is completely misrepresented in the preamble and throughout SB 3269. Academic tenure does **not allow** “the right of a faculty member to permanent or continuous service” as stated in this bill. On the contrary, a tenured appointment is indefinite and can be terminated under certain circumstances such as financial exigency and program discontinuation. Academic tenure **does** provide academic freedom and protection for faculty to teach and pursue research that is free from any corporate or political pressure. By protecting the quality of teaching and research, tenure protects the integrity of institutions of higher education. Also, when academic freedom is not suppressed and faculty are able to work without fear of powerful interests, such as those from the government, religious, or business entities, the community as a whole benefits.

Importantly, the Board of Regents **did not adopt Resolution 21-06** based on the findings of the PIG as stated in SB3269. This bill does not take into account the many hats that faculty wear to effectively perform their jobs. Requiring community college faculty to perform research in addition to their many duties is not cost effective.

Furthermore, we **oppose** the elimination of tenure for support (specialist) 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. Further, at various organized research units throughout the UH, including at the UH Cancer Center, there are many faculty classified as 'S' ('Specialist') who are fully engaged in conducting research by providing specialized services and expertise to many research projects at these units. Stripping these faculty of tenure would turn away high-quality prospective candidates for these positions, which would hinder effective recruitment efforts and therefore cause immense harm to these units' mission and research programs.

The importance of tenure provides necessary and essential protections for these positions, it also communicates the state's abiding commitment to our students, to our faculty and to educational and academic excellence in Hawai'i—goals we all seek to realize. The proposed bill would undermine these goals and thus would be detrimental to Hawaii's education and scientific research missions.

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

Signatures

Dr. Lang Wu

Dr. Peiwen Fei

Dr. Thaddeus Herzog

Dr. Loic Le Marchand

Dr. Chris Farrar

Dr. Adrian Franke

Dr. Unhee Lim

Dr. Lani Park

Dr. Maarit Tiirikainen

Dr. Michelle Matter

Dr. Lenora Loo

Dr. Yurii Shvetsov

Dr. Kevin Cassel

Dr. Lynne Wilkens

Dr. Song Yi Park

Dr. Reinhold Penner

Dr. Gertraud Maskarinec

Dr. Masayoshi Yamaguchi

Dr. Jami Fukui

SB-3269

Submitted on: 2/9/2022 8:57:02 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jairus Grove	Testifying for Department of Political Science	Oppose	No

Comments:

Dear Senators,

We are writing to speak against Senate Bill 3269 which attacks the university’s autonomy and threatens to substitute political whim for the professional judgement of faculty regarding tenure.

The immediate threat to deny tenure to future support faculty (sometimes called specialists), and extension staff is ill considered. Support faculty/specialists advise students, teach classes, run programs, conduct and publish research, and manage projects. All these activities contribute to the educational mission of the university. Extension agents assist local farmers by educating them about the conditions and resources needed for successful farming. Extension agents do community development work as well. This is also part of the educational mission of the university.

Senate Bill 3269 is also a threat to tenure as a whole. The bill focuses on a demand for stricter scrutiny over the content of scholarly work. This bill also blurs the lines of who is authorized to scrutinize those research agendas. Scholarship, particularly scholarship which contributes to a better Hawai’i, is not always popular. Our faculty play a pivotal role influencing how we understand our history, exposing the limitations of existing institutions, helping dispel stereotypes, and raising awareness over necessary changes that must be made to safeguard our water and environment. The strength of tenure to deflect political scrutiny is essential to the university’s role in a democratic society. Like an independent media, an independent judiciary or our own academic standards of anonymous peer-review, scholarly independence is about more than freedom of speech or freedom of thought. Scholarly independence is how we make sure that research has integrity and is accountable to facts rather than being steered by political interests. Consumer safety, civil rights, climate change, biodiversity, cultural diversity, gender equity in the work place, energy independence, were all unpopular ideas until scholars were able to demonstrate why each was necessary for a better future. Tenure cultivates hard truths until it is politically possible to face them.

Furthermore, any weakening of tenure will substantially undermine UH’s ability to hire and to retain qualified faculty. We have succeeded at attracting meritorious faculty members to what is now an outstanding research and teaching university, despite the high cost of living in our state and the daunting travel needed to stay current in our fields. We will not continue to succeed at recruiting outstanding faculty in the future if we have to explain to candidates that the institution

of tenure is insecure, and their work may be evaluated by individuals who have no professional standing to render such judgements. There is already a rigorous process of post-tenure review at UH. It would require enormous bureaucratic expansion to set up a second administrative apparatus to duplicate work that properly belongs to the faculty and such a process would have no grounds for establishing the trust of expertise earned amongst faculty.

As educators who have taught at institutions all over the world, we implore you to reflect on the value to Hawai'i of a robust research university, as well as an extensive network of community colleges. For example, UH researchers have contributed to every aspect of managing life during the pandemic, including economic analysis, epidemiological work, educational guidance, crisis management, and much more. More broadly, our programs in law, medicine, ocean sciences, astronomy, climate science, Hawaiian language revitalization, international business, to name a few, offer first-rate education to our people. The challenges and opportunities Hawai'i faces in the future are like no other place on earth in their complexity and specificity. We need first rate scholars devoted to this place, building solutions for our state. Undermining the University of Hawai'i at Mānoa will create a dangerous dependency on imported experts and ideas ignorant of what makes Hawai'i who we are

We strongly encourage the Senate to reject this bill and to recommit to supporting the university's self-governance, as established in our laws, policies, and negotiated contracts.

Sincerely,

The Department of Political Science, UHM

2424 Maile Way

Saunders 640

polisci@hawaii.edu

(808) 956-8357



THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

Committee on Higher Education
Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair

Thursday, February 10, 2022, 3:00PM
Conference Room 229 and Videoconference

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

Chair Kim, Vice Chair Kidani, 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, Proposed SD1, which outlines tenure requirements and criteria for tenure-track faculty. This bill 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,

Liz Ho
Administrator

UNITED PUBLIC WORKERS
AFSCME Local 646, AFL-CIO





COMMITTEE ON HIGHER EDUCATION
Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair

SB3269
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Thursday, February 10, 2022, 3:00 PM
VIA VIDEOCONFERENCE

Chair Kim, Vice Chair Kidani, 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** 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 shall not be eligible for tenure. 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, 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



IATSE LOCAL 665

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INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

The Thirty-First Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Higher Education

Testimony by
IATSE Local 665
February 9th, 2022

S.B. 3269 - RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Committee

My name is Tuia'ana Scanlan, President of IATSE Local 665. Local 665 represents Entertainment Technicians in Stagecraft, Tradeshow & Conventions, and Film/TV industries across the State of Hawaii. **We submit this testimony in strong opposition to SB 3269.**

This bill interferes with public sector collective bargaining rights designed to protect unionized faculty from unfair termination. There are already mechanisms in place for removing tenured faculty for just cause. It violates the autonomy guaranteed by Article X, Section 6 of the State's Constitution. It improperly revokes the authority of the Board of Regents and UH Professional Assembly's exclusive right to bargain collectively with the faculty. It is grossly unfair to single out librarians, specialists, and extension agents from other faculty for this disparate treatment. This bill threatens the job security of faculty who perform the essential tasks that are expected from them, which will diminish the quality of personnel and service that these faculty members provide.

It is for these reasons that we **strongly oppose S.B 3269**. Thank you for the opportunity to testify.

Respectfully,

Tuia'ana Scanlan
President, IATSE Local 665
he/him/his



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
TELEPHONE (808) 949-1566 FAX: (808) 952-6003
WEBSITE: www.hawaiifirefighters.org

LATE

THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022
February 10, 2022

Committee on Higher Education

Testimony by
Hawai'i Fire Fighters Association

S.B. No. 3269

RELATING TO ACADEMIC TENURE AT
THE UNIVERSITY OF HAWAII

HRE, WAM

The Hawai'i Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 1,900 professional active-duty fire fighters throughout the State. The HFFA, on behalf of all of our members, opposes S.B. No. 3269 which seeks to define and codify in statute, tenure, which classifications of faculty have access to tenure, and remove access of certain classifications of faculty from the tenure process, for the University of Hawai'i statewide system. Tenure and the process for tenure is currently defined in the Unit 7 Agreement with the employer. As a public sector union, this bill may have detriment effects on the collective bargain process as governed by provisions of Chapter 89, Hawai'i Revised Statutes.

The University of Hawai'i is the only public institution for higher education throughout the State of Hawai'i. The cadre of outstanding professors and the academic excellence shared with the students and community provides a great benefit to the entire community.

Chapter 89, H.R.S, the public employee collective bargaining statute allows for negotiation of terms and conditions of employment for public employees including those who work throughout the University of Hawaii system. As found in Chapter 89-9, H.R.S.,

"This subsection shall not be used to invalidate provisions of collective bargaining agreements in effect on and after June 30, 2007, and except as otherwise provided in this chapter, shall not preclude negotiations over the implementation of management decisions that affect terms and

conditions of employment that are subject to collective bargaining. Further, this subsection shall not preclude negotiations over the procedures and criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, or other disciplinary actions as subjects of bargaining during collective bargaining negotiations or negotiations over a memorandum of agreement, memorandum of understanding, or other supplemental agreement; provided that such obligation shall not compel either party to agree to a proposal or make a concession."

Thank you for the opportunity to testify and respectfully request that this Committee hold S.B. No. 3269 and continue to allow for the exclusive representative for Unit 7, the University of Hawaii Professional Assembly, and the University of Hawai'i Board of Regents and President to negotiate terms and conditions of employment including procedures and criteria on promotions, transfers, assignments through the negotiation process as articulated in Section 89-9, H.R. S. Scope of negotiations; consultation.

Opposition to SB 3269 SD1

Proposers of SB 3629 and members of the House and Senate Higher Education

Committees: senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov,
senihara@Capitol.hawaii.gov, senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov,
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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,

I am writing in **strong opposition to SB 3269**.

As a specialist faculty member at University of Hawai`i- Manoa for 20 years, I believe your bill demonstrates fundamental misunderstandings of UH faculty, especially specialists, and the importance of tenure.

Specialist faculty are credentialed and qualified to teach and perform research, even when the assigned work is not direct instruction. In my case, I have planned, budgeted and executed revised program delivery models in a range of academic programs throughout the College of Education. I have guided those programs through the accreditation reviews required for distance delivery, and coordinated the full range of technical, training, and instructional support for the successful delivery of distance programs. I have also taught 48 courses for my home department and completed 38 peer-reviewed articles, proceedings and presentations meeting my department's tenure criteria. In short, **I directly contribute to the instructional and scholarly productivity of my college, despite the fact that "direct instruction" is not my primary responsibility.**

As a tenured Specialist, I have been able to speak truthfully to executives without fear for my employment. I have reported to four different executives over my 20 years. In one instance, I needed to confront a (former) executive who was allowing a corporate representative undue influence over the selection and direction of our software systems related to accreditation data. **As a tenured faculty member, I could address this issue despite the imbalance of power between executives and faculty, and without risk to my career at UH.** A probationary faculty member would likely have refrained from speaking up out of fear of reprisal.

As a specialist faculty member, I hold a doctorate in education and came with many years of experience. In my 20 years at UH, I have completed my duties on equal footing with Instructional and Research faculty, collaborating on every aspect of improving the on-campus and distance-delivered programs in the College of Education. Without this equality, I would

never have considered employment here. I have since served as president of an international association for distance education and provided university service at every level, including chairing many tenure review committees and recently chairing the UH-Manoa faculty senate and congress.

I hope you will reconsider your proposed bill and leave the specifics of UH tenure to the BOR, University and faculty.

Thank you,

Paul McKimmy, Ed.D.

Opposing SB 3269
from
Robert H. Cowie, Ph.D.
Faculty member, University of Hawaii, Manoa
cowierh@gmail.com

To: Senators Donna Mercado Kim, Kurt Fevella, Les Ihara, Gil Riviere, Glenn Wakai

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

Date: February 5, 2022

I provide this testimony in strong opposition to SB3269 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 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 proposes, the University's accreditation will be seriously jeopardized. I trust I can assume that this is not something you would want to happen.

7 February 2022

Committee on Higher Education
Senator Donna Mercado Kim, Chair
Hawai‘i State Capitol, Room 218
415 South Beretania St.
Honolulu, HI 96813

Dear Senator Kim and Higher Education Committee Members:

I am writing to add my public testimony in **strong opposition** to **SB 3269 – An Act Relating to Academic Tenure at the University of Hawai‘i**, although I do appreciate some of the revisions made in SD1.

As a background, I’ve been a member of the University of Hawai‘i at Mānoa faculty since 2003. I teach Library and Information Studies, including graduate professional courses on Library Management, Archive Management, Collection Management, and Academic Librarianship. I’m also a proud member of our State Democratic Party and have served in a number of roles at the precinct, county and state levels. I also am a member of the UHM Faculty Senate Committee on Administration and Budget, which was involved in the recent WASC continued accreditation and part of the UHM Reorganization. For the record, I’m writing to you today as a citizen rather than a representative of my employer.

I was greatly relieved that your S.D.1 no longer includes a clause that UH System **librarians** would no longer be eligible for tenure, as this was my primary area of concern. I assume that this revision shows an awareness that academic librarians should be considered instructional faculty as they do research and teach courses to undergraduates in key areas like information literacy (fighting fake news with teaching research methods, suggested by ACRL national academic library standards) and also may make controversial decisions working with collection management issues, including interpreting materials and deciding what archival collections should be acquired or not. Librarians and archivists need to have protection so they can create collections that meet the information needs of our citizens, students, and faculty without fear of worrying about opinions of administrators or legislators.

Even though I’m very pleased you removed the very problematic area of Librarians’ tenure, I remain strongly opposed to SB 3269, as it seems to me to be an undemocratic effort to micromanage the University of Hawai‘i System in an important area that is already governed with appointed **oversight**. You already approve a Board of Regents which is charged with doing just this in conjunction with UH administration, our unions, and the faculty senates on each campus. We all appreciate the needs for the UH System to change and evolve, but decisions

should be reached through a consultative process involving all of these key constituents. Important decisions like defining tenure should not be made during the Legislature's short sessions as you do not have the mandate.

By seizing authority to make such important decisions you are violating a core principle of the autonomy and integrity of higher education. This is not only a core ethical principle but could also endanger our continued **WASC accreditation**, as one of the first elements in the Criteria for Review (CFR) is the following:

CFR 1.5–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.

Passing this act would be a clear example of such interference. It also is an undemocratic act which goes against Hawai'i's principles of promoting critical learning, intellectual freedom, and labor protections. I could see this kind of legislation coming from an anti-intellectual and anti-organized labor attack on the education system we're seeing in some states, but it's wholly inappropriate for the needs of our University of Hawai'i System, where we're raising the next generation of state citizens.

The Hawai'i State **Democratic Party Platform** calls for strong schools, universities, and libraries. (See "Education and Economic Wellbeing"). The platform also calls for "Agriculture in our state must be preserved and its future strengthened," including "the Native Hawaiian concept of ahupua'a." UH **Extension** faculty are busy educating our farmers and future farmers alike how to implement this and other measures like fighting Coffee Berry Borer. Farming practices can be equally controversial (think of the debate on GMOs), so I strongly believe that my extension faculty colleagues also need the protection that tenure provides.

We UH faculty are doing our best to cope with offering courses to students despite the changes in the economy and the threats from this COVID-19 pandemic (physical, mental, and socio-economic). Faculty and Legislators need to remain partners working together to help solve such problems. Even after 20 years I'm still a Kama'āina, but my studies of our state's history impressed me that the legislators who helped build the state strongly believed that the UH System was their partner in trying to create educational and economic opportunities for their children and grandchildren, and great grandchildren. They would want a faculty who were loyal to the people and would not have wanted faculty to have the mindset of contract laborers with bango tags who could be hired or fired at will if we say something that displeases someone in authority. Our world is too complex and we definitely need people with different expertise who can advise the people and legislature on issues of the day.

If faculty had to serve at the master's pleasure, we will all lose a critical voice that can help advise us at this critical time when we are trying to preserve the best of past traditions and while embracing new future opportunities.

With all that said, I sincerely hope that you will let this bill die in committee as it appears to be more akin to the old ways of keeping staff without protection, who can be hired and fired at will. It is a proposal that offers no savings or other rationale, but will only bankrupt the university system and set us on a slippery slope. Moreover, it might even endanger our continued WASC accreditation. I humbly ask you to think about our party's platform and recommit ourselves to quality instruction, to academic freedom, and to make that possible by vetoing this act.

Please do not hesitate to contact me with any questions at my personal email drew.wertheimer@gmail.com.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrew B. Wertheimer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew B. Wertheimer, MLS, Ph.D.

Senator Donna Mercado Kim
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: SB 2819 & 2820 Testimony

February 2, 2022

Aloha Senator Kim,

My name is Erika Molyneux, and I am an instructor within our University of Hawaii Community College (UHCC) system. 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.

First, this bill is continuing to spread misinformation regarding what tenure is and the purpose of tenure. After the 2021 legislative session, a Board of Regents (BOR) task force was asked 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. 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. Creating a new law with new policies is not necessary; administration simply needs to enforce current policies. The report resulting from SCR 201 also reported 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, intense, five to seven year probation process, whereby candidates write a series of three dossiers documenting job performance and external activities that demonstrate on-going value to the UH-System. As stated in the report, the default decision is to deny tenure except in clear cases a candidate is adding perpetual value to the UH-System.

Additionally, 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 or even surpass those of UHM faculty (since community college faculty do have this heavier teaching load in addition to research and publication requirements).

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). Librarians also play a crucial role in research. 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,

A handwritten signature in black ink, appearing to be 'Erika Molyneux', written in a cursive style.

Erika Molyneux

SB-3269

Submitted on: 2/8/2022 9:35:21 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashley E. Maynard	Individual	Oppose	Yes

Comments:

Dear Members of HRE:

I'm Ashley Maynard, a Mānoa faculty member in **strong opposition to SB 3269**, which is an unwarranted attack on the faculty and the university. This bill helps no one and adds no value to anything. The bill attempts to invent new roles for the legislature, including legislatively-developed criteria for periodic review and legislative control of the hiring and firing of faculty, that appear to violate the state constitution and collective bargaining laws. I question why the legislature would pass a bill that is based on no evidence and that appears on its face to be unconstitutional.

The bill makes it clear that the authors do not understand **why** the university functions. The university functions because of tenured faculty, and make no mistake: This bill destroys tenure. Anyone who understands why the university functions would not want to do that, including our own Board of Regents, which contrary to what the bill states, has not approved the resolution that forms the basis of this bill. Furthermore, neither the PIG Report, nor PIG Resolution 21-06, nor this bill provides any evidence that indicates a need for anything in this bill.

The research university is a unique institution because it is the *only* one charged by society with creating new knowledge. 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. Yet members of this committee have cited undocumented and unsupported concerns about the university from an unnamed number of constituents whom they seem to credit with knowing more about the university than the overwhelming collective of people who actually make it run. Running this state and the university on hearsay from a few squeaky wheels, rather than overwhelming, transparent evidence and our laws, are part of what makes investors wary of Hawaii. 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.

When it comes to running the university, the authors of this bill reveal they have no idea what they are talking about. The Board of Regents oversees every university process listed in this bill. The legislature simply has no role in overseeing the day-to-day operation of the university.

The bill’s authors show no respect for 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. What’s more, this process *hurts*. This process is causing *pain*, with a bill based on no evidence whatsoever. Causing pain for no reason is despicable. We are wasting hundreds of hours, collectively, fighting this nonsense bill.

I beg you all to take a look at where any mistrust of the university might be more appropriately and productively placed. If anyone on this committee has issues with university management, please take it up with them directly and stop attacking the faculty who actually make the university run. The faculty are holding up our end of the deal. The authors of this bill don’t even know what the deal is. You must not pass this bill.

Thank you for taking the time to understand these concerns.

Regards,

Ashley E. Maynard, Ph.D.
Mānoa

Email Addresses for proposers of SB 3629 and members of the House and Senate Higher Education Committees: senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov, senkidani@capitol.hawaii.gov, senkeithagaran@capitol.hawaii.gov, reptakayama@Capitol.hawaii.gov, repclark@Capitol.hawaii.gov, repbelatti@Capitol.hawaii.gov, repganaden@Capitol.hawaii.gov, repgates@Capitol.hawaii.gov, rephashimoto@Capitol.hawaii.gov, repkapela@Capitol.hawaii.gov, repohno@Capitol.hawaii.gov, repquinlan@Capitol.hawaii.gov, repwoodson@Capitol.hawaii.gov, repyamane@Capitol.hawaii.gov, repokimoto@Capitol.hawaii.gov

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

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 Shimi Rii Claborn, 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. I hope that my testimony here will provide some light to real-life situations of academic faculty at UH.

Approval of [SB 3269](#) 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 a 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 a kama'āina who has worked her entire life to impact local students and community.**

SB 3269 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**, 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 local girl, 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 has severe, downstream impacts on the students we mentor and instruct – that the career pathways they dream to go on have no lasting power due to their State’s inability to commit to their University workforce.**

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

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

Submitted on: 2/9/2022 9:31:28 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark Luke	Individual	Oppose	No

Comments:

Aloha,

I urge the legislators to oppose [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. As an instructional faculty member, I have witnessed first-hand the benefits of the support faculty, specialists, librarians, researchers, and extension faculty to the success of our students. Success requires not just classroom instruction, but more importantly the support outside the classroom that helps our learners connect to their lessons and apply their learning. A faculty member who teaches full-time do spend extra time outside the classroom to support their students, however, the time and resources needed for tutoring, library research, field research, industry and community engagement, internship opportunities, applied learning opportunities, and thesis/dissertation advising can not be delivered from faculty who teach full-time in the virtual and in-person classroom. Many of these instructional faculty teach hundreds of students each semester. Tenure for the non-instructional faculty affords a quality service for our students and is only earned and maintained by merit. It also elevates the University of Hawai'i system to a higher or competitive standing for an academic and research university system. The only public higher education institution in Hawai'i.

Mahalo for your consideration,

Alapaki Luke

SB-3269

Submitted on: 2/9/2022 9:43:40 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Aloha Senators,

I am writing to urge you to **oppose** SB 3269, relating to tenure at the University of Hawai'i (UH). The elimination and restructuring of the tenure system would be detrimental to the quality of higher education in our state and for local communities, and it would endanger the accreditation of our state university system.

Shockingly, the contradictory facts apply to this draft legislation:

- Most of the wording of SB 3269 mirrors that of a report produced in 2021 by a UH Board of Regents (BOR) Permitted Interaction Group (PIG) on tenure.
- The BOR did not accept the PIG report, due to [overwhelmingly negative testimony](#), sending it instead to a different subcommittee for further deliberation.
- The HRE Chair's stated intent of SB 3269 is to propose changes in line with those suggested by the PIG report, which the BOR did not accept.
- SB 3269 introduces yet another new change — entirely eliminating the tenure system for faculty at UH community colleges by separating the "C" (community college) classification from those classifications that are to be included as tenure track — a proposal that was not even suggested in the flawed and controversial PIG report!

The UH system is already struggling with austere budget cuts, hiring freezes, and elimination of faculty positions. Despite these mounting challenges, and even in the face of the covid pandemic, UH faculty have taken on additional workloads in order to ensure that students receive an excellent education. Yet the changes proposed in SB 3269 would further destabilize the ability of UH to deliver education and scholarship for the citizens of Hawaii, and they would weaken higher education experiences in our state.

Community college faculty are required to take on heavier teaching loads than their counterparts at UH-Mānoa, 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

The regional accreditation body and professional accreditation bodies for UH require that the UH system must have robust shared governance to maintain the status of each campus as an accredited institution. Universities 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.

SB 3269 would put the accreditation status of UH in jeopardy by canceling and restructuring tenure.

SB 3269 is poorly drafted legislation that is based on a controversial and flawed proposal by the BOR FIG. Do not vote for SB 3269.

With Aloha,

Carl Polley (Senate District 10, House District 20 constituent)

kim1 - Angelina

From: Carl Polley <polleyc@gmail.com>
Sent: Wednesday, February 9, 2022 9:34 AM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: Testimony re: SB3269
Attachments: Late_Written_Testimony__Comment_Received_DTS_1050_TENURE_Task_Group.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Senator,

I am writing to urge you to oppose [SB 3269](#), relating to tenure at UH. The elimination and restructuring of the tenure system would be detrimental to the quality of higher education in our state and for local communities, and it would endanger the accreditation of our state university system.

Shockingly, the contradictory facts apply to this draft legislation:

- Most of the wording of SB 3269 mirrors that of a report produced in 2021 by a UH Board of Regents (BOR) Permitted Interaction Group (PIG) on tenure.
- The BOR did not accept the PIG report due to [overwhelmingly negative testimony](#) (also attached), sending it instead to a different subcommittee for further deliberation.
- The HRE Chair's stated intent of SB 3269 is to propose changes in line with those suggested by the PIG report, which the BOR did not accept.
- SB 3269 as currently amended entirely eliminates the tenure system for faculty at UH community colleges by separating the "C" (community college) classification from those classifications that are to be included as tenure track — a change that was not even suggested in the flawed and controversial PIG report!

The UH system is already struggling with austere budget cuts, hiring freezes, and elimination of faculty positions. Despite these mounting challenges, and even in the face of the covid pandemic, UH faculty have taken on additional workloads in order to ensure that students receive an excellent education. Yet the changes proposed in SB 3269 would further destabilize the ability of UH to deliver education and scholarship for the citizens of Hawaii, and they would weaken higher education experiences in our state.

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- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

The regional accreditation body and professional accreditation bodies for UH require that the UH system must have robust shared

governance to maintain the status of each campus 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.

SB 3269 would put the accreditation status of UH in jeopardy by canceling and restructuring tenure.

[SB 3269](#) is poorly drafted legislation that is based on a controversial and flawed proposal by the BOR FIG. Do not vote for SB 3269.

With Aloha,

Carl Polley (Senate District 10, House District 20 constituent)



Higher Education Committee
The Hawai'i State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education 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 community college and support faculty declares that we are not an important part of the student's educational journey. 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 the students at our CC campuses less so 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 legislature. 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

720 Mahi'ai St., Apt. E
Honolulu, Hawai'i 96826-5635
eileencaïn808@gmail.com
February 9, 2022

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

Senator Donna Mercado Kim, Chair, Senate Committee on Higher Education
Senator Michelle N. Kidani, Vice-Chair
Senator Kurt Fevella
Senator Gilbert S.C. Keith-Agaran
Senator Glenn Wakai
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Senators,

My love of freedom of speech, of academic freedom, of the University of Hawai'i, and of fairness in employment make it necessary for me to ask you to vote against SB3269 SD1.

Issues can only be understood in context. The issue behind the creation of documents such as SB 3269 SD1, The Permitted Interaction Group (PIG)'s Report and Resolution 21-06 is not tenure. That's the ostensible issue, but it's a red herring. There is no pressing need to examine tenure. These documents are really about domination and control, the opposite of empowerment. **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.**

I ask you to oppose SB 3269 SD1, and, instead, to focus on some 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. The late UH Regent and labor leader, Ah Quon

McElrath, said that women in unions are less likely to retire in poverty than women who are not in unions. That is likely to be true for other employees as well.

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). Is that an accidental effect of this PIG Report and this bill? I think this bill is a continuation of the anti-union movement in recent years.

We need Legislators who speak up if political retaliation occurs. UH doesn't show favoritism to anyone, including legislators and their family members. Every potential student, regardless of their background, must meet the same standards as anyone else to qualify for graduate school.

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 affairs.

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

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is **Syreeta Washington**, and I am a resident of Kapolei and an Early College Counselor/Instructor 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.

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

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.

Additionally, I oppose the elimination of tenure for support faculty and extension agents like myself. 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, as a counselor, I and my departmental colleagues 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.** 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

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,
Syreeta Washington, M.Ed.

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is **Brent Hirata**, and I am a resident of Senator Glenn Wakai's district 15. 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, and mission of the UH System.

The bill is vague, it redefines UH Community College (UHCC) faculty as "faculty who teach courses" (p. 8). But it demonstrates a limited understanding of the role of non-instructional "support faculty." While it is easy to see someone in the act of teaching, it would be an oversight to assume the process begins and ends in the classroom. Prior to ever turning on the lights in a classroom or publishing an online course, many instructional faculty spend hours upon hours honing their skills and revising their craft often by consulting, collaborating and seeking feedback on their course quality with non-instructional "support faculty." Tenure affords "support faculty" protections and assurances that are important and appreciated by all parties to the course quality improvement process.

The bill is contradictory because it assumes that non-instructional faculty do not continuously research, analyze trends, discuss and debate concepts, evaluate processes, develop and evaluate training and professional development for current and future trends for their campuses and ultimately for students' benefit. Not to mention overlooking that non-instructional faculty (just like instructional faculty) accept leadership roles such as membership on or chairing of campus committees (ex. accreditation, distance education, curriculum, faculty senate...). Tenure is an obligation that non-instructional faculty must continually earn and justify over the course of their careers (as documented in the existing/ established contract renewal, tenure and promotion process).

This bill is damaging, it overlooks the important details that lead to successful graduates of our University of Hawai'i. We often say "start with the end in mind and work backwards." Among the various components to a successful institution are tenured support faculty who have collaborated, consulted, and influenced the student experience and instructional pedagogy.

I hope you will agree and oppose bill [SB 3269 SD1](#), the state must invest sufficient resources in its faculty—instructional AND non-instructional support faculty—to realize the educational goals for a competitive and quality higher education for the citizens of Hawai'i.

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

Sincerely,

Brent Hirata

February 8, 2022

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 Linda Venenciano, and I am writing in strong opposition to [SB 3269](#), RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications in the University of Hawai'i. I believe that legislative action in this direction is not the purview of the legislature, would be detrimental to the quality of education for our communities, will destabilize the operations of the university system, and very likely put its accreditation in danger.

Approval of [SB 3269](#) as it is currently proposed 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 (R1) 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 to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support the faculty, this bill seems to weaken the University system and the opportunities it creates for our citizenry.

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 UH 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. Faculty's work is a combination of teaching, research, and service. The commitment to these endeavors demands time and energy far beyond the hours spent with

students. Research is carried out in a variety of contexts and disseminating findings from our research requires time to read, write, and engage in the academic community.

Tenured and tenure-track faculty's work is not contained within the 9-month academic calendar. Faculty contribute to the leadership of the university through positions like department chairs and program directors, they serve on committees and advisory boards, they collaborate with other researchers and with practitioners in various sectors of the state's workforce and create opportunities for internships and graduate research for students to develop critical skills and experiences that prepare them for prospective careers in their field or to continue more advanced research. A decline in eligible faculty to do this important work for Hawai'i will result in a weakened university system and diminish our ability to support workforce development for what could otherwise have been pipelines to leadership in research, service, and industry. Instead, the administration will likely turn to employing contingent faculty who may have limited contracts that do not obligate them to develop or contribute to the continuity of a climate where robust research and innovative higher education programs thrive.

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 UHM as an R1 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, 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. 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 and threatening the stability of services and programs. Tenure not only provides necessary protections for these positions, but 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](#) is an overreach and not grounded in well-informed arguments. For the reasons stated above, I urge you to vote against SB 3269.

Mahalo,

Linda Venenciano

SB-3269

Submitted on: 2/9/2022 12:42:44 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Jayne Bopp	Individual	Oppose	No

Comments:

My name is Jayne Bopp. I'm an Associate Professor of Sociology at Leeward Community College (CC). **I oppose SB 3269-SD1.** Approval of this bill will do immense harm to the University of Hawai'i (UH), above and beyond the harm already created by austere budget cuts, hiring freezes, and swept positions that hamper our ability to deliver high-quality education to the citizens of Hawai'i.

Obviously, SB 3269 was drafted to target some UH Mānoa faculty perceived to be overly entitled and underworked. To revise the job duties of these faculty, the original version of the bill 3269 overhauled the entire UH faculty classification system, lumping faculty across the UH System's 10 campuses into UH Mānoa specific categories. Thank you for amending SB 3269 to include UHCC faculty, although it is disheartening that CC's an afterthought (as usual).

For 11 years I have taught hundreds of students enrolled in over a dozen course sections annually without the aid of a teaching assistant, in addition to countless hours of required college and community service work. My students have high course success rates and my course evaluation scores are equally high. 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. The current version of SB 3269 appears to neither support, understand, nor value my work, as it does not clearly grant CC faculty tenure eligibility.

Tenure and academic freedom afford me the ability to teach sociology effectively, without fear of job loss due to influences outside of my classroom. My discipline directly engages with challenging topics, such as gender, race, sexuality, social class and criminalization. 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 striving to erode the foundation that enables faculty to carry out our professional, ethical and institutional missions, the legislature should stive to find more ways faculty can be supported, especially UHCC faculty. Rather than eroding our supportive structures, you should have more conversations on how to recruit and retain mission-focused faculty committed to advancing the educational outcomes and life chances of Hawaii's students. 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 also ask the legislature to withhold your support from Senator Donna Kim if she seeks reappointment as chair of the Senate Committee on Higher Education next year.

Thank you for your time and consideration,

P. Jayne Bopp, MPH, MA

Associate Professor, Leeward Community College

jaynebopp@hawaii.edu

SB-3269

Submitted on: 2/9/2022 12:44:40 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eomailani Kukahiko	Individual	Oppose	Yes

Comments:

9 February 2022

Aloha e nā Kenekoa Kim, Fevella, Ihara, Riviere, Wakai, Kidani, and Keith-Agaran, aloha ho‘i e Luna Maka‘ainana Takayama, Clark, Belatti, Ganaden, Gates, Hashimoto, Kapela, Ohno, Quinlan, Woodson, Yamane, pau pū me Kenekoa Okimoto

Aloha mai kākou

‘O au kēia ‘o Kauka Eōmailani Kukahiko. I am a tenured (Full) Specialist within the College of Education and I am here to testify in strong opposition to SB 3269 relating to academic tenure at UH Mānoa.

As you know, The UH Mānoa College of Education prepares approximately half of all certified teachers in the state Hawai‘i. Despite this, however, there is a dearth of qualified teachers in the state, not just in the larger Hawai‘i Department of Education, but specifically in our Hawaiian Immersion and Hawaiian-focused charter school communities. In 2006, I was encouraged to apply for a UHMCOE tenure-track specialist “S” position so I left my HIDOE tenured position at Ke Kula Kaiapuni ‘o Waiiau to support teacher preparation at the tertiary level while I was pursued my doctoral degree. This is an important distinction from the Instructional “I” faculty at UH Mānoa who are typically required to have already completed their doctoral degree before hire. As a full specialist, I have gone through the processes of tenure and two additional promotions utilizing the well-established UH criteria. While the role of Specialist faculty varies from department to department, the flexibility of this position allows me to not only teach courses but to recruit students, facilitate professional development, research, as well as secure extramural funding. Currently, I am the Principal Investigator for 3 multi-million dollar grants that support Hawaiian education in public schools. This funding not only pays for the majority of my salary, but also allows me to advocate for employment for students, graduate assistants, and other faculty members for the College of Education.

While posed as a “ matter of statewide concern,” the process of granting and support of tenure is a long-term commitment to quality, affordable public education within our state. I contend that interfering in the process is an overreach by the legislature and should be left to the autonomy of the university. Rescinding tenure for Specialists like me, as well as other position designations, will adversely impact the ability to support the important work of teacher preparation and student mentorship for Native Hawaiian and other diverse students at the University of Hawai‘i.

Dr. Eōmailani Kukahiko

Subject: SB3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

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,

We are writing on behalf of the faculty senate at the University of Hawai'i-West O'ahu. Our testimony is submitted as individuals and not as representatives of the University of Hawai'i. We are 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.

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.

We oppose the elimination of tenure for specialist faculty (identified in SB 3269 as "support faculty") and extension agents (p. 7). Specialist faculty, such as those working in enrollment, advising, counseling, learning centers, and career services, 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](#).

Mahalo,
Robyn Tasaka, Faculty Specialist, Student Affairs
Kealani Cook, Associate Professor, Humanities Division
Yasmine Romero, Associate Professor, Humanities Division

Subject: SB3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

Name, Title, Division

Masahide Kato, Associate Professor, Social Sciences Division
Kawena Komeiji, Librarian, UHWO Library
Amy Nishimura, Professor, Humanities Division
Carmen Nolte-Odhiambo, Associate Professor, Humanities Division
Stanley Orr, Professor, Humanities Division
Ke'alohiperry, Faculty Specialist, Division of Student Affairs
Carrie Larger, Faculty Specialist, Division of Student Affairs
Jonathan Schwartz, Professor, Education Division
Mark Hanson, Professor, Social Sciences
Kamuela Yong, Associate Professor, Mathematics, Natural and Health Sciences Division
M. Takeshi Nakata, Lecturer, Mathematics, Natural and Health Sciences Division
Bonnie Bittman, Assistant Professor, Education Division
Alphie Garcia, Librarian, UHWO Library
Carina Chernisky, Librarian, UHWO Library
Albie Miles, Assistant Professor, Social Sciences Division
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
Katherine Aumer, Assistant Professor, Social Sciences Division
Lelema Irvine, Assistant Professor, Physics, Mathematics, Natural and Health Sciences Division
Jon Magnussen, Associate Professor, Music, Humanities Division
Camoniah Graham-Tutt, Associate Professor, Community Health, Mathematics, Natural and Health Sciences Division
Lea Lani Kinikini, Director, Institute of Research & Engaged Scholarship
Cathy Kanoelani Ikeda, Associate Professor, Education Division
Leslie Opulauoho, Faculty Specialist, Division of Student Affairs
Colleen Rost-Banik, Lecturer, Social Sciences Division
Leslie Lopez, Labor Education Specialist, Center for Labor Education & Research
Holly Itoga, Assistant Professor, Business Administration
Christy Mello, Associate Professor, Social Sciences Division
Nicole Kau'i Merritt, Assistant Professor, Mathematics, Natural and Health Sciences Division
Rouel Velasco, Faculty Specialist, Division of Student Affairs
Jayson M Chun, Professor, Humanities
Stephanie H Kamai, Associate Professor, Faculty Specialist, Education Division
Gloria Y. Niles, Associate Faculty Specialist, Academic Affairs, Office of Distance Learning
Richard Langford, Professor, Social Sciences Division
Rain Wright, PhD, Lecturer, Humanities Division
Larry Andres, Faculty Specialist, Division of Student Affairs
Nandi Odhiambo, Associate Professor, Humanities Division
Edward Keaunui, Assistant Professor, Business Administration Division
Eli Tsukayama, Assistant Professor, Business Administration Division

Subject: SB3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

Sa'iliemanu Lilomaiava-Doktor, Professor Hawaiian-Pacific Studies, Humanities Division

Lisa Spencer, Assistant Professor - Long-Term Care, Public Administration Division

GF Ka'iulani Akamine, Assistant Faculty Specialist, Division of Student Affairs

Michiko Joseph, Librarian, UHWO Library

Aloha,

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

Approval of SB 3269 will 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.

First of all, tenure for faculty and specialists (support) at the UHCCs is vital for the health of any college. Tenure is not just job security. The origin of tenure for 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 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 and support staff 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.

The work accomplished at the CCs is now well documented. Comparatively UHCC faculty earn significantly less than states (California, New York) with similar costs of living. Faculty in these states earn between \$10000-\$20000 higher salaries than UHCC faculty. Furthermore, these states and others have very well developed and supportive union contracts, including child leave, that are not available in Hawai'i. A significant

finding is the challenges of (all) island faculty to build careers in STEM, which should inspire you to create further protections around tenure, rather than remove them.

May I suggest rather than further diminishing the status of UHCC faculty, support them by increasing their salaries and making childcare available, both are much needed. Ten percent of UHCC faculty have faced homelessness for at least a year. The specialist/support faculty at UHCC campuses carry an unusual load, and their work, which is service, also should be tenure driven permitting instructional faculty to instruct.

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 threatening 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.

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.

I hope you will take these points into consideration and make the right decision for the health of our community and state.

Yours Sincerely,

Nadine Wolff
Math & Sciences Professor, Kapi'olani CC

SB-3269

Submitted on: 2/9/2022 1:56:09 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kawika Winter	Individual	Oppose	Yes

Comments:

Aloha Chair Kim and the Senate Committee on Higher Education,

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 stong 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 irvory 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.

Director, He`eia National Estuarine Research Reserve

SB-3269

Submitted on: 2/9/2022 1:58:59 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

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 Monique Mironesco, and I am a resident of Pupukea on the North Shore of O'ahu and a full Professor at UH West O'ahu. 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, 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 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,

Monique Mironesco

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,

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

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
Bonnie Bittman, Assistant Professor, Education Division
Katherine Aumer, Assistant Professor, Social Sciences Division
Albie Miles, Assistant Professor, Social Sciences Division

credit courses and beyond for student leaders in a variety of areas, including working with distressed students or students with 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
Camonía 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
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

My name is Steffanie Sobitz. I am a Graduate Research Assistant for the College of Social Sciences, and Graduate Student in Political Science at the University of Hawai'i at Mānoa. I strongly oppose Senate Bill 3269 relating to academic tenure at the University of Hawai'i.

This bill threatens faculty tenure and undermines academic freedom. Faculty tenure protects our ability to do research and makes us select the University of Hawai'i as a place we can do boundary-pushing, ground-breaking, and field-changing research. Moreover, denying academic freedom to one group, such as librarians, diminishes academic freedom for all.

Do not threaten our ability to complete crucial research. Please vote to oppose SB-3269.

Thank you for your consideration.

Steffanie Sobitz

SB-3269

Submitted on: 2/9/2022 2:46:39 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bonnyjean Manini	Individual	Oppose	Yes

Comments:

The public testimony website is having problems and deleted the testimony I wrote in the form when I clicked "Save Progress." Therefore, I will continue trying to submit my testimony and will testify by Zoom to be sure it is noted in the public record at the hearing.

SB-3269

Submitted on: 2/9/2022 2:48:22 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Higher Education Committee

Hawai'i State Senate

415 S. Beretania Street

Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Jeffrey Mexia, Professional Development Coordinator at Kaua'i Community College. I am writing in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i.

While the amended version rectifies some of the original bill's shortcomings, it is still dangerous and will do great harm to the University of Hawai'i, its students, and the community at large.

My concerns are as follows:

- SB 3269 SD1 is predicated on a falsehood. Tenure is not permanent employment given to any and all faculty. Tenure is earned and maintained by participating in rigorous processes. Tenure can be revoked for a variety of reasons.
- SB 3269 SD1 supposed purpose is to address issues that are already outlined in the detailed guidelines regarding the acquisition and maintenance of tenure, as well as in the UH Faculty Classification Plan, both of which have been negotiated through collective bargaining.
- SB 3269 SD1 seeks to make state legislators the de facto employer of UH faculty, which 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).

- SB 3269 SD1 uses a very narrow and old-fashioned definition of teaching and prevents many integral members of the UH community from being eligible for tenure—e.g., support faculty like counselors who work to support our most at-risk and challenged students as well as instructional designers who played a substantial role in supporting faculty during the sudden shift to online education caused by the COVID-19 pandemic. As a faculty member who has served in both roles, I can attest to the importance of both instructional and support faculty.
- The faculty classes as outlined in SB 3269 SD1 seemingly eliminates the opportunity for tenure for all community college faculty, regardless of role.
- SB 3269 SD1 will render UH into a revolving door of employment for certain faculty and disrupt its ability to carry out its primary mission.
- 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” (5). Yet these practices are already requirements of faculty to retain tenure.
- Finally, SB 3269 SD1 is yet another example of legislative overreach requiring concerned UH administrators, faculty, and students to expend precious time writing and providing testimony against ill-conceived legislation that will only bring harm to higher education in this great state.

For these reasons, I strongly oppose SB 3269 SD1 and urge you to vote against it.

Me ke aloha,

Jeffrey Mexia

SB-3269

Submitted on: 2/9/2022 2:48:28 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Harada	Individual	Oppose	No

Comments:

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Michael Harada, and I am writing in opposition to SB 3269 SD1, concerning academic tenure at the University of Hawai'i. I strongly urge you to oppose this bill.

This bill will harm the University of Hawaii system, its students and ultimately the state of Hawaii in the long run. It will degrade the sole State supported institution of higher learning. The UH system is not just the University of Hawaii at Manoa, but also the galaxy of community colleges that serve the needs of the population spread across the islands.

The bill contains contradictory and vague portions that have the potential of creating a negative impact on the education of students and harm to the faculty, operations and UH mission ability to provide the best education possible.

The bill misunderstands what tenure is. If the authors of this bill had done their homework instead of drawing conclusions based on personal view points, they would understand that tenure is for safeguarding the ability of the instructors to exercise freedom of ideas within the classroom that put forth accurate information based on honest research that may run counter and challenge current popular viewpoints, without fear of political reprisals for discussing topics that are unpopular. Many fields have histories of breakthroughs in understanding because of the emergence of ideas that swam against the current of popular but incorrect notions. Tenure was created to cultivate this freedom of putting forth such ideas.

This is a thinly veiled attempt to micromanage the UH system, though that has been denied. The processes to vet instructors who are scrutinized during the probationary period leading up to tenure is long and arduous peer review, over a period of five to seven years that require instructors to prove they bring to the table skill sets that continually contribute to the pool of knowledge and expertise that benefits the students they teach.

The portion of the bill that talks about creating provisions for a review process for tenured faculty is redundant and reeks of uninformed micromanaging by people who do not understand what currently exists. This is not helpful to anyone who is involved, faculty and students.

There are periodic reviews already in place that work well. Creating redundant criteria serves no one well. It wastes the time of all involved.

I strongly urge you to oppose this bill, SB 3269 SD1.

Mahalo,

Michael Harada

haradam002@hawaii.rr.com

7588880

SB-3269

Submitted on: 2/9/2022 2:52:51 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mitsuyo	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 Mitsuyo Lani Suzuki-Severa and I am a resident of Hawaii and am writing as an individual in strong opposition to SB3269 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. My reasons are:

- All faculty, regardless of faculty classification, are integral in instilling student learning and upholding academic excellence at the university. Removing tenure eligibility from community college faculty and certain faculty classifications is discriminatory and disregards their rich and valuable contributions to student learning, retention, and success.
- Freedom of inquiry and expression are crucial for both student learning and the advancement of faculty expertise. All faculty classifications should have the opportunity for academic freedom and contribute their voices equally without censorship or restraint for a healthy and functioning institute of higher education.
- Amidst austere budget cuts, hiring freezes, and swept faculty positions, this further attack on tenure opposes the spirit of the university and discourages employee morale, thereby hindering the retention and recruitment of quality faculty and eroding the quality of education for students and our citizenry. I strongly urge you to oppose this bill.

Mitsuyo L. Suzuki-Severa, M.Ed.

SB-3269

Submitted on: 2/9/2022 2:54:14 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Donn Viviani	Individual	Oppose	No

Comments:

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Donn Viviani, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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 allows faculty to do things like respond to the Red Hill Water Crisis! Many University of Hawaii system faculty have been screening water samples and providing information to the media and community-tenure protects these researchers! [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, 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 of Hawai'i.

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

Yours Sincerely,

Donn Viviani

SB-3269

Submitted on: 2/9/2022 2:54:31 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I oppose the bill SB3269. I can't understand why the State Legislature would want to manage the UH System. Maybe they want to undermine higher education in order to alter facts, determining who gets to tell the history, and punish anyone who speaks up against their rule. Or maybe you just want "college" to be easier, so you can hand out more degrees without students earning them.

This bill is a step in that direction, so I ask will the students be able to earn a living in the global marketplace when instructors are afraid to speak up against the lowering of academic standards when their job is on the line?

Personally, if politicians get to dictate education, we are all in trouble. And you know it.

SB-3269

Submitted on: 2/9/2022 2:57:28 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Karen Pellegrin	Individual	Oppose	No

Comments:

I oppose SB3269

SB-3269

Submitted on: 2/9/2022 2:59:29 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashok Das	Testifying for University of Hawaii at Manoa	Oppose	No

Comments:

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

My name is **Ashok Das**, and I am writing in **opposition to [SB 3269](#)**, and amendment **SD1** relating to academic tenure at the University of Hawai'i. Numerous faculty members of the University of Hawaii system have articulated—eloquently, systematically, and compellingly—why this bill is harmful for the functioning and flourishing of the university. I will not repeat the various specific points of contestation and criticism pertaining to how the whole range of valuable roles performed by faculty is not recognized and duly appreciated—due to a pervasive lack of understanding of what a faculty member's job entails, exacerbated by prevalent misconceptions about the same. Instead, I want to emphasize how something uniquely invaluable is hugely underappreciated and could be destroyed by the proposed moves—the autonomy and integrity of higher education. Something that has long existed in one's own backyard is likely to be underappreciated and taken for granted. Only someone from the outside can appreciate its true worth. The American university, whose quintessence is exemplified by the University of Hawaii, is one such invaluable institution. Trust me when I say this, for I am an immigrant who has been at universities almost continuously for over 30 years. I have observed how departments and faculty function, and how that impacts their contribution to society at large at multiple universities, in multiple countries, on multiple continents. The typical American university stands taller than its peers even in advanced economies, outshining them through its productivity, innovation, quality of education, and commitment to society. These characteristics resemble those that also set apart American enterprise and philanthropy. Inclusivity, voice, equal opportunity, fairness, and honoring rights as well as duties are values that define the progressive university's existence and mission, not just in rhetoric but in its everyday actions. All this succeeds precisely because of the university's autonomy and shared governance. Things are not perfect anywhere but the university functions better than most institutions, which makes American academia the most respected everywhere. Compromising these foundational features will irreparably harm the incentives for and morale of the university's driving force, its faculty. We must not commit this folly.

Dr. Steven Businger
4837 Sierra Drive
Honolulu, HI 96816

LATE

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

9 February 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

I am writing to respectfully urge you to vote against the SB 3269 SD1, which proposes to “add a new section in chapter 304A, Hawaii Revised Statutes, addressing tenure, criteria for tenure, and periodic reviews for tenured or tenure-track faculty, and non-tenured employees; and amend section 304A—1002, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii to create, administer, and amend the categorization plan to comply with board of regents policies.” 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.

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.

Approval of this misguided bill would lead to a detrimental reduction in the research enterprise on the Mānoa campus, a loss of the hard-earned competitive advantage and international reputation of selected academic programs, a negative impact on the local economy due to loss of research revenue and jobs, and probable loss of our prestigious research-intensive (R1) status in the Carnegie ranking of the colleges and universities. For these and many other reasons presented by concerned stakeholders, this bill must be defeated.

In 1862, President Abraham Lincoln signed the Morrill Land Grant Act into law which facilitated the establishment of universities and colleges throughout the country including the creation, in 1907, of a land grant college of agriculture and mechanic arts in the territory of

Hawai'i. While there was debate about where to site our first college (Kona, Lahaina, or Honolulu), lower Mānoa valley was eventually selected as the home for the new College of A&M of Hawai'i. Everyone agreed that education, training, and research in agriculture and mechanic arts (i.e., ag-engineering) were vital to the Territory, to the Nation, and to the world. From our humble origins, research has always been part of our mission. In 1911, the name was changed to the College of Hawai'i and, in 1919, the Territorial legislature passed an act that transformed the College of Hawai'i into the University of Hawai'i with more comprehensive education, training, and research in the arts and sciences. At that time, and throughout the University's 100+-year history, success was achieved because of visionary leadership and collaboration among the faculty, the University administration, the Board of Regents, and the Territorial and, since 1959, State legislature. We were all on the same team pulling together with a common goal of making the University of Hawai'i one of the great public universities of our Nation, a higher education "hukilau." If any one of the team members faltered, or pulled in the wrong direction, the mission and the vision were compromised. Research that mattered to the economic, social, and intellectual well-being of the State would be temporarily put on hold, or worse. For example, in the early 1970s, UH President Harlan Cleveland was frustrated with the gap between UH's potential for greatness and the reality of State funding and other administrative barriers. His assessment of the situation was "Excellence minus five years, and holding." And I should add that Cleveland was a career diplomat in the John F. Kennedy and Lyndon Johnson administrations, so one can only imagine what he really must have thought about the dire situation at that time. But for the most part, the University has enjoyed strong and unwavering support from the Board of Regents and the State of Hawai'i legislature. This has led to enormous growth in the stature, quality, scholarship, and research achievement of the faculty of the Mānoa campus.

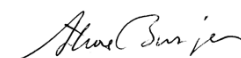
Throughout the last century, and especially since the creation of specialized organized research units (ORUs) and the Research Corporation of the University of Hawai'i during the impactful "Robert Hiatt era" (1943-1969), the University faculty have been increasingly successful at competing for extramural research and training grants now totaling more than \$400 million annually. The current flexibility in faculty designations and responsibilities, ranging from those who excel in classroom instruction to those on the cutting edges of disciplinary research, is a major reason for our success and current Carnegie Foundation for the Advancement of Teaching designation as a doctoral granting institution with highest research activity – the gold standard for ranking of excellence in higher education. The Carnegie Foundation rankings are reviewed every five years, and there is no guarantee that UH will retain the research-intensive stature in the future. SB3269 SD1, if approved, could lead to a loss of our current research-intensive stature. Perhaps the most notable research benchmark in the 100+-year history of UH was the creation of the School of Ocean and Earth Science and Technology (SOEST) in 1988. The visionary leadership of UH President Albert Simone and the strong support of the Board of Regents Chair Gladys Brandt, the State legislature, and Governor Waihee was an unprecedented hukilau, and an excellent example of what can be achieved when everyone works in support of a common goal. In his letter to Lorenz Magaard (Marine Council

Chair) dated 11 December 1987, announcing faculty senate approval of his proposal to create SOEST, Simone went on to say “It appears that now, the future is ours” and that the stage is set for “attaining the high standards of excellence that we have established for ourselves in this field.” Last year, and averaged over the 11 years prior to that, SOEST researchers (including I, R, and S faculty) have raised ~\$100 million annually in extramural support, while conducting a broad portfolio of research that matters. Most SOEST R faculty support a variable (from 25-100%) portion of their own salaries from extramural funds, with total grants generally exceeding 10-50 times more than the State-funded portion of their salary. The scale and scope of research faculty should be increased, not eliminated, if the goal is to promote UH as a premier institution conducting relevant research and training and enhancing economic diversification. Indeed, during her relatively brief tenure as UH President (2009- 2013), M.R.C. Greenwood established and promoted the University of Hawai’i Innovation Initiative (HI²) with the goal of expanding the research enterprise to \$1 billion annually, in part by hiring 50 world-class faculty conducting research in disciplines that matter to the State, the Nation, and the world. Professor Ed DeLong was the first of these “star hires.” He soon became the co-principal investigator for a \$60 million, 10-year center of research excellence in the field of microbial oceanography. Greenwood’s vision was, unfortunately, not shared by everyone on the broader leadership team, so it was never fully implemented. With Greenwood’s departure, we also lost hope of membership in the prestigious Association of American Universities (AAU), the organization of 66 distinguished public and private research universities dedicated to improving human life through education, research, innovation, and scholarship.

In the final analysis, bills like the current misguided, even draconian, resolution on tenure and faculty classification are almost certain to fail once more informed, factual input is received and considered. Those who wish to destroy the very fabric of the University that makes it great – its faculty, and the students they educate and train – will never survive because the University is a self-correcting system. Ineffective administrators will be censored and replaced through faculty dissent, and ineffective legislators will be replaced by the voting public. It may take months, or even years, but the University will endure and continue to serve as a clearinghouse for the creation and dissemination of knowledge, as an economic force, and as a place to continue to conduct research that matters.

“Learn from yesterday, live for today, hope for tomorrow” (Albert Einstein). Are you prepared to vote for continued UH excellence in research, or will you pull our shared vision apart? Our future is now in your hands.

Respectfully,



Dr. Steven Businger

Prof. Frances Zhu
3029 Lowrey Ave A1103
Honolulu, HI 96822

LATE

Dear Members of the 31st Hawai'i State Legislature:

I am writing to express my strong **OPPOSITION** for **SB2304 – Relating to Research Corporation of the University of Hawai'i**.

I am a new research professor at the University of Hawaii, starting in January 2020. Despite my title of being a research professor, I am teaching two classes this semester. I have brought in \$2 million dollars into the state under my direct control into educational and research projects. These projects have received positive attention from NASA and the Governor's office. I mentor over 50 students, most of which are undergraduates but range all the way to PhD candidates.

The Research Corporation of the University of Hawai'i (RCUH) has made my life much easier. Through RCUH, I've been able to hire an amazing program director to support a state of Hawaii educational and outreach program teaching undergraduates how to build satellites. This kind of educational experience is novel and few other states have this opportunity. In fact, other states like Oklahoma are reaching out to Hawaii to assist them in starting their on small satellite program. The flexibility and ability to fill gaps in expertise, capability, distinct from the University of Hawaii has benefitted the staff at Hawaii. I have never seen this flexibility be taken advantage of, only leveraged to be more efficient, quicker, less costly in the process of conducting projects. RCUH acts in good faith and I hope you will as well.

Thank you for your time and consideration,
Prof. Frances Zhu

LATE

SB-3269

Submitted on: 2/9/2022 3:37:50 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christina Karamperidou	Individual	Oppose	No

Comments:

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Christina Karamperidou, I am a resident of Kapolei and employed as faculty at the University of Hawai'i at Manoa. I am writing as an individual in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i, and I also urge you to oppose the bill.

In my testimony, I would like to focus specifically on the issue of tenure for “non-instructional faculty”, and highlight some unintended consequences of eliminating tenure for these positions, as proposed in SB3269.

UHM is a Research Tear 1 University in the Carnegie Classification of Institutions of Higher Education; this classification is highly sought after and is reserved for institutions with very high research activity. Faculty members in S positions, along with those in R positions, are a driving force behind the success of the highly productive research units at UHM that make the institution eligible for its reputable R1 status. Eliminating tenure for these positions will lead to a substantial decline in UHM’s research activity, which will be accompanied by a loss of reputation, status, and the ability to attract excellent faculty and excellent students, and will drive many of our stellar students to seek education in institutions outside our state. These faculty members bring critical expertise to the State, support students and staff via attracting millions of dollars in federal grants, live and work in Hawaii, support our local businesses, and pay taxes. Every dollar spent in support of high-level research at UH is multiplied several times as it runs through our economy.

The COVID-19 pandemic highlighted the need for diversifying our state’s economy; UHM is the prime education, research and innovation hub in Hawaii, and an attack on its community and reputation will have ripple effects on Hawaii’s future.

Please consider the above as one of the many reasons to vote in OPPOSITION to SB 3269.

Sincerely,

Christina Karamperidou

LATE

SB-3269

Submitted on: 2/9/2022 4:14:36 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Monisha Das Gupta	Individual	Oppose	No

Comments:

I find this legislative overreach to interfere with the tenure process and post-tenure review at the University of Hawai'i a dangerous and politically motivated attack on the flagship (Mānoa) as well as the network of community colleges, which represent a pipeline into the UH system's 4-year colleges.

The development of the the University of Hawai'i at Mānoa into a top-tier R-1 university, and the expansion of the UH community college system post-statehood were led by the Democratic Party legislators. They invested in the University to uplift the peoples of Hawai'i by providing access to an excellent and competitive undergraduate and graduate education.

Tenure is an extremely rigorous process and tenureability is determined by external reviewers who are leading scholars in the field. To interfere with tenure standards that are set by the measures of academic excellence not half-baked ideas of politicians who barely understand what it takes to be tenured or do our jobs as professors, is to attack the bedrock of our university's integrity and reputation.

This bill will diminish the reputation of our university and harm the futures of generations of Hawai'i's youth. It will feed into the flight of these young people to the US continent for post-secondary education. In short, I want to make clear to the sponsors of the bill and those of you who will be voting on it that you will be betraying the legacy of Hawai'i's leaders and you will be betraying Hawai'i's youth.

Monisha Das Gupta

LATE

SB-3269

Submitted on: 2/9/2022 7:11:51 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Kuntz	Individual	Oppose	No

Comments:

My name is Wendy Kuntz and I am writing in strong opposition to [SB 3269](#), 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 will negatively impact the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

I am especially concerned that there is no recognition of the importance of tenure to maintaining a professional workforce at the Community Colleges. As it is currently written the measure appears to remove Community College faculty as tenured.

Community college faculty are skilled educators, with advanced degrees. As professional educators, community college faculty also need to be able to express varied thought and research from multiple perspectives. Academic freedom and professional responsibility are intricately linked with the tenure system.

Our citizens deserve a professional academic setting and robust discussions on important issues regardless of the campus where they attend classes. The faculty teaching at our Community Colleges deserve the support of the legislature to continue their excellent work at preparing tomorrow's workforce. Eliminating tenure will be destabilizing and lead to a degradation of higher education.

Testimony Submitted to the Senate Committee on Higher Education
Thursday, February 10 at 3 pm, CR 229 & Videoconference

SB3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

from

Robert H. Cowie, Ph.D.

Faculty member, University of Hawaii, Manoa

cowierh@gmail.com

February 7, 2022

I vehemently oppose SB3269 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 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 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.

SB-3269

Submitted on: 2/7/2022 4:35:27 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian N. Popp	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 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 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 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. They may 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, do not vote for this bad idea.

Yours Sincerely,

Brian N. Popp

SB-3269

Submitted on: 2/7/2022 4:37:41 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chad Junkermeier	Individual	Oppose	No

Comments:

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). I think that requiring CC faculty to do research would be a good thing, but I don't believe the sponsors of this bill have considered the substantial upfront monetary costs that this would place on the State of Hawaii. **The CC's do not have the dedicated non-classroom lab space required to have active research groups. Thus, in order for the faculty to start doing research the state would need to build new state-of-the-art buildings on each CC campus.**

CC faculty don't have the local collegial connections to perform the cross-disciplinary research that funders often require to bring in large grants. Even if everyone on campus was conducting research, there are so few faculty members on each CC campus that it would be hard for them to find areas of commonality that would allow them to put together research teams. The lack of cross-disciplinary research teams would seriously hamper the CC faculty's ability to win funding. Thus, the state would be entirely on the hook for the costs associated with faculty decreasing the teaching loads so that they could perform the required research.

Additionally, I oppose the elimination of tenure for extension agents (p. 7). I frequently hear local and state politicians discuss the need to support ag producers and grow more locally. What is the state's most cost-effective way of doing this? UH CTAHR Extension agents! Extension specialists and agents regularly perform rigorous needs assessments to determine the current needs of ag producers both local to each island and more systematically as a state. The results of the needs assessments lead to community education and applied research that directly affects the bottom lines of the ag producers. Similarly, Extension specialists and agents work with other industries and groups to positively impact the economic and social welfare of the people of our state.

UH draws some of the best extension agents in the country because of tenure. These agents bring in millions of dollars in grant funding. Grant funding is spent directly on helping the

people of this state. If tenure is eliminated, these faculty will leave, and so will the benefits to our state.

Instead of removing tenure from Extension, **the legislature should correct the neglect of its duties to support the Land Grant mission of UH.** UH has eliminated many extension positions due to budgetary constraints imposed by the legislature. By eliminating tenure, the legislature will throw away dollars of economic growth to supposedly save pennies.

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

Sincerely,
Chad Junkermeier

Pukalani, HI

February 7, 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.

I am particularly outraged at the attack on Librarians. One of the most essential 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 they are the most vulnerable academic professional to external thought control. We are obligated to provide access to materials that present different viewpoints to further the University's mission. Librarians are constantly battling with those who choose 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 current or historical, is not always supported by majority thought. Likewise, instructional librarians provide literacy education to the University community. Their classes are often required elements to receive a degree from the University or complete a study course. Asking Librarians to teach courses and classes necessary to obtain a higher education degree makes them integral to the educational experience. These librarians also must function without fear of bullying, intimidation, or thought control. Academic freedom, then, is essential to Librarians in their roles as teachers and researchers, especially in digital scholarship and information literacy.

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,

Victoria J. Szymczak

Professor Victoria J. Szymczak

To: senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov, senkidani@capitol.hawaii.gov, senkeithagaran@capitol.hawaii.gov, reptakayama@Capitol.hawaii.gov, repclark@Capitol.hawaii.gov, repbelatti@Capitol.hawaii.gov, repganaden@Capitol.hawaii.gov, repgates@Capitol.hawaii.gov, rephashimoto@Capitol.hawaii.gov, repkapela@Capitol.hawaii.gov, repohno@Capitol.hawaii.gov, repquinlan@Capitol.hawaii.gov, repwoodson@Capitol.hawaii.gov, repyamane@Capitol.hawaii.gov, repokimoto@Capitol.hawaii.gov

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,

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

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

In other words, SB 3269 is a move that threatens to undermine all that we have developed across our campuses and the UH system.

I came to the University of Hawai'i-West O'ahu (UHWO) in Fall 2016 because of its commitment to academic freedom; this commitment is reflected in its governance, its support systems, its tenure and promotion processes, and its student-centeredness across teaching, learning, research, service, and assessment spheres. This commitment is translated into how the UH system works through system-wide boards, shared governance models, and collaborations between campuses in the form of symposiums, partnerships, and more.

Approval of SB 3269 would do immense harm to the University of Hawai'i, which is still impacted 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 strongly oppose the change to community college faculty's tenure requirements. The community colleges' missions are not the same as the other four-year colleges, and they are especially not like an R-1 institution like UHM. Community college faculty are required to take on heavier teaching loads than their counterparts, 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 time necessary 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 strongly oppose the elimination of tenure for librarians and specialists. Librarians and specialists are central to our campus' services.

For example, every semester I invite one of our librarians to guest lecture in my first-year writing composition courses and upper division writing intensive courses. Students respond to these guest lectures positively by stating that they feel more confident in the research process. In addition, our librarians participate in research and assessment projects on our campus and at other campuses, which makes them a crucial part of the University's strategic plans and assessment processes.

Specialists provide multiple resources, professional development workshops, technical support, and more. Their knowledge and expertise is drawn upon throughout the academic year for junior and senior faculty—they provide not only support for students and faculty, but also work closely with assessment, system-wide changes, and standing committees. I work closely with specialists every semester on numerous projects, and without their partnerships my projects would not be as strong nor make it as far.

Denying librarians and specialists tenure equals ignoring their qualifications, their contributions, and their collaborations with students, faculty and specialists. Denying librarians and specialists tenure is a breach of trust and faith in our academic institution, that is, an institution dedicated to academic freedom, intellectual growth, development of new ideas, and innovation in the 21st century.

SB 3269 is a threat. For the reasons stated above, do not vote for this threat to academic freedom, to job security, and to the possibilities that faculty, librarians and specialists make happen every single academic year.

Sincerely,
Yasmine Romero

February 8, 2022

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill's vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

Michael Oishi

Michael Oishi
Mililani Resident

Personal testimony presented before the

SENATE COMMITTEE ON HIGHER EDUCATION

SB 3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Chair Kim, Vice Chair Kidani, and members of the committee:

My name is Judith Stilgenbauer. A tenured Professor in the School of Architecture at the University of Hawai'i at Manoa, I am writing in strong opposition to SB 3269. This personal testimony does not represent the position of University or the School of Architecture.

Approval of SB 3269 would do irreparable harm to the University, faculty members across the UH system, and our ability to serve the State of Hawai'i. We already struggle with grim budget cuts, hiring freezes, and swept faculty positions that have negatively impacted our ability to deliver high-quality research and education to the people of Hawai'i.

SB 3269 proposes legislative micromanagement of UH-internal processes and decisions related to academic tenure that ought to be left to the faculty and university administration. The bill further proposes violations of UH faculty members' constitutional collective bargaining rights (State's Constitution, Article XIII, Section 2).

The academic freedom and security that come with tenure are essential to the advancement of truth and faculty members' ability to do independent and critical work in meeting their research, instruction, and service duties and responsibilities to the state, society, university, and students. The citizens of Hawai'i do not benefit when teachers, specialists, researchers, and librarians are vulnerable to control by corporations, religious groups, special interest groups, or the government. This is one of the reasons why governance of the University system is delegated to the Board of Regents.

I strongly oppose the elimination of tenure for UH specialists and support faculty. Tenure provides necessary protections for these positions and communicates the state's commitment to educational, research, and outreach excellence. In my unit, the School of Architecture, the University of Hawai'i Community Design Center (UHCDC) director position falls into the "S" faculty classification. This position has proven to be vital to the school's kuleana, financial health, award-winning research and community outreach productivity, hands-on instruction and learning, as well as faculty and student achievement in award-winning sustainable design and professional and community service to the state.

Additionally, among its many harmful proposals, the bill would force faculty in the UH Community Colleges to perform research on top of their very high teaching loads, work with students, and general service duties, which seems like a completely unrealistic expectation that would divert time and attention away from those faculty members' primary duties of instruction and/or support. I further oppose the elimination of tenure for librarians. Librarians, in their roles as teachers and researchers, require academic freedom and the protections provided by tenure.

For these and many other reasons, I urge you to vote against SB 3269.

Thank you for the opportunity to testify on this bill.

Yours Sincerely,
Judith Stilgenbauer

SB-3269

Submitted on: 2/7/2022 6:10:53 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jade Sunouchi	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 Jade Sunouchi, 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.

Yours Sincerely,

Jade Sunouchi

SB-3269

Submitted on: 2/7/2022 7:26:09 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I am writing in opposition to SB 3269, relating to academic tenure at the University of Hawai'i. Please vote against SB 3269.

Thank you.

Sincerely,

Vanessa Chong

SB-3269

Submitted on: 2/7/2022 8:04:38 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I oppose SB 3269.

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

SB-3269

Submitted on: 2/7/2022 8:11:28 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I sit in bewilderment: it was just a couple of accreditation cycles ago when we were dealing with similar issues. WASC (The Western Association of Schools and Colleges), our accrediting organization, came down on us heavily for lack of autonomy. We almost lost our (The University of Hawaii System) accreditation. In response to the WASC review, state laws were passed, tuition revenue was redirected, and we managed to escape having our accreditation revoked.

Let's look at what would happen if we lost accreditation. What would it matter, anyway? Loss of accreditation would mean loss of federal student aid: students who attended our colleges would NOT be eligible for federal student aid: Pell grants; loans; work study; and so on. That would mean A LOT of our local students could not afford to go to college here. Also, students from outside Hawaii could not qualify for Federal Student Aid. Our sons and daughters would need to go to college outside of Hawaii probably, on the Mainland or abroad. Student athletes would have trouble coming here. International students, with all their triple tuition money, would most likely not want to come to an unaccredited college or university.

Grants of all types would be more difficult, if not impossible, to qualify for. Granting organizations want to give grants to accredited schools (duh!). Faculty would be harder to attract and retain with lack of tenure and/or accreditation. We have trouble doing that now as it is; can you imagine the difficulties we would have given our high cost of living, no tenure, no accreditation???

Loss of accreditation would be a death sentence for this state. Grants would dry up; the ability to attract good faculty and students would be severely hampered. Businesses would dry up. We would be left with a totally service economy for tourists. It would set us back 50 years or more in our attempts to modernize the islands and allow us to compete nose-to-nose with other tech and research hubs. We'd probably lose our edge in: astronomy, oceanography, volcanology, international business, Asian studies, culinary arts, and so on.

Without accreditation, we are SOL. Every campus in our 10 campus system works hard to maintain accreditation. Within each campus, our various recognized programs (e.g., Nursing, Urban Planning) work hard for their accreditation. The passage of SB 3269 could easily ring the death knells for these programs, our colleges, and our community.

And while we're at it, let's look at the wisdom of SB 3366 which separates our UHCC from the four year colleges. While I know California has separate CC, State and UC systems, it has great difficulty in articulation. They look to us, to us, to little ole Hawaii as a model of how to improve articulation. And while we have many articulation issues currently within the UH System, breaking off the CCs would NOT help.

It would be like having separate DOEs for the High Schools and Middle Schools and Elementary Schools. This would only increase bureaucracy and hinder vertical articulation. This would be stupid.

No, these bills: SB 3269 and 3366 must not be seen the light of day. They must be stopped NOW. The vendetta of some of our lawmakers have towards the UH faculty must stop. The BOR of the UH are the rightful bosses of our system, not a handful of ill advised, ill intentioned state legislators.

SB-3269

Submitted on: 2/7/2022 8:14:10 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr. Gwen Williams	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 Dr. Gwen Williams, and I am writing in opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I urge you too 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 swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i and to attract high quality faculty.

Among its many harmful proposals in the bill is separating UH Community Colleges (UHCCs) into an instructional category of its own and consequently a lesser position, when except for excluding us from having to do research because of our heavy teaching requirements, we are still held to similar tenure and promotion requirements-division, campus, system and community service. This bill micromanages a system that is currently working very well. We have many requirements in year-to-year contracts, then tenure, then hurdles to promotion and after all of this, when we are finally full professors, we continue to have five year reviews. The only area where we differ with other four-year campuses is not having to do research due to our high teaching requirements. 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

I also opposed the distinctions made between the various groups by adding categories. All these groups have an integral, and I believe equal but different roles to enact to serve our constituents—our learners. In addition, I oppose the elimination of tenure for support faculty and extension agents. Faculty in these areas work exceedingly hard and manage such areas as the Early College program, 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 and better pay 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,

Dr. Gwen Williams

SB-3269

Submitted on: 2/7/2022 8:59:32 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colleen Rost-Banik	Individual	Oppose	No

Comments:

Aloha. My name is Colleen Rost-Banik. I am an adjunct lecturer within the University of Hawaii system and a resident of Honolulu. I oppose SB3269 and urge you to oppose it too. While I am not in a tenure-track position, I stand in solidarity with my colleagues who are. While the bill has been amended since its initial introduction, there are still major problems with the bill, including the following:

1. Review of a tenured faculty every five years creates an undue amount of time and pressure on both the person who is being reviewed and the administrators in charge of the review. Having watched a number of people go up for tenure and promotion, I can attest that an entire semester is spent preparing and submitting a dossier. This takes away time valuable time from teaching and research. I firmly believe that once a faculty member reaches tenure, the only time they should be up for review should be during a promotion. Otherwise, the legislature is just creating more bureaucratic hoops for faculty to keep their jobs rather than allowing them to spend time DOING their jobs.

2. The underlying premise of this SB3269 is disingenuous. The bill creates legislative overreach into the University of Hawaii system rather than allowing the UH Board of Regents administer and manage the State's public university system.

Instead of trying to weaken the tenure system within the University of Hawaii system, State legislators should be proud of a robust tenure system and even work to EXPAND the tenure system. We should aim for strong workplaces that GUARANTEE jobs rather than threaten their existence due to the precariousness of the market.

We know that the State of Hawaii relies upon a strong public university and community college system. We have a system that needs protecting. Please oppose SB3269.

Respectfully,
Colleen Rost-Banik, PhD

SB-3269

Submitted on: 2/7/2022 9:04:14 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Heather Greenwood	Individual	Oppose	No

Comments:

My name is **Heather Greenwood**, and I am writing in strong opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill and any measure that may eliminate or restructure faculty classification or tenure, particularly Extension Specialists and Extension Agents in the College of Tropical Agriculture and Human Resources.

I assume you believe that food is important to your constituency.

In an island state in which most food is imported and current grocery and warehouse stores can only support the population for a short period of time if shipping, weather, or disaster disrupts food from entering the state, there is no place for a bill such as **SB 3269** that **will hurt Hawaii agriculture**.

Did you know that Extension Specialists and Extension Agents in the College of Tropical Agriculture and Human Resources (CTAHR):

- 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?
- Conduct research and disseminate the findings to agriculture producers to support their bottom lines (which also means they will pay more taxes AND feed more people)?
- Teach families to garden together as a strategy to improve nutrition and address food insecurity at the household level?

Did you also know that within CTAHR's Cooperative Extension System:

- Extension Specialist and Agent faculty **secured over 275 external grants** as Principal Investigators or Co-PIs totaling **over \$33,000,000 since 2017?**

- *If you were a business, would you make it more difficult for your employees to bring in more revenue? NO, you would eliminate barriers to their success so that your bottom line would grow. Let Extension Specialists and Agents do their job which means bring more grants to Hawaii.*
- Tenure and tenure track status allow Extension Specialist and Extension Agents to compete for significant multi-year external grants.
 - *If you were a funder, would you award significant, multi-year grants to a Cooperative Extension System with a high turnover rate or a low turnover rate? Tenure decreases turnover which means eliminating tenure reduces Extension Specialists and Agents' ability to compete for external grants.*
- Extension Specialists and Agent faculty job descriptions meet all three duties and responsibilities outlined in SB 3269 for “Tenured and Tenure Track Faculty” in instruction, research, and service. Current instructional 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.

There is no place for politicians who vote against feeding our population. Eliminating tenure would do just that because the Extension faculty (Specialists and Agents) in CTAHR are working with the agriculture industry to solve agriculture problems and make Hawaii more food secure.

SB-3269

Submitted on: 2/7/2022 9:27:32 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lance Uyeda	Individual	Oppose	No

Comments:

Please consider these comments on SB 3269 and the value of the University of Hawai‘i’s tenure protections for non-instructional faculty. If their value is not immediately obvious, let me assure you that at the community colleges, tenure protections for counseling, academic support, and library faculty help shape our institutions’ character and are key to our nationally-recognized UHCC System efforts to improve students’ rates of good academic standing, year-to-year persistence, and certificate and degree attainment.

Divesting future non-instructional faculty of tenure eligibility will remove them from the hiring advisory committees of instructional faculty on which they now serve, and from committees that review faculty applications for tenure and promotion. A counselor was on my hiring committee when I was selected for a tenure-track English/language arts position in 2008, and since that time I’ve served on multiple hiring and tenure/promotion review committees with counseling, academic support faculty and librarians. Counselors and curriculum coordinators, whose job it is to focus on student success interventions and practices that will improve teaching and learning, and librarians, who are shepherds of students’ information literacy, are the kinds of people we want to invest with power on our campuses. Taking their power away is a mistake.

We also want to invest Native Hawaiian faculty with power. Between 2004 and 2020, the rate of growth at the university of tenured and tenure-track Native Hawaiian faculty was greatest in non-instructional positions such as the support faculty positions proposed for divestment of tenure eligibility—an increase of 318%, compared with a 134% increase in instructional faculty (or 62 additional non-instructional faculty vs. 47 additional instructional faculty, despite the fact that instructional faculty outnumber non-instructional faculty overall by roughly 2-to-1). Increasing the numbers of tenured and tenure-track Native Hawaiian faculty is essential to maintaining Native Hawaiian students’ decade-worth of gains in academic achievement.

Thank you for your time and attention.

Lance Uyeda

WCC English professor

Email and Testimony Template
and
Contact Information
SB 3269 Relating to Academic Tenure at the University of Hawai'i

To: Introducers

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov,
senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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

My name is **Michael Mohr**, 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 time necessary 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.

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](#).

It would be so helpful if the legislature could work *with* the faculty and show much-needed support during these challenging times, instead of adding unnecessary pressure onto all of us. I remain at your disposal to discuss avenues for better collaboration between the university and the Hawai'i State legislature.

Sincerely,

Michael Mohr, Professor at UHM

Testimony from Nālani Minton in opposition to: SB3269

Tenure is imperative to Social Justice

Tenure is imperative for the continuation, survival and sustainability of social justice initiatives and programs that empower diversity, equity, and inclusivity in the pursuit of ending systemic and structural racism as a public health pandemic that perpetuates genocide and ecocide globally.

As an Indigenous Serving University (ISU), the UH is committed to supporting the representation of Native Hawaiians and other disadvantaged and underrepresented peoples. This commitment is expressed in the UH implementation of innovative and multicultural curricula and programs that respond to the needs of all students. As an ISU, the UH has established an Office of Native Hawaiian Affairs and administrator, who also directs the advancement of the Native Hawaiian Place of Learning initiative and the Truth, Racial Healing, Transformation (TRHT) program. These initiatives are supported by the Native Hawaiian Councils and the UHM Strategic Plan to enhance the integration of cultural knowledge to prepare for the challenges of climate change, relevant sustainability practices, a vibrant economy, healthy and thriving communities, and the end of racism through Diversity, Equity, Inclusivity and Peace. Though these commitments have been made in correlation with the WASC accreditation process, they must be remembered and practiced collectively as part of a collaborative, transformational process that everyone contributes to consistently throughout the university system.

UH BOR/PIG Attack on Tenure threatens over 100-years of progress for Native Hawaiians and other underrepresented faculty and Social Justice programs across the UH System

BOARD OF REGENTS POLICY

Articulation of the University's Commitment to Native Hawaiians

As the only provider of public higher education in Hawai'i, the University embraces its unique responsibilities to the indigenous people of Hawai'i and to Hawai'i's indigenous language and culture. To fulfill this responsibility, the University ensures active support for the participation of Native Hawaiians at the University and supports vigorous programs of study and support for the Hawaiian language, history and culture.

The University of Hawai'i is committed to diversity within and among all racial and ethnic groups served by public higher education in Hawai'i. The President, working with the Chancellors, ensures the unique commitment to Native Hawaiians is fulfilled by:

1. (i)providing positive system-wide executive support in the development, implementation, and improvement of programs and services for Native Hawaiians;
2. (ii)encouraging the increased representation of Native Hawaiians at the University of Hawai'i;

3. (iii) supporting full participation of Native Hawaiians in all initiatives and programs of the University;
4. (iv) actively soliciting consultation from the Native Hawaiian community and specifically Pūko‘a, the system-wide council of Native Hawaiian faculty, staff and students that serves as advisory to the President;
5. (v) providing for and promoting the use of the Hawaiian language within the University of Hawai‘i system;
6. (vi) providing a level of support for the study of Hawaiian language, culture and history within the University of Hawai‘i system that honors, perpetuates and strengthens those disciplines into the future;
7. (vii) encouraging Native Hawaiians to practice their language, culture and other aspects of their traditional customary rights throughout all University of Hawai‘i campuses and providing Hawaiian environments and facilities for such activities; and
8. (viii) addressing the education needs of Native Hawaiians, the State of Hawai‘i, and the world at large, in the areas of Hawaiian language, culture and history through outreach.

The Nancy Atmospera-Walch School of Nursing (NAWSON) Mission Statement

The NAWSON mission is to provide an innovative, caring, and multicultural environment in which faculty, students and staff work together to generate and transmit knowledge, wisdom, and values to promote quality of life and health for present and future generations. To better reflect Hawaii’s unique cultural diversity and heritage, NAWSON is committed to increasing the representation of Native Hawaiian and other underserved people in all nursing and dental hygiene programs.

‘IKE AO PONO is a leading model of a social justice program that primarily exists because of the **tenure** of the first Native Hawaiian faculty at NAWSON in over 100-years. Without **tenure**, social justice programs would not be able to exist, expand, and evolve. During Covid pandemic, many positions were frozen and eliminated. Some of these **tenure** positions will hopefully be unfrozen and returned to provide tenured positions for the next generation of program leaders. Also, some of the frozen positions were in the middle of hiring processes which should be respected as already approved hires to meet the needs of the program. Without **tenure** positions, transformational successes and achievements are not able to continue to improve higher education at the University of Hawai‘i for the enrichment of all.

For many of the Native Hawaiian positions/programs, and other Social Justice initiatives, **tenured** positions provide stability/consistency as the programs expand and evolve. They also protect the years of development of processes, priorities, and policies that are essential to providing effective education and learning experiences for the students and the school. Without **tenure** positions, transformational successes and achievements are limited by the lack of essential people, such as **Specialists**, that are needed to sustain quality education at the University of Hawai‘i for the enrichment of all.



INTRODUCTION

'IKE AO PONO envisions lasting improvement, advancement, and promotion of health for Native Hawaiian, Pacific Islander, and Native American communities, and for all peoples of Hawai'i and the Pacific, with special attention to at-risk, underrepresented and under-served peoples and communities.

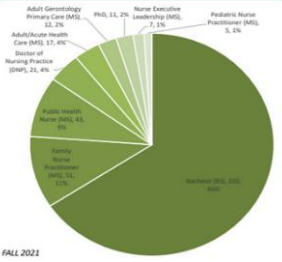
OBJECTIVES

- By increasing the number of Native Hawaiian, Pacific Islander, and Native American nurses in Hawai'i, we will also increase the number of culturally informed and sensitive health professionals committed to improving health and healthcare.
- 'IKE AO PONO focuses on:
 - Recruitment, retention, and graduation
 - Academic support services and advocacy for 'IKE AO PONO undergraduate and graduate students at the UH Mānoa Nancy Atmospera-Walch School of Nursing (NAWSON), formerly the School of Nursing & Dental Hygiene (SONDH)
 - Scholarship support

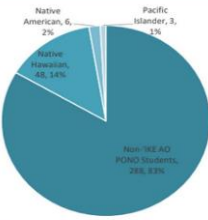
PARTICIPANTS

'IKE AO PONO is a support program for Native Hawaiian, Pacific Islander, and Native American nursing students pursuing Bachelor, Master's, and Doctoral degrees at the University of Hawai'i at Mānoa NAWSON. Since its inception in 2001, as a HRSA pilot project with six students, 'IKE AO PONO became a permanent program in 2004, and has graduated 487 native nurses as of May 2021.

GRADUATED BY DEGREE & FOCUS



CURRENT 'IKE AO PONO ENROLLMENT



'IKE AO PONO has successfully contributed to workforce diversity by increasing the number of native nursing students from 3% to 17% at the NAWSON. Yet, native peoples make up 26% of Hawai'i's population.

54% of 'IKE AO PONO students are undergraduate and 46% are graduate students. This data is based on students self-identifying their ethnicity and cultural identity.

PARTNERSHIPS

- The Queen's Health Systems
- Kua'āina
- College of Health Sciences & Social Welfare
- Kamehameha Schools
- Kiāli'i & Pūko'a Councils
- Department of Native Hawaiian Health (IABSONM)

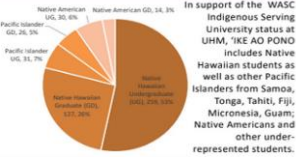
AWARDS

The collective support from partnerships has contributed to the success of 'IKE AO PONO, which received the American Association of Colleges of Nursing (AACN) national award for nursing education innovation and has been cited with the most native nurses graduating within the United States. U.S. Senator Inouye recognized these unique achievements in the U.S. Congressional Record in 2010.

ACHIEVEMENTS

- Graduates are working throughout Hawai'i in urban, rural, community, public health, and Native Hawaiian clinical, cultural and community health settings
- 320 BS, 135 MS, 21 DNP, and 11 PHD degrees awarded
- Graduates serve in nursing leadership and administrative positions
- Relevant nursing research including CBPR initiatives
- 17 graduates of MS in Public Health Nursing through E Ala Pono program
- 29 Robert Wood Johnson Leadership in Nursing scholarship recipients (LEPN)
- 6 NHPI faculty within the NAWSON
- The program director is the first Native Hawaiian faculty tenured at the NAWSON

GRADUATED BY ETHNICITY*



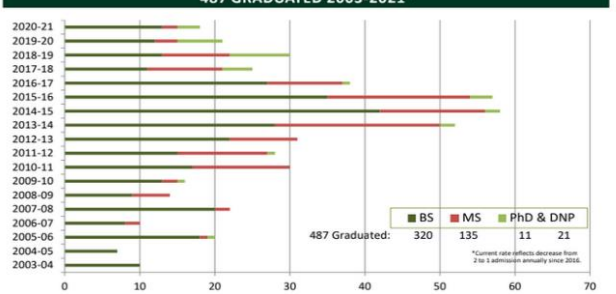
FUTURE COLLABORATIONS

Collaborations with the Department of Native Hawaiian Health and UH Schools of Medicine, Public Health, Social Work, Law and Hawai'i mauikeā, will work together to address health disparities and inequities. To provide leadership in advancing social justice in health through higher education we can begin by tracking/mapping graduates, sharing data and research, and creating initiatives: cultural health, community health, Pacific Regional health, indigenous health, critical care, family health, public health, global health, rural health, telehealth and improving Native Hawaiian health & healthcare.

ACKNOWLEDGEMENTS

- Mahalo to these individuals and organizations for their support of 'IKE AO PONO and Native Hawaiian programs:
- NAWSON: Dean Mary Boland, Dr. Clementina Ceria-Ulep, Dr. Kristine Qureshi, Riet COU Stephanie Marshall, Dr. Katherine Finn Davis, Jane Taafaki, Dr. Lois Magnusson, Dr. Debra Mark, Dr. Bee Molina Kooker, Department Chairs, faculty & staff
 - UH System: Presidents Lassner, Greenwood, and McClain
 - Kiāli'i & Pūko'a Councils (UH)
 - UHM: Provost Bruno & Chancellors Bley-Vroman, Apple, Hinshaw, Kanan, and Engler
 - UHM Native Hawaiian Place of Learning: Dr. Punihel Lipe
 - UHM Native Hawaiian Student Services: Dr. Willy Kauai & Nāliani Balutski
 - UHM Kua'āina Program: Ku'umealoa Gomes
 - UHM Native Hawaiian Leadership Program: Manu Kaiama
 - The Queen's Health Systems: Dr. Jill Hoggard Green, Art Ushijima, Cindy Kamikawa, Barbara Mathews, Shariene Tsuda, Dr. Diane Paloma, QHS Board: Connie Black, Dr. Noreen Mokuau, Dr. Keawe Kahalokula & Dr. Maenette Benham
 - Ke Ola Mau: David Sing, Kinohi Gomes, Kehau Bishaw
 - Kamehameha Schools: Dr. Deejay Mailer & Joy Kono
 - UH Foundation: Malia Peters & Tanya Olegario
 - The Hans and Clara Zimmerman Foundation
 - The Dr. Naleen Andrade Endowed Scholarship
 - The Louise 'Iwāliani Minton Memorial Fund

487 GRADUATED 2003-2021*



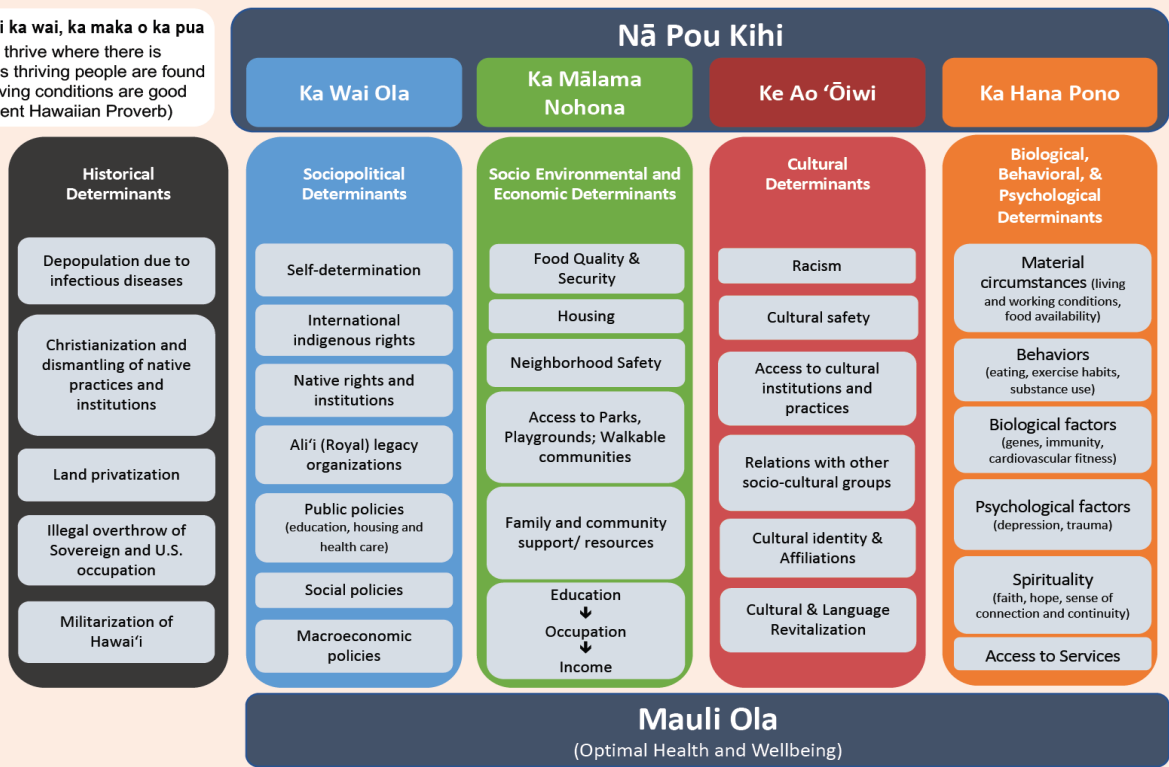
With the leadership of the first Native Hawaiian faculty/program director ever **tenured** at NAWSON, the 'IKE AO PONO Program has supported the graduation of 320 BSN, 135 MSN, and 32 doctorally prepared Native Nurses for the first time in history. These numbers will surpass 500 as of May 2022.

NIMHD Minority Health and Health Disparities Research Framework

Adapted to reflect social and cultural influences of Native Hawaiian health

Keawe'aimoku Kaholokula, PhD, University of Hawaii at Manoa

Mohala i ka wai, ka maka o ka pua
Flowers thrive where there is water, as thriving people are found where living conditions are good (an ancient Hawaiian Proverb)



Nā Pou Kihī (the corner posts)	Principles/Strategies	Examples of Goals
Ke Ao 'Ōiwi (Native Place and Space)	Achieving optimal health for Kānaka 'Ōiwi (Native Hawaiians) requires the preservation and access to cultural spaces and places to support their preferred modes of living and aspirations.	<ul style="list-style-type: none"> Positive cultural identity development Hawaiian/English linguistic landscape Positive 'Ōiwi (Native)-focused media Strong 'Ōiwi political representation and influence Cultural-based public education
Ka Mālama Nohona (Nurturing environments)	Achieving optimal health for Kānaka 'Ōiwi requires the environments in which they live, work, learn, play, and age to be culturally safe and well-resourced to set a strong foundation for healthy living.	<ul style="list-style-type: none"> Economic self-sufficiency Food sovereignty and security Strong civic participation Access to walking/biking/hiking trails Leveraging of Ali'i (Royal) legacy organizations' resources for sustained collective impacts
Ka Hana Pono (Healthy lifestyle)	Achieving optimal health for Kānaka 'Ōiwi requires healthy patterns of living that are supported by the development of a strong cultural, spiritual, (Ke Ao 'Ōiwi), and physical environments (Ka Mālama Nohona).	<ul style="list-style-type: none"> Community-based health promotion programs Access to technology to enhance lifestyle goals Affordable/accessible Hawaiian foods Tax benefits to promote healthy living Leveraging of traditional practices for health promotion.
Ka Wai Ola (Benefits of society)	Achieving optimal health for Kānaka 'Ōiwi requires a focus on social justice (equitable share to the benefits of society) and the ability to exercise their Indigenous prerogatives.	<ul style="list-style-type: none"> 'Ōiwi values/practices applied to policy making and enforcement Livable wages Kānaka 'Ōiwi equitably represented in business, education, politics, and media Access to high quality primary and secondary education

Tenured faculty throughout the university provide consistency to programs that emphasize and advocate for social justice and the changes that will improve society and the economy by

establishing relevant programs. Social justice programs like 'IKE AO PONO inform and transform the schools, processes, and policies that promote positive change such as the end of racism, prejudice, bias, and discrimination. These programs for underrepresented students help to fulfill the stated missions and visions of the UH/ISU to become a reality in integrating cultural wisdom in the process of healing the past and unifying the diverse knowledge and peoples who represent the present and future of Hawai'i and the world.

Eliminating people of diversity from opportunities to advance in education and society and to improve their quality of life is a violation of social justice, civil rights, and Native rights, indigenous rights, and human rights. This is a form of selective racism.

Given that the Hawaii legislature provides the benefits for the UH System faculty earnings and is responsible for the support for the only public land, sea, wind, solar research university in Hawaii during an intense surge in climate change challenges, extinction of rare species, pandemic, and urgent attempts to prepare the next generations to adapt and manage sustainability and resiliency practices for survival of life sources, nature, and humanity. The attack on tenure creates an attack on life itself and the sources of life in Hawaii and on planet earth.

For tenure throughout the UH System provides the stability, consistency transmission of knowledge, science, and wisdom necessary to nurture the regenerative nature of life on earth and everything needed to sustain life, nature, and human beings for the future and future generations. Therefore, senator Donna Mercado-Kim and her mercenaries are creating a conflict of interest in attempting to eliminate survival capacity and thriving subsistence and reciprocal ways of life that are the foundation for the cultural wisdom and practices of sustainability that have developed in Hawaii for thousands of years. They are clearly on a suicide mission which impacts all the peoples, life forms, species, and 'āina that sustain life, including common sense. This is a racist, genocidal, ecocidal act of destruction and self-destruction that must be stopped.

Dear Senators,

I am writing to express my opposition to SB 3269.

There are many reasons to oppose this bill. It takes away tenure for future support faculty and extension agents, which devalues their work and will make it difficult for UH to attract qualified applicants. It is a step toward destroying tenure for all faculty, a disastrous policy that would undermine our ability to pursue controversial ideas and to encourage our students to think for themselves.

As a senior faculty member at UH Mānoa, I often serve on Tenure and Promotion Review Committees. This is a significant responsibility and faculty take it very seriously. Recently the candidates before my committee were all support faculty who served as counsellors and advisors, developed and ran important programs for the students, taught classes, conducted and published research, and in many ways contributed to the educational mission of the university.

I do not know any UH extension agents personally, but my uncle was an extension agent and I know the sort of work they do. He worked with low income farmers, helping them get information about soil, weather, crops, and livestock. He helped them to understand their environment and develop their communities. This is real educational labor.

I'd like you to draw two conclusions from my story: first, support faculty and extension agents do important educational work and deserve to be included among the faculty eligible for tenure; and second, we already have a good system for evaluating faculty members' work and a duplicate system run by the state legislature would be a waste of resources.

The university teaches in many ways. We teach our students and our communities. SG3269 devalues the work of teaching. Nothing good can come of that.

Thank you.

Kathy Ferguson

Professor

Departments of Political Science and Women's, Gender, and Sexuality Studies

University of Hawai'i at Mānoa

Testimony In Opposition of SB 3269

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 Sarah Yap and I oppose SB3269, relating to academic tenure at the University of Hawai'i. As currently written, the bill applies to the entire UH System. I strongly urge you to oppose this bill as it will dismantle the foundation of what an academic institution for higher education is. We should be proud of the academic and research goals that the University of Hawai'i has achieved. UH is recognized for outstanding research in numerous fields. Having an institution of such caliber is a benefit for the entire state.

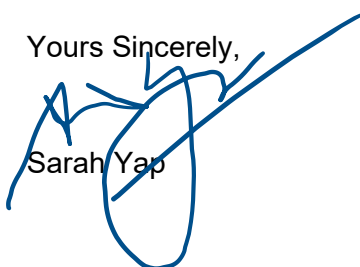
The dismantling of tenure is a short sighted exercise that appears to be made without credible knowledge of what tenure means to academia. Higher education requires the free flow of ideas and the ability to seek knowlege regardless of current trends, social constructs and political narratives. Faculty must have the ability to exercise these freedoms in the pursuit of knowledge without the concerns of loss of livelihood. Current assessments of faculty performance addresses issues of non or sub performance of faculty. It is a fallacy to believe that once tenured, poor perfomance is ignored.

As a specialist faculty, I rely on academia to strengthen my work with students. I am privileged to work directly with students in preparing them for the work force. As a practicing social worker in higher education, I see first hand, the rigor that is necessary for our students to succeed as citizens of our state. Such rigor cannot be achieved without scholarship and research placed before our students. We develop curriculum that challenges our students to be critical thinkers and engaging individuals. Some times, our work with students can be abbrasive but we carry on even with the possibility of retaliation.

I am not in a tenured track faculty position and yet I strongly support the tenure of faculty. We need tenure to be able to share in the governance of the University. We need tenure to ensure academic freedom which includes robust dissent. SB 3269 is an ill informed piece of legislation that will have lasting unintended consequences to our students who need to be prepared to compete nationally and globally. Tenure ensures the University's ability to recruit outstanding faculty to perform the critical work of educating students and driving meaningful scholarship. We need such a vehicle for our state. It needs support rather than barriers.

Please vote to oppose SB3269.

Yours Sincerely,


Sarah Yap

February 7, 2022

To: Introducers

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, ,
senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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

My name is Andrea Kawabata and I am writing in **opposition to SB 3269** relating to academic tenure at the University of Hawaii. I also urge you to oppose the bill.

I am writing to you as a 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 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, extension agents, support faculty, renewable term faculty, non-compensated faculty, 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 of qualified applicants
- State employment protection with a merit system by obstructing the Hawaii state constitution Section 76-1
- 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 with the DPC and TPRC where tenure is required
- 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
- Acquisition of grant funding to support programs and clientele
- Campus governance
- Academic freedom

For these reasons and more, please vote against SB 3269. Thank you for your time and consideration.

Sincerely,



Andrea Kawabata
Extension Agent for Coffee and Orchard Crops

SB-3269

Submitted on: 2/8/2022 12:21:13 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bin Chen	Individual	Oppose	No

Comments:

My name is Bin Chen, 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.

Yours Sincerely,

Bin Chen

SB-3269

Submitted on: 2/8/2022 12:23:41 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sarah Yuan	Individual	Oppose	No

Comments:

I am writing in **opposition to SB3269**, relating to academic tenure at the University of Hawai'i. I am a faculty member of the University of Hawaii, and I provide this as a personal testimony.

The bill reflects a lack of understanding of the facts and existing procedures about academic tenure at the University of Hawaii. The peer-review process at the university is rigorous, and there is a post-tenure 5-year review in place. It is critically important for the university to maintain the integrity of the tenure and post-tenure review procedures and stay aligned with the best practice recognized by our peer institutions in the U.S.

The proposed changes in faculty classifications would do immense harm to the College of Tropical Agriculture and Human Resources. Support faculty and extension agents engaged in education, research, service activities that directly contribute to the agriculture and community well-being in the state. The education outreach they provided in the community is as essential as those provided on campus in training Hawaii's workforce. The protection of academic freedom they need to carry out their work is the same for instructional and research faculty. Taking away academic tenure for support faculty and extension agents will weaken the college's ability to recruit and retain the best faculty for those positions.

I urge you to vote against SB3269. Thank you for the opportunity to testify.

SB-3269

Submitted on: 2/8/2022 12:35:41 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ned Bertz	Individual	Oppose	No

Comments:

My name is Dr. Ned Bertz, resident of Makiki in Honolulu and faculty member at the University of Hawai'i. I am writing in strong opposition to SB3269, relating to academic tenure in the University system. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it will degrade the quality of education for our communities and put University accreditation and its larger mission in danger.

The origin of tenure for faculty lies in academic freedom. 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. A decline in eligible faculty to do this important work for the State will result in a poorer University system for our students. The Administration will turn to employing contingent faculty, and students will suffer a serious reversal in the quality of their education and a related negative impact on their future employability.

Please oppose this bill to protect the quality of the University of Hawai'I system for the sake of our students and the future of the state.

Sincerely,

Ned Bertz

Email and Testimony of Dr. William J. Puette, Honolulu HI

To: Senate HRE Committee and Introdurers of SB 3269 (2022)

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, ,
senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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

My name is William J. Puette, 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.

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 probationary period during which an employee can be summarily fired, aka "at will", a condition seen virtually in non-union employment only.

Most labor agreements actually provide for a much shorter probationary period (commonly 6 month 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). SB 3269 would reject these classifications and the 1972 Board order that the BOR bargaining 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 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 particularly oppose the elimination of tenure for librarians who 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.

And finally, I strongly oppose the elimination of tenure for Specialist faculty and extension agents. Among other things, my faculty colleagues in these areas like the Center for Labor Education and Research, fulfill legislative-backed initiatives and establish 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. 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 traditional students and to the public our commitment to educational excellence and opportunity in Hawai'i.

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

Sincerely,

William J. Puette, Ph.D.
Honolulu

SB-3269

Submitted on: 2/8/2022 2:35:49 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan Jaworowski	Individual	Oppose	No

Comments:

Please vote no on SB 3269 Proposed SD1 which would eliminate tenure at all community colleges.

- **The Proposed SD1 eliminates tenure for ALL community college faculty.**

The original version of SB 3269 forgot about community college faculty altogether. We are classified as "C" faculty, and the original bill did not address our status at all. The proposed SD1 puts minimal thought into who community college faculty are and what they do as it strips away any tenure protection. The only faculty who remain tenured or tenure track under the proposal are those at the four-year institutions. The proposed draft simply states that "Community college faculty shall be faculty who teach courses and shall not be required to conduct research and shall be classified as 'C'," while under the draft tenured and tenure track faculty are only those currently classified as "R", "I", "M", and "J," which are classifications only used at the four-year institutions. I cannot imagine any legitimate reason to drop tenure for community college faculty, and the fact that this is not justified or explained is a fatal flaw.

It is ironic that the HRE chair stated in an earlier hearing on the unwanted creation of a separate board of regents for community colleges that she did so because community colleges were the "stepchildren" of the UH system. However, this proposed draft shows that the HRE chair doesn't even consider us to be in the same family. The HRE chair does not understand what community college faculty do and that we are equally deserving of tenure protection. Our teaching mission is at the heart of the community college system which serves the local community and just like our colleagues at four-year institutions, we also deserve the protections granted by the current tenure process.

- **The original bill is flawed as it would destroy the collaborative Community College teaching partnership by denying tenure to our valuable non-instructional faculty.**

The original version of this bill is also flawed as it eliminated tenure for non-teaching faculty. As teaching-focused institutions, community college instructional faculty work hand-in-hand with our non-instructional faculty to create a web of academic success for our student population, who often require more support and counseling for academic success. We are partners across the campus to serve our students. Eliminating tenure for these faculty member positions disregards their expertise as subject matter experts in their professions. These professions require advanced degrees to serve the needs of students with disabilities, student

development, student identity, student exploration of careers and majors, first-year students, returning adult students, mental health, instructional design, and more. Advanced degrees or even training in these professions are not typically held by instructional faculty like me, as we are subject matter experts just in our own areas of teaching, and rely on non-instructional faculty to meet student needs in these other, also important, areas. Our non-instructional faculty need and deserve to be tenured too.

I am testifying in my personal capacity but am including my employment status so that you understand that I am a proud community college professor and I am well informed on this topic. Please reject this bill in its original and proposed forms.

Sincerely yours,

Professor Susan Jaworowski, J.D., Ph.D
Kapi'olani Community College

SB-3269

Submitted on: 2/8/2022 5:22:07 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

SB-3269

Submitted on: 2/8/2022 6:14:56 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Paull	Individual	Oppose	No

Comments:

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 be carried out. The Bill strips away state support for Researchers, Specialists and Extension Agents salary and tenure and seemingly 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 SD1 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's 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 Hawai'i's industries meet the current and future challengers.

Please vote against SB 3269 SD1 that is based upon a lack of understanding of faculty duties and responsibilities.

Yours Sincerely

Robert E. Paull

SB-3269

Submitted on: 2/8/2022 8:02:28 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hannah Manshel	Individual	Oppose	No

Comments:

To: Introducers

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov,
, senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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

My name is Hannah Manshel, 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
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- 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 time necessary 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](#).

Sincerely,

Hannah Manshel

SB-3269

Submitted on: 2/8/2022 8:28:13 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Dear Lawmakers,

I am kamaaina and have been with the UH system for 36 years as a tenured professor in chemistry. Upon getting my PhD from JABSOM I made the decision to stay in Hawaii so that my kids could also grow up in Hawaii, and because tenure was available. After putting in 10 years of college I wanted some job security - there are few private sector jobs in biochemistry and so I can't just "change jobs".

I strongly oppose this bill because it removes the tenure possibility for many important jobs in the UH system. It targets people like myself. Why should every C & C, State, and Federal worker have job security - except for UH faculty ? Tenure does not mean that you can't be fired for not doing your job, it means that you have some protection when you are doing your job. Is the legislature not going to tell faculty how and what to teach ?

I strongly oppose this bill because it destroys the autonomy of the university and gives control over operations and policies to the legislature - who does not know how to run a university. You need to leave this to those who were hired due to their expertise in university administration. The legislature should not take over the roles of UH administration and the Board of Regents.

I strongly oppose the idea of separating the CC's from the universities. I teach and do research at two campuses, Manoa and Kapiolani. I personally experience the benefits of keeping these organizations connected. There is synergy. The CC's benefit from the research perspective that keeps their teaching up to date and relevant. The universities benefit from those with much greater teaching experience and knowledge of our local students. It is critical to grow these relationships rather than destroy them. We need to INCREASE the connections between the CC's and the universities in order to best serve our state and its children.

Mahalo for your consideration.

Aloha, Harry

Harry Davis

UH Professor in Chemistry at Kapiolani and Manoa

SB-3269

Submitted on: 2/8/2022 8:37:55 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Warren W Walker	Testifying for Hawai'i Community College	Oppose	No

Comments:

Aloha,

My name is Warren Wailani Walker, 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 (UHCC's) 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 Mānoa (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 services
- 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, but it will also stress the state's already scarce financial resources as release time will need to be provided to give faculty the time necessary 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 socioeconomic and rural students, with a special commitment to Native Hawaiian's success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students—student's 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 student's 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, but it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i goals, but we all also seek to realize.

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

Mahalo nui loa

TO: Chair Senator Donna Mercado Kim, Vice-Chair Senator Michelle Kidani, and Higher Education committee members

RE: SB3269 SD1, Hearing Notice, Committee on Higher Education, Thursday, Feb 10,2022, 3pm

Mahalo for this opportunity to testify my **STRONG OPPOSITION** to SB3269 SD1. This is my personal viewpoint and does not represent the University of Hawaii at Mānoa. I returned to UHM as a proud BA alumni and recruited as Professor and Chair in 2002. I have very serious concerns regarding legislative actions specified in SB3269 SD1 that violate the independence given to the University of Hawaii system by Hawaii's voters.

SB3269 SD1 will harm the accreditation of the University of Hawaii and loss of accreditation will make UH degrees worthless. The WASC accrediting body of UH Mānoa previously warned that legislative interference into the inner workings of the university by circumventing internal BOR policy actions will jeopardize accreditation. Without accreditation, UHM will not be eligible for the extramural sources of federal and other international/national research and training grants. As important, faculty and students will avoid coming to a university that is not accredited. Adherence to WASC accreditation guidelines support the Board of Regents and University faculty and academic policies to control the hiring, renewal, promotion, granting of tenure, 5 year faculty reviews, and firing of faculty that are detailed in UHPA collective bargaining agreements made by the State of Hawaii, Board of Regents, and UHPA.

Here are the **SB3269 SD1 violations** under WASC accreditation guidelines:

1. Changing faculty classifications, scope of work and evaluation period for each classification, and eligibility for tenure by legislative action;
2. Giving UH President sole authority with approval by BOR to make changes in faculty classifications;
3. Instituting five and three year review time periods already being conducted as specified in current UH guide lines;
4. Extension Agents community education extend beyond agriculture, to human nutrition, human development, and families.

As Chair of Family and Consumer Sciences, I have reviewed the accomplishments and contributions of Specialist and Extension Agents over the last twenty years and they are highly deserving of tenure. If tenure is eliminated the variety of informal education programs will diminish--such as short courses for children during furloughs for DOE teachers, 4-H, school gardening, and intergenerational programs with Kupuna and children, covid educational programs, making thousands of fabric masks to extend the use of limited N95 masks in health care setting, hospitals, UH janitorial and support staff across Hawaii, and programs to increase civic engagement, community volunteering by youth, STEM and enhanced school achievement via nationally accredited educational programs.

DO NOT SUPPORT this bill because it will have DIRE consequences for the future of Hawaii.

Mahalo for your attention to my serious concerns about SB3269 SD1.

Barbara Yee, Professor and Chair, Family and Consumer Sciences, CTAHR, UHM
96816

SB-3269

Submitted on: 2/8/2022 8:51:39 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emily White	Individual	Oppose	No

Comments:

My name is Emma White, 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. This bill will create an economic and educational catastrophe for Hawaii.

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 time necessary 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.

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

Sincerely,

Emma White, JD, MA

Assistant Professor, English

3318 Martha Street
Honolulu, HI 96815

Senate Committee on Higher Education
Thursday, February 10, 2022
3:00 pm
Conference Room 229 and Videoconference
On the following measure:
S.B. 3269
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII
WRITTEN TESTIMONY ONLY

Chair Kim, Vice Chair Kidani 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.

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 for the reasons stated above.

SB-3269

Submitted on: 2/8/2022 9:06:05 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr. Gabriel Peckham, PhD	Individual	Oppose	No

Comments:

I've been with the UH system more than 20 years. 5 as a student, 4 as a post doc, 5 as the Principal Investigator of a private company but collaborating with UH faculty, and more recently 7 years as an instructor at HCC.

The recent activity around the reevaluation of tenure isn't surprising. During these difficult economic times it is important to reevaluate the system to make it more efficient and cost effective. In my numerous years I've certainly witnessed significant "dead weight", faculty who don't justify their compensation by neither bringing grants nor being committed instructors. Many either teach very little or perhaps not at all. Therefore my objection to this bill isn't based on the belief that tenure is untouchable. The specific proposed changes are what I find objectionable. I also believe that the majority of tenured faculty would probably agree since the majority work above and beyond the minimal demands of their position. The blanket, slash and burn approach suggested in this bill, namely eliminating tenure for CC instructors and librarians altogether is short-sighted, lacks creativity and is devastating to overall morale.

If your ultimate goal is to have an economically thriving UH system then it would be wise to consider its long-term success which ultimately means having quality, committed instructors and librarians. Just like instructors, the members of the UH Senate, Board of Regents, Unions, etc. should also justify their positions & salaries by coming up with more creative solutions than to take away from the core of the UH business: education. Most of budgetary issues are created by the top anyways: approving hiring when classes aren't filling, allowing faculty to not teach for years on in, failing to reward those that go above and beyond, etc.

Additionally, the CC system isn't conducive for instructors to pursue grants and other projects that could bring in money for UH. If UH wants more money coming in they need to make it easier for instructors to do so. Instead, this proposed bill will eliminate job security for those committed folks that would happily work extra hard doing such projects. The effect of passing this bill would be to lower the quality of education across the entire system, leaving less committed educators, fewer grants and special projects, ultimately hurting the young generation of students and therefore the future of the State.

SB-3269

Submitted on: 2/8/2022 9:18:47 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Annie Thomas	Individual	Oppose	No

Comments:

My Name is Annie Thomas and I serve the state as a **librarian at community college within the University of Hawai'i system**. I am **STRONGLY AGAINST SB 3269**.

I am opposed to this bill for many reasons, including the following:

1. Support faculty and extension agensts have a large impact on student learning throughout the system. Although faculty specialists such as counselors, librarians, researchers, curriculum specialists, etc. don't teach courses, they are just as involved in student learning as instructional faculty. To state otherwise is insulting to the work we do with the students on our campuses. The bill states in section 3b6, "Community College faculty shall be **faculty who teach courses** and shall not be required to conduct reasearch..." What about the counselors, librarians, instructional designers, and other non-instructional faculty who work with students but do not teach courses? They have a huge impact on student learning and success at the community colleges and should not be denied the opportunity for tenure.
2. As tenured faculty, non-instructional faculty participate in shared faculty governance and have a unique perspective on student learning and the campus curriculum. If facuty engaged in academic support are no longer tenured faculty, their voices will be lost in many campus-wide conversations and this will have long-term consequences on the student experience and learning on our campuses. Tenure is essential for academic freedom and participation in campus governance as a faculty member.
3. Removing tenure for non-instructional faculty will disincentivize qualified individuals to apply for employment with the University of Hawai'i system and they will seek employment with institutions that do offer tenure. This will weaken the institution and its standing in academia, thus leading to a decline in student enrollment. This would NOT be good for the state of Hawai'i.

It is for these reasons that I am **STRONGLY AGAINST SB 3269**.

Mahalo,

Annie Thomas, faculty librarian at a University of Hawai'i Community College campus

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

My name is Randal Wada, and I am writing in regards to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill, as the Board of Regents has done with a similar measure, Resolution 21-06.

I am a tenured full professor in the Nancy Atmospera-Walsh School of Nursing, with a joint appointment in the John A. Burns School of Medicine. I have served on multiple Tenure and Promotion Committees for the UH Manoa campus, the most recent being this current academic year. Remarkable things are being done by University faculty, and over the years of reviewing many dossiers I have been struck not only by the level of achievement, but by the diversity of our faculty, and how fortunate the State of Hawaii is to have access to such expertise. While faculty members of this caliber could easily maintain their productivity elsewhere, their loss would be a great blow to both the University and the community at large. We want faculty to continue their productivity, but loyalty goes both ways, and tenure sends a message that the University is making a commitment to its faculty. I fully support work to address the post-tenure evaluation process, but respectfully urge you not to let anecdotes of egregious behavior on the part of a few negate the contributions of the many by prompting you to do away with tenure.

Sincerely,

Randal Wada, MD, MS, FAAP
Professor of Nursing, NAWSON
Chief, Division of Hematology/Oncology
Department of Pediatrics, JABSOM

SB-3269

Submitted on: 2/8/2022 9:53:18 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Natalie Wahl	Individual	Oppose	No

Comments:

Aloha, my name is Natalie Wahl, and I am writing in opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i.

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 a librarian, I teach many classes across our liberal arts curriculum, so it is unclear to me personally why my job expectations, resources, and rights would differ from other teaching faculty.

Mahalo for your close consideration of this important issue,

Natalie Wahl

SB-3269

Submitted on: 2/8/2022 10:53:11 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ariana Eichelberger	Individual	Oppose	No

Comments:

My name is Ariana Eichelberger, 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.**

The university has already been decimated by budget cutting, hiring freezes and swept faculty positions. SB 3269 would do additional damage to the University of Hawai'i a critical source of education to the people of Hawaii.

As a faculty Specialist I am particularly alarmed by the elimination of tenure for faculty classifications other than Instructional. Our faculty classification system allows for the recruitment of high quality faculty candidates and tenure is a powerful method for retaining them. The faculty in these classifications do critical work at the university and without tenure many would not remain with the university. Had I not gotten a tenure-track position, I would not have stayed at the University of Hawaii. I am an instructional designer and in my role at the university I support programs with online course and program development and faculty with technology integration and online teaching. My work has facilitated a number of programs, including teacher preparation programs, to be able to offer high-quality online education to a wider and more diverse student audience. In addition to this work I also teach. The flexibility of the Specialist classification has allowed me to benefit the university and share that expertise and experience with students through teaching. This bill would effectively eliminate faculty from having dynamic roles like mine at UH.

I am also opposed to the idea of forcing community college faculty to conduct research on top of their already rigorous teaching and advising loads. The community colleges have a different mission than our four year and R1 institutions and to apply blanket rules to all faculty at all campuses will have deep and lasting negative impacts throughout the system.

For these reasons I urge you to vote against SB 3269.

Sincerely,

Ariana Eichelberger, PhD
Specialist, Department of Learning Design and Technology
College of Education, University of Hawaii at Manoa

SB3269, Relating to academic tenure at the University of Hawaii:

Chair, Vice Chair, and members of the Senate Committee on Higher Education, I thank you for this opportunity to provide my personal testimony in opposition of SB3269, Relating to academic tenure at the University of Hawaii. I strongly oppose this bill for several reasons, but primarily because the bill is based upon a fundamental misunderstanding of the purpose of tenure. Tenure provides protection of academic freedom for university faculty; it does not provide a life-long guarantee of employment irrespective of performance. It is not a trivial matter to be awarded tenure, requiring significant effort on the part of the faculty member, and scrutiny by a large range of peers (internal and external reviewers) and various levels of administration at the University. This is true at any reputable university.

It is also inappropriate to suggest that only instructional faculty should be eligible for tenure. Instructional faculty are afforded protection of academic freedom in their teaching – they are protected from attack or dismissal for teaching unpopular or inconvenient truths, opinions, and encouraging critical thinking. Researchers need the same protection. Many research areas address issues that make people uncomfortable for similar reasons listed for teaching above and may be unpopular among vocal opponents. High quality academic research will suffer if researchers are not provided academic freedom protections, and the reputation of the institution as a research institution attracting funding and leading researchers will be significantly diminished.

It is also worth noting that the bill misinterprets the function of some of the positions in the UH system; for example “specialists” are considered to be “support faculty” not deserving of tenure. Please note that some “specialists” (e.g. Extension Specialists in CTAHR, and others), have formally allocated instruction, research, and extension splits in their appointments, and engage in teaching undergraduate and graduate students, advising graduate students for thesis and dissertation research, conducting externally funded research, and providing research findings to end-users and extension agents. These realities should be carefully considered before broadly damaging proposals are made and potentially implemented.

My name is Mark G Wright. I am a professor of entomology and an entomology extension specialist at UH Manoa. However, today, I am providing personal testimony.
8 February 2022.

SB-3269

Submitted on: 2/8/2022 11:25:52 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kurt Rutter	Individual	Oppose	No

Comments:

SB3269 attempts to take the determination of which faculty should be offered tenure out of the hands of the Board of Regents (BOR) and the University system. It is designed to reclassify masters and doctorally prepared librarians as non-tenure, essentially discrediting the professions important function of teaching information literacy and acting as mentors and guides in research at every level of a student's education from first year undergraduate through post- doctoral research. The thinking behind the bill reflects a lack of basic understanding of how students with no background in higher education learn to acquire research and critical thinking skills in evaluating information in their quest for knowledge.

Teachers, **including librarians**, like any professionals, invest years of training in order to obtain the necessary skills of their trades. They spend several more years working to demonstrate their value and commitment to the institution in order to procure enough financial security to do the things any citizen might want to; buy a house, send their own children to college one day, perhaps save for travel, leisure time, retirement. None of this is possible without job security. Who would want to spend six to eight years training for a job that offers no future?

Tenure is a matter for The BOR, the leadership of the University system, and the faculty themselves to negotiate. It is not within the purview or the expertise of the legislature to, for no known reason, arbitrarily alter the system unilaterally.

Aloha,

Kurt Rutter

SB-3269

Submitted on: 2/8/2022 11:47:09 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maryann Overstreet	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 Maryann Overstreet, 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.

1. 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.

Yours Sincerely,

Maryann Overstreet

Sen. Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair
COMMITTEE ON HIGHER EDUCATION

Testimony in OPPOSITION to SB3269
RELATING TO THE UNIVERSITY OF HAWAII

Submitted by:
Donald Thomas

This bill fails to recognize the many different roles that Research and Specialist faculty perform at the University of Hawaii and the many contributions that all UH faculty make to the University and to the State. I have been a member of the research faculty of the Hawaii Institute of Geophysics and Planetology for 42 years. During that time, I have played instrumental roles in bringing an average of more than \$1M per year of extramural funds to the University of Hawaii for research that is critical to our access to renewable energy, to management of our groundwater resources, and to our management of natural hazards. I am currently working on a proposal to bring ~\$5 M to UH Manoa to conduct groundwater research on the Red Hill region to answer fundamental questions regarding groundwater and contaminant transport within relevant aquifers for which the Navy has been unable to provide credible data. I have spent the last six years providing (pro bono) assistance to the Department of Health's Hazard Evaluation and Emergency Response team on the groundwater hydrogeology of the Red Hill region. My prior research on Hawaii Island has demonstrated that our understanding of groundwater storage and flow within the islands is fundamentally flawed and that sustainable management of our groundwater resources requires substantial changes in our regulatory and management processes. I am currently working (pro bono) with staff of the Commission on Water Resources Management on characterizing flow within a new monitoring well located in the Keauhou Aquifer that has demonstrated some of the characteristics of this revised groundwater model as well as identifying a new water source that will substantially reduce energy – and cost – required to provide high quality water to the Kailua-Kona community. I am advising two graduate students (born and raised in Hawaii) who are completing PhD research in West Hawaii that will demonstrate the value of assessing our groundwater resources in a more informed way.

I have also been engaged in renewable energy research related to Hawaii's geothermal resources. I conducted some of the first work done on the reservoir characteristics of Hawaii's geothermal systems and have identified a number of geothermal resource areas on all islands and continue working in that field with younger colleagues.

Finally, I have also maintained a nearly 20 year long program at the University of Hawaii at Hilo that works collaboratively with the Hawaiian Volcano Observatory providing field- and

technical-support staff for the monitoring of volcano and earthquake hazards on Hawaii Island. Those field and technical support positions frequently provide the first STEM-related professional positions to UH-Hilo undergraduates and graduates. That program also supports a hazards awareness program to all of Hawaii Island's schools that both informs younger students of the natural hazards to which Hawaii is exposed but also instills in them the recognition that STEM learning can allow them to understand these phenomena and help them and their families prepare for them.

All of these research and outreach endeavors are of substantial interest to diverse communities in Hawaii who have competing interests and frequently mutually exclusionary narratives. Hence, my work has been met with criticism by special interests and even demands that the University prohibit such research on campus. This is precisely why tenure is required in an academic environment: for Research, Specialist, Extension, and even Library positions, presenting and propagating new ideas and new understanding will always be met with opposition from those whose positions, authority, or advantages are threatened by those new concepts.

Would I have taken a position at UH without tenure? No. Would I recommend any young researcher to apply for a position at UH that did not offer tenure? No. Would I recommend that any young PhD apply for a teaching position under the procedures mandated in this bill? No. This legislative bill is, in my opinion, a clear violation of the supposed autonomy granted to the University some years ago. If this legislative body believes that it can unilaterally change the status of Research, Specialist, and other faculty at the University of Hawaii at will, then it clearly believes that it can change the status of any faculty classification upon any pretext that it cares to cite. This is not an action that will attract highly qualified, successful faculty, of any classification, to the University of Hawaii, and will be a grave disservice not only to the University's students, but equally to your legislative predecessors who recognized that access to quality educational opportunities was the best path for themselves and their children out of the plantation camps toward rewarding and economically secure careers.

Thank you for this opportunity to offer testimony.

Dear Senators:

I write this letter in opposition to SB3269 (and any similar House bill) as originally drafted. I understand there is a revised draft (SD1) which resolves my concerns, but I still want to voice them in case the original language is considered again in the future.

I am opposed to any decisions about faculty classification or tenure being made by the Legislature. That is the purvey of the Board of Regents after consultation with UH Administration and Faculty and UHPA. My understanding is the BOR considered the recommendation of the PIG and declined to act upon them. This legislation should be withdrawn.

As originally drafted this proposed legislation would have a deleterious impact on the morale, the important work that is accomplished, and the future of UH Mānoa.

I am a law librarian at UH Mānoa. I have been a law librarian since 2008. The idea of removing tenure from librarians at UH is ill conceived and would damage the great work and reputation of UH. Being a law librarian requires both a JD and master's in library science. I have more educational training than some law professors. It's not as if librarians are paraprofessionals or APT staff.

It is demeaning and unprofessional to remove tenure from librarians at UH. Librarians are at present equals with other faculty. We are active faculty. We assist with research for professors and students. We serve on faculty committees and professional associations nationwide. And we maintain the library making sure the services provided are updated and appropriate for the patrons we serve. To quote from UH tenure criteria for librarians: "The faculty member must have demonstrated a level of professional achievement and productivity in the field of specialization appropriate to the rank at which tenure is sought in comparison with peers active in the same field. The comparison peer group consists not only of local colleagues but also of the whole of the appropriate professional community active at major institutions of higher education."

UH Mānoa is an R1 Research University. Removing tenure from library faculty would be a disservice to such a respected and successful university. We could be placed on probation by WASC (Western Association of Schools and Colleges) for it.

Removing tenure would make acquiring future librarians difficult and would severely limit quality applicants. Moving to Hawaii is expensive and risky. Quite frankly, tenure is an incentive to many librarians.

It is a misnomer to assume librarians do not teach. Law librarians teach courses in Law School such as Legal Research (a required course), Advanced Legal Research and other courses as needed (such as Scholarly Research Methods, International Legal Research, etc.). Librarians are also asked to provide instructional sessions for other classes on the various resources available in an area of law. These sessions help students come up to speed and discover what research resources are available to them.

There is a long commitment to keeping on top of information needs of a university. This includes collection development, acquisition, reference and instructional services, public services, technical services, electronic services, archival work, and administration. Librarians perform many ongoing services. Tenure assures librarians will commit the required time needed to be effective long-term for the betterment of the institution and that their professional choices are protected by the academic freedom tenure affords.

Librarians are relied on to be specialists in the field of information science. We are called upon to assist with research in both print collections and electronic resources. We can be generalists or have a specific area we specialize in.

As a way of example to demonstrate the important service and research work I have provided as a tenured faculty at UH please see the presentations and research I have conducted:

Publications

Brian R. Huffman, Access to Justice, in Introduction to Law Librarianship, Ch. 7 (Zanada Joyner and Cas Laskowski eds., 2021), [https://lawlibrarianship.pressbooks.com/\(link is external\)](https://lawlibrarianship.pressbooks.com/(link is external))

Brian R. Huffman & Victoria J. Szymczak, DRM: Provisions for Digital Collections and Sample Language, in DIGITAL RIGHTS MANAGEMENT: THE LIBRARIAN'S GUIDE, 79-101 (Catherine Lemmer and Carla P. Wale eds., 2016). [GoogleBooks\(link is external\)](#)

Brian R. Huffman & Ellen-Rae Cachola, Keep Off the Moors: The Road to Data Archival Storage, 30 STRATEGIC LIBRARIAN, 1-4 (2016). [ScholarSpace\(link is external\)](#)

Brian R. Huffman, Self-Publishing Digital Books: Options, Considerations, and Insights, 17 AALL SPECTRUM, 25 (2013). [ScholarSpace\(link is external\)](#)

Presentations

“Law School Faculty Metrics” Webinar presentation, American Ass’n of Law Libraries (February 19, 2020).

“How Does Legal Technology Facilitate Access to Justice in Hawai‘i?” Presentation, Hosted by Casetext and the Hawai‘i Women's Lawyer's student group, Honolulu, Haw. (Oct. 30, 2019) (with Andres Garcia and Diane Haar).

“Law Faculty Metrics: The Devil's in the Details.” Presentation, Western Pacific Chapter of the American Ass’n of Law Libraries, Spokane, Wash. (October 12, 2019).

“A Tale of Two Academic Tech Training Approaches: Workshop vs. Online Class.” Presentation, Chinese and American Forum on Legal Information and Law Libraries, Washington, D.C. (July 11, 2019) (with Casandra Laskowski).

“Open Source Alternatives to Digital Commons.” Presentation, CALIcon19, Columbia, S.C. (June 7, 2019) (with David B. Holt, Erik Beck, Leah Prescott, and Kathy McCarthy).

“The Shape of Future Libraries: Planning Orientation for 2018 and Beyond.” Presentation, American Ass’n of Law Libraries, Baltimore, Md. (July 17, 2018) (with Khelani Clay and Todd Weaver).

“Copyright, Intellectual Property, and Creative Commons.” Presentation, Open Access Week, Honolulu, Haw. (Oct. 25, 2016) (with Debora Halbert, Billy Meinke, and Peter Shirts).

“OER in Legal Education.” Presentation, CALIcon16, Atlanta, Ga. (June 17, 2016).

“Facilitating Transition from Homelessness to Stable Situation: Toward an Understanding of the Role of Information and Communication Technologies (ICT), Libraries, and Digital Literacy.” Presentation, Hawai’i Library Ass’n, Honolulu, Haw. (Dec. 4, 2015) (with Luz Quiroga and Wayne Buente).

“Open Textbooks: Advocating for Change.” Presentation, Hawai’i Library Ass’n, Honolulu, Haw. (Dec. 5, 2014) (with William Chismar).

I would invite legislators to come visit an academic library and meet a librarian. Ask them what their job entails and how they serve the mission and needs of the college they work out. See what value they bring to the institution and why there is a need to preserve and protect this service by way of granting tenure.

Respectfully,
Brian Huffman
1420 Victoria St #602, Honolulu HI 96822

Glenn Ioane Teves
P.O. Box 554
Ho'olehua, HI 96729
Email: gtmolokai@gmail.com

February 1, 2022

TO: Hawaii State Legislature
Senate Higher Education Committee

FROM: Glenn Ioane Teves
UHM Faculty Member

RE: **Testimony in OPPOSITION to Senate Bill 3269**

Kung Hee Fat Choy, Senators. My name is Glenn Ioane Teves and I'm a tenured faculty member in the Tropical Plant and Soil Science Department, College of Tropical Agriculture and Human Resources. I have worked for the university for 40 years as a County Extension Agent, and I'm stationed on the island of Molokai.

The tripartite mission of the university includes research, instruction, and extension. All three are integral to a thriving secondary education institution. In addition, specialists add flexibility in accomplishing each of these missions. If the total system functions like a well-oiled machine, the end result is a job-ready graduate whether they're a new doctor, lawyer, engineer, social scientist, researcher, educator, farmer, CPA, or a legislator. Research is only one of the functions of this university. Cohesiveness within each department or unit is what helps the university function efficiently in delivering on the tripartite mission..

I'm shocked by this move because this is a maneuver found in red states, especially under a Trumpist philosophy and not a true-blue state. The direction this legislature seems to be moving is based on a lot of misinformation spoon-fed by a few individuals with axes to grind. The problem with axes is that they can swing both ways right on your foot. This misinformation is making the legislature look real bad. Decisions should be based on facts and not hearsay and innuendo. They need to get factual information from the horse's mouth, not the horse's ass. Embracing teaching excellence requires that the legislature lift up the university and its faculty, and not tear it down. There are prerequisites and stringent standards in hiring faculty; there are no prerequisites in becoming a legislator. Anyone can be a legislator, but not anyone can be a faculty member.

Of all the issues the state is facing at this time, with families in crisis trying to make ends meet and drowning in debt because they've been out of a job for a year, the faculty

tenure issue is not even in the top 100. The legislature needs to focus on how we'll get ourselves out of this mud hole in a one-horse town. As the money spigot from Congress is turned off, we really need to look at how we can strengthen the entire university system.

Instead we have to deal with blatant interference from the legislature. When things seem hunky dory, and money is flowing, this is a time to plan for the next catastrophe because it's not a matter of if, but when. With the stock market on the verge of something bad, we need to focus on what is important for our survival on these islands in the middle of nowhere.

If you ascribe to removing tenure, you need to be consistent and also ascribe to term limits for legislators. With the lack of leadership, and rogue elements in each committee, the Senate President needs to step up his game and learn how to herd cats.

It appears the legislature is just trying to find something to occupy their time? If it's not broken, don't try to fix or you'll just muck it up and I feel this is what this bill seeks to achieve. Find something important to change because this is not one of them. Mahalo.

SB-3269

Submitted on: 2/8/2022 12:36:10 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Dear Senators,

I have been a faculty member at UH Manoa for almost a quarter of a century, both teaching and conducting research. I have brought in over a quarter of a billion dollars in extramural funds and have taught hundreds of undergrads. I have served on numerous committees for the university. I think I can claim some knowledge of how the university works and of its strengths and weaknesses.

This bill is vague, confused and has little understanding of universities. The core of our strength is our faculty who do the teaching, research and outreach that make a university great. Faculty get tenure after a five year probation because they have shown a consistency of hard work, persistence and excellence. Faculty keep tenure because they continue to demonstrate these same traits. After tenure, they continue to be evaluated every five years by their peers and referred to administrators if they fail these evaluations. This bill does away with a successful system and replaces it with retention based on bureaucratic perceptions of what is trendy, not what is excellent or of enduring value.

The bill also removes tenure for everyone but "F" faculty who do direct teaching in the classroom. The bill ends tenure for agricultural extension agents and "support faculty" (known at UH as specialists) who are resources for students, teaching and research, bringing with them particular skills ranging from mentoring and curriculum development to cutting edge scientific methods. Extension agents are the boots in the mud working with our farmers to grow a sustainable agriculture.

Removing tenure for many and making tenure political for the rest makes UH a very unattractive place to work, on top of the state's high cost of living and isolation. If Hawaii is to develop an economy based on anything beyond tourism and the military, it will be because of what our students learn at in the classroom and in labs and recital halls and because of the problem solving that results from our research.

Do the right thing and let this bill die.

Respectfully,

David Duffy

SB-3269

Submitted on: 2/8/2022 12:44:50 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jesse Owens, Ph. D.	Individual	Oppose	No

Comments:

My Name is Dr. Jesse B Owens, and I am an Assistant Research Professor at the University of Hawaii. **I do not support SB 3269.**

A critical means for encouraging quality researchers to come and work in Hawaii is our tenure system. This bill endangers our current tenure system by giving the power to make tenure decisions to those who are not qualified. The Board of Regents are the only people both legally and logically in charge of tenure decisions. This bill is neither legal nor logical.

This weakening of our tenure system will likely result in UH becoming a less desirable University to work in and thus will exclude future qualified professors from applying to work here. The success of research professors like myself results in millions of dollars for UH through our federal grants. By weakening our tenure system, we weaken our faculty, and we weaken our faculty's ability to bring in support for the University. For these reasons **I am against SB 3269.**

Mahalo,

Jesse

Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Higher Education

Alan Rosenfeld
92-206 Opuakii Pl
Kapolei, HI 96707

Thursday, February 10, 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 Kim and Vice Chair Kidani have taken over many years to support access to affordable and high-quality higher education for the residents of Leeward O'ahu, in addition to the passionate support of Senator Fevella. 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 at least one 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 proactively 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. Thank you for this opportunity to testify.

SB-3269

Submitted on: 2/8/2022 1:23:13 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

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, an always will be, a tenure and promotion system for all of its faculty.

Academic freedom and tenure for faculty also promotes 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 cancelling 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:

- 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 my reasons stated above, do not vote for this bad idea.

Yours Sincerely, Kelli Nakamura

SB-3269

Submitted on: 2/8/2022 1:52:00 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Morgan Andaluz	Individual	Oppose	No

Comments:

Please note my opposition to SB3269. I am a community college professor and a long time employee of the University of Hawaii System. Tenure should be protected. Living in Hawaii is costly and some reasonable guarantee of job security is a necessary means of attracting good, quality professionals to this island. If we want to continue to provide the best for Hawaii's students, we need to support faculty, including those engaged in research, by protecting tenure. I would encourage anyone questioning the role tenure plays in preserving quality teaching and innovation, to speak with some of the excellent and hard working faculty of UH and UH community colleges to learn more about how critical it is to academic freedom.

SB-3269

Submitted on: 2/8/2022 2:05:59 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tara Severns	Individual	Oppose	No

Comments:

I oppose SB3269 because it is based on misconceptions and would be a detriment to the state.

One misconception is that the types of work faculty do are discrete. This is not true. Faculty of all kinds teach (even if they are not credit courses), do research (even if that isn't in their title), work to enhance student learning (even if that isn't in the classroom), and provide valuable service to the institution and the community.

For example, tenure-track librarians publish research at the same rates as other faculty (Pankl, 2018). They also provide instruction to all levels of students — which has been shown to correlate positively with student success (Rowe, Leuzinger, Hargi, & Harker, 2021). Counselors teach college skills courses that have proven to help students get to graduation. Instructional developers teach instructors so that their students can learn better.

Tenured faculty, whether they teach credit courses or not, are expected to perform with excellence in teaching (or the support thereof), research, and service because these aspects are all recognized to foster student development, advance knowledge, and ensure the future success of the institution (Furr, 2018).

Tenure is not, as assumed here, a lifetime appointment. Instead, it is an indefinite one that can be terminated — with due process — for cause, such as unprofessionalism or incompetence (Scheuerman, 1997). Tenure gives faculty the freedom to pursue innovative ideas over time. This pursuit of knowledge, this drive to continual improvement, makes tenure valuable in attracting and keeping the highest caliber of faculty. Without it, the brain drain from Hawaii can only increase, and the desperately needed innovation and investment in the knowledge equity of the state will only diminish.

It remains unclear what “problems” this bill seeks to remedy. It is messy, self-contradictory, and steeped in misconceptions about what faculty do, the impact they have, and what it takes to attract and retain the personnel that demonstrably deliver the highest-quality investment in Hawaii’s future.

References

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Pankl, L. (2018). Being a Scholar in a Service Profession: Increasing Expectations for Research and Publication in Academic Libraries. *J. New Librarianship*, 3, xxi.

Rowe, J., Leuzinger, J., Hargis, C., & Harker, K. (2021). The Impact of Library Instruction on Undergraduate Student Success: A Four-Year Study. *College & Research Libraries*, 82(1), 7.

Scheuerman, W. E. (1997). Public Higher Ed. *The NEA Higher Education Journal: Thought & Action*, 63-73.

SB-3269

Submitted on: 2/8/2022 2:21:00 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kenisha Strong	Individual	Oppose	No

Comments:

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.

By eliminating tenure for those in positions such as counselors, we are not only leaving them at the mercy of unjust dismissal, we are also sending a signal that their positions are less valuable and less vital to the composition of a college. Support faculty provide a necessary service and voice to insitutions and should not be left to feel that thier own work and expression of need (thier own or as an advocate of thier students) can end up putting them in jeopardy. This bill overreaches and oversimplifies, diminishing the important role of faculty who are the fundamental molders of higher education, not legislators.

For these reasons, amongst other, I strongly OPPOSE SB3269.

To: Introducers

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, ,
senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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 at community colleges 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 D1**.

Sincerely,
Charlene Gima

SB-3269

Submitted on: 2/8/2022 2:57:13 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ulla Hasager	Individual	Oppose	No

Comments:

The work of specialists at UHM is central to creating and maintaining the environment that supports the students throughout their academic journey.

The literature identifies the following components for professional/academic/personal wellbeing and educational success for students. The conclusions come from research focused on indigenous and underserved minoritized groups, but is applicable to all students.

- **sense of belonging:** to families, communities, nations; to campus; to majors & concentrations; to graduate work; to careers -- feel at home, supported, seen, and heard
- **sense of becoming:** students and leaders; scholars and change agents; professionals and community leaders; mentors and transmitters of knowledge (from own culture) --- knowing where to go, why, and how to get there
- **sense of place:** of Hawai'i as an indigenous place, of the university as a Hawaiian place of learning, of the campus through programs, campus life, curriculum, and co-curricular activities
- **sense of responsibility & reciprocity:** to families, communities, nations, people, environment, others' epistemologies and practices, and future generations

This includes that students are

- challenged academically
- working with meaningful issues (and understanding why less obvious learning is helpful) and given opportunities to work to resolve them too
- supported as a whole person all the way from recruitment to entry-level job
- able to work cross-disciplinarily
- able to collaborate with and to respect and feel respected by not only peers, but everybody on campus

Specialists (many who are also instructors) create exactly the educational environment and community context that is critical for student learning and for research at all levels from undergraduate students to faculty.

Let us keep and support this innovative and critical group of faculty. For the students, the faculty, the university, and the future of Hawai'i and our communities.

Greetings, Ulla Hasager

SB-3269

Submitted on: 2/8/2022 2:57:36 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Dear Sen. Donna Mercado Kim and the Higher Education Committee,

I oppose SB3269 in its entirety. It is trying to destroy the tenure system at the University of Hawaii and all its community colleges. It is starting with "low hanging fruit" or in this case Librarians who they falsely claim are "non teaching." Librarians teach and guide both students and teaching staff on how to research and file in a very challenging system- this takes acquired knowledge and day to day practical experience. As an old trade unionist I see this senseless attempt in trying to dismantle the tenure system as an attack against all working people and our unions and the gains we have made- "An injury to one is an injury to all." Mahalo, Raymond Catania 4215 Kole Place, Lihue 96766 april8nineteen18@gmail.com

SB-3269

Submitted on: 2/8/2022 2:59:07 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimo Cashman	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 Dr. Kimo Cashman, and I am writing in strong opposition to SB 3269, 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 this bill will destroy the quality of education for our communities and put University

accreditation in danger. This bill seems to be based on a very limited understanding of the importance of tenure within a university and the vital and nuanced roles tenured faculty play within the University of Hawai‘i system.

Tenure is rooted in academic freedom. Academic freedom plays an important role in allowing faculty (based on their expertise, inquiry, and critical thinking) the freedom of expression - in their teaching, research, and service. Academic freedom protects faculty from institutional censorship and is fundamentally connected to equity. Academic freedom allows faculty to challenge racist ideologies and structures within a discipline, an institution, and our communities. Tampering with tenure (academic freedom) at the University will severely compromise its mission to serve or community.

“Varying roles of Specialist faculty within the College of Education at the University of Hawai‘i, Mānoa.”

Tenured and tenure-track Specialist faculty within the College of Education play key leadership roles in the preparation of highly qualified teachers and educational leaders for schools in Hawaii. To this effort, Specialist faculty have developed undergraduate and graduate courses; developed and coordinated education and education-leadership courses for teachers and school administrators, taught courses at the undergraduate- and graduate-levels, conduct and disseminate research; and serve on master's and dissertation thesis committees,serve as student-research advisors. Specialist faculty within our college are by no means "support faculty".

SB-3269

Submitted on: 2/8/2022 3:11:52 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Aloha mai kākou,

My name is Amy Nishimura and I have worked at the University of Hawai‘i West O‘ahu for nearly fifteen years now. This testimony addresses “support faculty,” Extension Agents, and **conflicts of interest**.

I write in **ABSOLUTE OPPOSITION TO SB3269/SD1**. Clearly, misconceptions about the burden of labor that faculty carry, across all classifications, remain at the forefront of this bill. I respectfully underscore that unless one is or has been engaged in instructional assignment, unless you fully comprehend how our work is interconnected, then misguided intentions will negatively weigh on all of us.

When you state that, "The university also appoints other faculty who primarily engage in research or who provide specialized services **but who are not typically employed in a teaching capacity,**" you misrepresent job duties and responsibilities for thousands of people. We are an interconnected entity and your misguided definition assumes that unless one is classified as Instructional, their role is somehow of lesser value.

This is demeaning as my colleagues, Extension Agents and "support faculty," provide labor in ways that exceed traditional ideas about "teaching capacity." How much do you know about what they actually do on a daily, weekly, or yearly basis? Do you know how much direct face time they provide to students, colleagues, how much time they spend driving from one location to the next--during severe and/or extreme weather conditions? Do you have any idea how they give of their time willingly, not begrudgingly? Are you aware of how they mentor Instructional Faculty? ***They do not "teach" in a controlled environment, a place with four walls; their classrooms exist wherever they are called to duty and their responsibilities are often perilous in comparison to traditional instruction.***

Extension Agents, if you are not aware, are literally helping to feed the people of Hawai‘i and their expertise are needed now more than ever. At a time when we are increasingly vulnerable and the perils of climate change have arrived, ***why is the UH system a "statewide concern"?*** ***Why isn't clean water a central concern and the talking point for every single bill being discussed at this point in time. I raise this in relation to what Extension Agents do because WHEN we deal with water scarcity, whose expertise do you think we'll need?*** These are the people who will know how to conserve and use water in order to keep our state healthy and FED.

They are working on securing a stable agricultural environment for this state and yet time has been spent on a bill that threatens our very existence. Yet, you want to deny these people tenure, singling them out in an insulting manner.

I am also taken aback by the statement 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 potentially targeting faculty**. Please leave the process in the hands of those who have experience and knowledge about the five-year review process. 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*.

For these reasons and many more, I strongly encourage you to VOTE NO on SB3269/SD1.

Mahalo for your time, Amy Nishimura

SB-3269

Submitted on: 2/8/2022 3:30:34 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Taylor	Testifying for Kapi'olani CC	Oppose	No

Comments:

Senators:

The community college system in Hawaii has been engineered for a purpose of training for jobs and laying a foundation for learning for students who wish to go further in their pursuit of higher learning. At KCC we provide the support for new students, young students, returning students and older students to engage in higher learning to support the population in the State of Hawaii. This support is evident by the wonderful counselors and educators that display true respect for the students learning needs.

Not all students start at a university level. More students attend community colleges for many reasons. This type of student is more demanding to teach in time, but more gratifying for the faculty to see the growth and end product.

Tenure in the community college very rigorous to earn. The only difference is the research component. But the faculty at community colleges engage in research and fulfill more teaching hours than the University.

The Kapiolani Community College Nursing Program employs highly educated and experienced nursing faculty in clinical nursing. Our many nursing programs (Certified Nursing Assistant (CNA), Practical Nursing (LPN), Associated Degree in Science Nursing (RN), Surgical Assisting (Surgical Technician) and Assisted Residential Care Home (ARCH) require dedicated, experienced, licensed faculty to support the population of Hawaii. This bill does not acknowledge the dedication, knowledge, experience and love of teaching in our faculty. Taking tenure away would diminish the program's ability to hire the best fit, most experienced and high-educational level needed to produce this workforce. Lack of tenure could turn every program at community colleges as a place to start their educational career but not to invest in.

This bill does not support the work that the faculty do to help students to engage, learn and grow. I diminishes the college's ability to hire excellent educators who will invest in the community.

Patricia Taylor, MSN-ED RN Practical Nursing Program

Email and Testimony Template
And
Contact Information
SB 3269 Relating to Academic Tenure At The University of Hawai'i

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

My name is Patrick Patterson, 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 by creating a new set of temporary faculty classifications outside of the tenure process, and by reducing the morale of the faculty in all areas at all campuses by sending a message that our work is unappreciated and misunderstood, and worse, not worth understanding by the legislature or citizens of the state. Moreover, it would irreparably damage the ability of the University of Hawaii System to deliver a high-quality college education at any of its campuses.

By removing the possibility of tenure from non-teaching faculty, this bill will result in a further reduction of the University of Hawaii's ability to attract, hire, and maintain a skilled workforce in areas that are highly-specialized such as Librarians, Counsellors, and Program Managers, and agricultural and other extension agents whose services are necessary for the functioning of the University System and for the success of the citizens of the state in various enterprises. 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

Without agricultural extension agents (without tenure, these skilled employees will go elsewhere) the goal of agricultural self-sufficiency in Hawaii will be badly compromised. Without researchers, innovations such as the recently announced shelf-stable COVID-19 vaccine developed at the University of Hawaii will no longer be viable possibilities. Such an eventuality will deny the State of Hawaii economic opportunities to balance our over-reliance on Tourism. The economic impact will be unreasonably harsh on the people of the State of Hawaii.

The UH Board of Regents did not adopt Resolution 21-06 based on the findings of the PIG as stated in SB3269. Instead, the Board of Regents refused to act on the findings of the PIG. The PIG misunderstood what tenure is and how it functions within the University of Hawaii System.

The current bill would take those mistakes and compound them to create a misapplied law where, in fact, no law is necessary.

Tenure is not a guarantee of lifetime employment. Tenured faculty can be fired for cause. There is little understanding in the PIG report of the rigor in the peer-review process that is currently necessary to achieve tenure. There is also minimal acknowledgment of the importance of the right to academic freedom or the ability to educate thinkers. Tenure grants faculty the security to know that their jobs are not subject to political manipulation of the education system – a system that depends on freedom of speech and academic freedom. It is a necessary part of a faculty member's job to have protection from interference in the activities necessary for the normal daily conduct of employment responsibilities, whether or not those responsibilities involve classroom teaching. Other state workers cannot be fired for doing what is necessary and ethical in the pursuit of their assigned work. Why should faculty, in or out of the classroom, be held to a different standard than other employees? Since this is functionally the same protection afforded to any employee of the State of Hawaii, this bill is, in effect specifically targeting UH faculty by attempting to create a separate class of employees. In short, the provisions SB 3269 requires will in fact have exactly the opposite effect of those it claims.

The State's flagship University, bringing in more than \$2 billion per year in grants and proceeds from research, is critical to students, businesses, private researchers, technology and business developers, and so many more. Our democracy, our economy, and the future of education and workforce development in Hawaii rely on the autonomy of the University. This bill threatens the quality of UH employees and their freedom to do their jobs as they have been trained to do. Threatening the tenure system in this way only causes harm.

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](#).

Sincerely,

Patrick M. Patterson
Honolulu
96825

SB-3269

Submitted on: 2/8/2022 4:12:39 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

TO:senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov,

senihara@Capitol.hawaii.gov, senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov,
senkidani@capitol.hawaii.gov, senkeithagaran@capitol.hawaii.gov,
reptakayama@Capitol.hawaii.gov, repclark@Capitol.hawaii.gov,
repbelatti@Capitol.hawaii.gov, repganaden@Capitol.hawaii.gov, repgates@Capitol.hawaii.gov,
rephashimoto@Capitol.hawaii.gov, repkapela@Capitol.hawaii.gov,
repohno@Capitol.hawaii.gov, repquinlan@Capitol.hawaii.gov,
repwoodson@Capitol.hawaii.gov, repyamane@Capitol.hawaii.gov,
repokimoto@Capitol.hawaii.gov

Subject:SB3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

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 Christopher Pokipala, tenured faculty Counselor at Leeward Community College – Wai‘anae Moku, 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.

I oppose the elimination of tenure for support faculty and extension agents (p. 7). Among other things, faculty such as myself 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—those who are 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](#).

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is **William Castillo**, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

William K Castillo

MEASURE: SB 3269/SD 1 Proposed – relating to limiting faculty tenure
POSITION – oppose

Aloha Chair Mercado, Chair Kidani, and Committee Members,

I am a tenure-track community college instructor (“C” classification), up for tenure next year. I bring the required Master’s degree plus decades of relevant work experience in the community to my position. However, due to standard salary schedules, accepted a significant pay cut from my previous position, and a salary that the U.S. Dept of Housing and Urban Development classifies as [low income](#) for the Kahului/Wailuku area where I am located.

My position is in UH Maui College’s Human Services program, and I helped to create the Community Health Worker training that the Dept. of Health recently funded to assist our communities in weathering and rebounding from the Covid-19 pandemic. Our program also includes training for workers who will support our growing population of kūpuna in efforts to help them “age in place,” as well as workers who will assist our communities in addressing recent increases in child abuse, domestic violence, and substance use. I teach in service to our community and to support our (primarily returning adult) students who struggle every day to get ahead and build a better life for their children. I have been flexible in the transition to distance learning during the pandemic, as well as in teaching outside our program as appropriate and as needed. If granted tenure, I will continue to go above and beyond to meet student needs, and to adapt to meet campus and community needs.

I am willing to take on this responsibility and maintain this flexibility for the relatively low pay, given a reasonable expectation of the job security that comes with tenure. If this bill passes and tenure is discontinued for new instructors at the community colleges, it will make my work unsustainable. It is already difficult for our campus to recruit and retain instructors due to the imbalance between salary and cost of living. Removing the possibility of tenure will make it virtually impossible.

Mahalo for the opportunity to provide testimony in opposition of this measure.

SB-3269

Submitted on: 2/8/2022 4:33:06 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I am writing in opposition to [SB 3269](#), relating to the interference and reduction in academic tenure at the University of Hawai'i. Approval of [SB 3269](#) would cripple this university, the only public entity in the state, that has thus far allowed residents from every walk of life the opportunity to receive a solid college education and all the benefits therein.

As a community college faculty member, the focus of this objection will be on the UHCCs albeit I wholeheartedly support my colleagues at every UH campus. The proposal creates a "C" classification for community college faculty. The bill states these instructors will not need to conduct research, yet there is no mention as to whether they will be eligible for tenure. They carry a teaching load of nine courses per academic year and teach over 300 students in that time. Unlike at four-year institutions, community college faculty have no teaching assistants. Therefore, each instructor works with students individually, offering just-in time intervention, and grading every word on every assignment alone. As the UHCC are open door, in addition to content, an often equal focus is on developmental support 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.

Because of the diversity of the community college population, faculty do not create and execute curricula in isolation. Librarians, whose tenure is also in jeopardy, assist instructors with teaching information literacy, helping students discern facts from fake news and information. Continuing, librarians are also responsible for creating and archiving Open Educational Resources (OER) thus saving students hundreds of thousands of dollars every term. In fact, some students have told me prior to OER availability, they simply did without textbooks thus hindering their ability to do well in classes and persevere to degree.

Furthermore, I oppose the elimination of tenure for support faculty. Indeed the term "support" is a misnomer. While it may appear they serve an ancillary purpose, in fact these faculty are active institutional leaders. For example, the Early College program, the dual and college-credit awarding programs for high school students, is coordinated and run by tenured faculty. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socioeconomic and rural students, with a special

commitment to Native Hawaiians’ success, as our UH mission emphatically states. Moreover, counselors and mental health professionals, again faculty members, work with our most at-risk students--students challenged by 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. Highly qualified and dedicated individuals who currently fill these roles will no doubt quit if they were no longer afforded job protection.

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. 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.

UH faculty have acquired their jobs after much personal and professional sacrifice. Personally, I hold a PhD in English and have worked at and been offered positions at four-year institutions. My calling, however, at least up until this point, has been to work with community college students and faculty. Here I feel I can change the trajectory of someone’s life while working with like-minded, dedicated professionals. Having tenure has motivated me to go that extra mile knowing that the university and the state appreciated my dedication. Now, [SB 3269 SD1](#) has shaken this belief. In this time of political, economic, and global upheaval, it saddens me that after all faculty have given to support and protect our students and community, this is the thanks we receive from our government leaders.

Sincerely,

Michelle Igarashi, PhD

SB-3269

Submitted on: 2/8/2022 4:33:58 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I am writing in strong opposition to SB 3269, which I oppose for the following reasons:

- SB 3269 is a dangerous and ill-thought out effort to give the Legislature full control and authority over the University of Hawai‘i. It is thus a power grab by the Bill’s supporters to have the Legislature take over the powers currently held by the UH Board of Regents, who have – and should retain - exclusive jurisdiction over the internal structure, management, and operation of the UH.
- SB 3269 also removes the authority of the UH administration over policy making. It is the thin edge of the wedge of having the Legislature micro-manage the UH.
- SB 3269 violates the core principles of academia such as academic governance and shared-governance. The role of the Faculty Senates will become obsolete and the faculty’s ability to discuss concerns and recommend any changes with UH administration and the UH Board of Regents will cease to exist. As such, SB 3269 will rob faculty of their having meaningful input into their work, occupation, and the life of academy they serve.

I urge you to join me in opposing SB 3269, for it will undoubtedly contribute to a diminution of the capacity of UH faculty and administration to prepare students to be informed, engaged, and active participants in the societies in which they live.

Sincerely,

Nandita Sharma

SB-3269

Submitted on: 2/8/2022 4:35:50 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

TESTIMONY IN OPPOSITION TO SB 3269 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. 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 as 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-instructional 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 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

Submitted on: 2/8/2022 5:21:43 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Aloha,

I am writing in opposition to Bill SB3269, which is aiming to eliminate academic tenure to certain positions (extension agents and specialists) at the University of Hawaii.

I am an extension agent, of sustainable and organic agriculture. In my position, I work with wide-range of clientele throughout the state. I work with organic, conventional, sustainable, and seed companies, all of them are practicing in different ways and all of them seeking help in improving their practices to the good of all.

The academic tenure is my guarantee to provide help and suggestions, using scientific information and my personal experience, to help my clientele, without fear of being fired, for saying something, someone may not like, due to their way of conducting their business. I am here to help my clientele and will always try my best, but I am also, worried that if I am trying to help someone using certain practices, maybe used against me, from someone who's anti-that practice.

In a highly political era, tenure is my guarantee to work on helping my clientele, without the fear of being fired from my position, for working with everybody, regardless of their way of running their operation.

Since my appointment, in early 2019, I have brought over 2-million USD in extramural funds (including ~\$250,000 as primary investigator), published 7 peer-reviewed articles, 17 extension articles, given many public presentations, and conducted many workshops and field days in various topics of sustainable and organic agriculture.

Academic tenure, is a shield for me to continue my goal of helping the hard-working growers in Hawaii, without the fear of being fired, for saying something (I always use scientific and personal experience knowledge) that someone else may not be happy with.

Please oppose this bill and help me and others like me, to continue helping the local growers in Hawaii.

Mahalo

Amjad

Senate Committee on Higher Education
Thursday, February 10, 2022
3:00 pm
Conference Room 229 and Videoconference
On the following measure:
SB 3269
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII
WRITTEN TESTIMONY ONLY

Chair Kim, Vice Chair Kidani 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.

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. We provide direct and locally-based 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 my current Faculty classification and does not demonstrate awareness of the work we do within our communities as Extension Agents focused on marine and coastal stewardship. In fact, the definition of Extension Agent as written in the proposed legislation appears to paint our roles out of the University System.

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.

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is April Ching, 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.

As a community college instructor, I teach at an "open door" institution which makes college education possible for anyone in the state of Hawai'i. I am proud to serve in an institution that provides jobs for HI and career advancement for many as a result of the opportunities community college offers.

Many UH faculty such as myself have acquired their jobs after much personal and professional sacrifice. I have dedicated ten years toward an advanced degree and another ten years teaching as an adjunct before a tenure-track position became available. I have worked an additional five years as a tenure-track contract worker under consistent evaluation, hoping to earn tenure. My work with the students that will make up our HI workforce in the future is critical. Tenure-track positions are likewise critical to ensuring that HI has the instructional faculty qualified to educate the workforce HI needs. And tenure track positions are essential for ensuring that the educators of HI have the job security we help our students attain. The added stipulations of [SB 3269 SD1](#) suggest that legislative leaders question these motivations and sacrifices, which I find both offensive and demoralizing.

The bill redefines UH Community College (UHCC) faculty as "faculty who teach courses" (p. 8). However, tenured community college faculty are required to discharge the duties listed below, in addition to their primary duties of instruction, which include a teaching load of nine courses a year. Librarians, counselors, and additional faculty are likewise required to discharge the duties listed below, in addition to to their primary instructional/support duties:

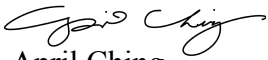
- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service

- Community outreach and service
- Curriculum development
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

The idea that the work of my career and that teaching, one of the joys of my life, should not be eligible for the job security and quality assurance of tenure is inconceivable.

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

Yours Sincerely,



April Ching

Higher Education Committee
The Hawaii State Senate
415 S. Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Catherine Bye. I am a faculty librarian at the University of Hawaii at Manoa. I am writing as an individual in **strong opposition** to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I am urging you to oppose the bill as well.

The policies, as outlined in this bill are redundant and are clearly an attempt to codify existing policies into statute and fails to demonstrate how codifying these proposed policies and changes into law is necessary. What problem is this bill trying to fix? The BOR, President of the UH-System and the Faculty Union already have the ability to reclassify employees and update policies when necessary. Creating these 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. Any measure to restructure and legislate faculty tenure for any faculty classifications will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

Language in the bill claims that "'academic tenure' is generally understood to mean the right of a faculty member to permanent or continuous service." Academic tenure is much more complex than this over-simplified and misleading statement. University faculty take their faculty status very seriously. The origin of tenure for faculty lies in academic freedom, not job security. 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.

Tenure and the academic freedom it provides 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. Further, 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.

Finally, 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?

SB 3269 SD1 is a bad idea and will only weaken and degrade the University.

For the reasons stated above and more, vote in **OPPOSITION** to SB 3269 SD1.

Yours Sincerely,

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

Catherine Bye

Senator Kim,

February 4, 2022

I'd like to thank you for efforts to change the University level tenure process. I was a previous lecturer at the University of Hawaii Maui College in the Allied Health Department. From the onset of my employment, I saw grave issues within our department, especially with those tenured: bullying staff and students, teaching outdated or totally erroneous medical information, and fraudulent documentation of time. Others within the department and beyond, including leadership and administration, were aware of these problems yet made no attempt to resolve them.

When taking these issues up the hierarchy, it was apparent tenure was more important than students' education. Chancellor Lui Hokoana repeatedly told me he did not want to hear my complaints and I needed to discuss any issues with Dean Nagle--didn't I know that she was a "C5?," referring to her status. When I explained that Dean Nagle was aware of these problems (by my complaints and students) and was not willing to intervene, he continued to refer to her expertise as a "C5" despite being a new dean.

Faculty within the Allied Health Department routinely talked about activities that would lead to tenure or assist in tenure promotion. Sadly, this seemed to be a bigger focus rather than a student-centered education. While teaching in the program, tenure seemed to get in the way of true education. This practice also kept tenured faculty in positions who would have been fired in other healthcare or non-tenured settings. According to the UHPA contract, "faculty members are responsible for maintaining high professional standards of scholarship and instruction in their field of special competence." Within the nursing profession, this equates to clinical competence and ongoing education as healthcare changes continually. Likewise, professional evaluation should be ongoing. Tenure does not support this premise.

I was unable to make positive change locally, within the Allied Health Department. I voiced my concerns above the chancellor's level to the Erika Lacro, VP of the UHCC System, UHMC Human Resources, the Whistleblower hotline, and ACEN (the accrediting body for nursing schools). Despite documentation of my concerns, there were no changes. The abuse of the tenure system allows a lack of student-centered instruction to continue in our state.

Nursing is a form of servanthood. As an instructor, I serve my students. Currently, there is a dire shortage of nursing faculty nationwide. In Hawaii, we should want our nursing faculty to be of the highest caliber to train those on the frontline. Our communities deserve exceptional healthcare, starting with this foundational level within the UH System.

Sincerely,

Amy Turner, MSN, RN, CHSE

To: The Senate Committee on Higher Education
Senator Donna Mercado Kim, Chair Senator Michelle N. Kidani, Vice Chair

Regarding SB 3269, SD 1, RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII
02/10/2022

Rachel Burrage, Honolulu Resident, Hawai'i Senate District 11, Hawai'i House District 23

I am writing to testify in opposition of SB 3269, SD 1. There are many reasons to oppose this bill, but I urge you to oppose it chiefly because the proposed legislation would severely affect the ability of the University of Hawai'i to recruit and retain professors to both conduct research and teach courses in the state, ultimately reducing the quality of higher education in Hawai'i. I am writing based on my experience as a recently hired tenure-track faculty member, in my capacity as a private citizen.

Hawai'i already has a hard time recruiting and retaining faculty.

If you speak to almost anyone in higher education in Hawai'i, recruitment and retention of faculty is an enormous challenge due to the lower comparative salaries and fewer resources than are offered at comparable institutions. According to the American Association of University Professors, the average salary for an assistant professor in the country at a state institution is \$82,136. According to the University of Hawai'i Professional Assembly, the average salary for a UH Mānoa professor is \$101,924. While UH Mānoa assistant professors earn 24% higher than the national average, the cost of living in Hawai'i is 96.3% than the national average. Additionally, UH faculty lack resources such as grant-writing infrastructure and startup packages, and many even have to buy the software packages needed to do their jobs out of their own pockets.

Many qualified candidates already do not wish to uproot their families to move to the islands, and many others face challenges to stay, such as the high cost of living, difficulty of their spouses to find employment, the inability to purchase a home, the distance from their loved ones, and challenges with making friendships, particularly in a profession with high turnover. Additionally, many academic programs will not hire their own doctoral graduates to avoid favoritism and homogeneity in academic thought, unless they first obtain employment at another university, which limits the ability of local candidates to apply for these positions. Academia also faces the same brain-drain that is facing the rest of the state, as many qualified local candidates can find better offers elsewhere.

SB 3269 SD 1 will turn tenure-track positions into a gamble that few job seekers would be willing to take.

A clear and transparent tenure process is important for any potential job-seekers, whether from a local pool of candidates or a pool of candidates from outside of Hawai'i. Tenure is, so to speak, the "prize" that makes the grueling years of doctoral education and the following five-year probationary period worth the effort. SB 3269 SD 1 introduces language that implies faculty tenure will not be based solely on faculty merit, such as §304A-b and c, which require the university administration to complete additional justification for a tenured position "before the

awarding of tenure.” If we already have difficulty in recruitment and retention of qualified candidates, this interference in the tenure process is sure to dissuade even more candidates from applying and/or accepting positions.

Additionally, faculty denied tenure under SB 3269 SD 1 may not be able to seek employment at other institutions. In the world of academia, if an Assistant Professor is not promoted to Associate Professor through the awarding of tenure, most institutions will take this as a sign that the Assistant Professor is not qualified to become an Associate Professor. In other words, if an Assistant Professor fails to achieve tenure at one university, they become essentially un-hireable in a tenure-track position at another university. As noted above, SB 3269 SD 1 introduces language that allows for the denial of tenure based on reasons other than faculty merit, such as changing priorities and needs of the university, or the availability of a faculty member in another department. This would essentially turn tenure-track positions at the University of Hawai‘i into a gamble that few, if any, potential job seekers would be willing to take.

For these reasons, I strongly oppose SB 3269 SD 1. The process of tenure at the university should be an internal one, not one that is mandated by state legislation, and certainly not one that will so clearly damage the possibility for our state institutions to recruit and retain high quality faculty. Thank you for your time and thoughtfulness in this matter and the opportunity to testify.

SB-3269

Submitted on: 2/8/2022 7:37:45 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Allan Nebrija	Individual	Oppose	No

Comments:

Aloha Senators,

My name is Allan Nebrij and I am a Disabilities Specialist at Leeward Community College, and also a resident of the Ewa Beach Community. I am writing to you to ask that you oppose SB 3269.

Thank you for giving me this opportunity to provide testimony on the importance of tenure for non-instructional faculty and for positions classified as academic and student support services.

I would like to start with my own academic journey as a student at Leeward Community College. I struggled academically as a student at Leeward CC, and I arrived at a juncture where I was ready to give up on my goals. My predicament changed when I was introduced to a counselor by the name of Ernie Libarios. Ernie instilled hope in me by encouraging me to continue my studies even though the situation appeared hopeless for me. He became a mentor to me as well as someone I could confide in when I would encounter problems in my personal life and challenges in my academics. Ernie connected me to academic support services, and financial aid resources that allowed me to continue my studies at Leeward CC. He introduced me to a Self Development course where I learned that there are others such as myself who are also experiencing challenges in different aspects of their life, and this class became my support group along with Ernie. Furthermore, the Self Development course helped me develop my public speaking skills, interpersonal communication skills, and overall prepared me to become a better college student. Through the course of my many interactions with Ernie I gained confidence in myself, my grades improved, and eventually I was able to earn enough credits to transfer to the University of Hawaii at UH West Oahu. I graduated with a degree in Psychology, and went on to Chaminade University to complete my Master's Degree in Counseling Psychology. Ernie was not a teacher in a traditional sense, but he taught me a lot about myself, and he pointed me towards a career path that allowed me to impact individuals the same way he impacted me. I truly believe that my journey would not have been possible if Ernie Libarios, a counselor in Student Services had not been in a tenured position.

I am currently a Disabilities Specialist, a tenured track position under Academic Support Services. I provide federally mandated services to students with disabilities. In addition to my primary duty I work closely with instructional faculty in teaching them how to create course material that is accessible to students with disabilities. Although I am not classified as an instructor or teaching faculty, the support that I provide to instructional faculty significantly

impacts student success. The classroom accommodations that I provide allows students to access their course content, which keeps Leeward CC in compliance with federal laws, but more importantly it provides students the opportunity to access their course by removing any barriers caused by their disability. I provide training for faculty and staff on the ADA and 504 laws that govern students with disabilities. I provide outreach to the Department of Education that helps prepare students who are transitioning from high school to college. The ADA and 504 laws are highly complex and interpreting them in the purview of providing classroom accommodations takes a specialized skill, and attracting individuals to fill such positions would be very challenging if the position was not classified as a tenure track position.

In addition to educating faculty and staff. I work daily with students and educate them on how the ADA and 504 laws are applied to support them in their academic journey. I teach students how to self advocate for themselves when seeking out support from their instructors whenever they need help or when they don't understand the course content. I inform them of the availability of support services such as tutoring, mentoring, and counseling. Myself, along with other faculty members in Academic Services impact the lives of students daily with the various support services that we provide. I impact student success by seeking out technology that can assist them in accessing their education such as screen readers and audio notetakers. When available I apply for grants to help fund the purchase of assistive technology that provide support for students with disabilities. I participate in campus leadership groups that impact policies related to curriculum development and assist in increasing enrollment of our target populations. I keep up with best practices in my field through professional development both on campus and by attending national conferences.

I am extremely grateful to be employed with the University of Hawaii system where I can use my position to positively impact the lives of the students that we serve. I humbly ask for your support to not move forward with any decisions that would take away tenure for those who are in non-instructional positions. Thank you for taking the time to read my testimony and thank you for your time and consideration regarding this matter.

Respectfully,

Allan Nebrija

SB-3269

Submitted on: 2/8/2022 7:51:27 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Dear Senators of the Higher Education Committee

I am writing to oppose SB3269. I urge you to do so the same.

This bill will weaken the University of Hawai`i in its role to educate and train the workforce and the intellectual power house of the State of Hawaii. I am quite sure that you understand the roles of the different classifications of the faculty, tenure, and so forth so I will not belabor on what we do.

First, the bill indicates that since the State is funding the University it has a right to address issues such as tenure of being a "state wide concern." This is not accurate as the entire system of University of Hawai`i (community college sand 4-year campuses, totaling 10) is funded by the legislature at 50 percent or less of its operating costs.

Second, the BOR did **not** adopt the Permitted Interaction Group's recommendations- so quoting from their recommendations to validate your bill is disingenuous.

Third, tenure for faculty is deemed to be permanent employment as you state. What about other sectors of employment such as those covered under Civil Service, HGEA, HSTA, SHOPO, and other State Government Employees? Why are you targeting BU 0-7 UHPA members? Why is it so offensive to you and why is it a "concern for the State?" Are you not concerned that HGEA members are permanent after three years? What about HSTA members? UHPA BU 07 members get to be tenured after 5+ years and the evaluation criteria is rigorous - not just based on years of services. Above all not everyone gets tenured.

Fourth, Periodic Review: Every five years faculty are reviewed by their peers who are the same rank as the faculty being reviewed and understand the needs of the profession and discipline and the relevance. As it is currently, the reviewer recommends to the Management what the deficits are or not, for the faculty member under review. Management then decides to enforce these recommendations. Thus, how does non-faculty members enhance the review process during the periodic review? Why do you think that this insertion will produce? How do you know that such an insertion will be unbiased and non-conflicting?

Fifth, Faculty Classifications: This is the prerogative of the Board of Regents within the State Constitution. Why is the legislature micromanaging? This is also the internal workings of the University. How is the classification a "statewide concern?" What are you trying to fix?

Sixth, Support Faculty and Extension Faculty: Why is it that they should not be tenured? Do you really believe that Faculty in these categories do not educate the citizens of the State? For example, Extension faculty are involved in the agricultural innovations of this state, support faculty are heavily involved in ensuring that our students are successful - are these activities not instruction? Additionally, they are involved in research, scholarship and community service. What do you gain out of disenfranchising this group? What do you gain out of this?

Additionally, you indicated that there will be some kind of "permanent status" for this group. What exactly do you mean by this? They will be permanent and then join bargaining Unions for e.g., HGEA? Or some other Union that we will make up at a later date? After all Chapter 89 states that we need to have Unions to negotiate terms of employment and salaries. What is being accomplished by this?

For the above stated reasons, I do not support SB3269.

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 flawed information and definitions. Tenure does not mean 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 is tied to 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. Each 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 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 and who you believe are easily replaceable as **SB3269/SD1** lays the groundwork for.

SB3269/SD1 will irreparably damage the University of Hawai'i 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 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
- impose additional workloads on Community College faculty members who already teach the highest workload in the system by requiring them to take on research duties in addition to their other numerous duties of academic oversight, student interaction, and service to campus, system, and community

- 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 public higher education 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 this state.

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.

SB-3269

Submitted on: 2/8/2022 8:05:16 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Sinnett	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 Scott Sinnett 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. Furthermore, the proposed changes will make it extremely difficult to recruit future faculty (in addition to many current faculty fleeing), which will in turn result in a significant reduction in extramural funds (i.e., success in securing funding will be reduced), and adversely affect the classroom experience for our students, leading to increases in time to degree (TTD), reductions in graduate success rates, and ultimately hurt the workforce and future generations in our state. This bill has the potential to destroy our state's most prized and only state run institution of higher education.

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, this bill will 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. Many of us work throughout the summer and are putting in evening and 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 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.

Among its many harmful proposals, it is unclear in the bill, as currently written, what protections faculty at the UH Community Colleges (UHCCs) would have with respect to tenure. While our 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, the faculty 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

Removing tenure protection for faculty across the UH system is simply a terrible idea and one that will result in fewer faculty, challenges in faculty recruitment, less funding flowing into our state, and significant reductions in the academic experience for our students. This can only lead to negative outcomes for the skills and knowledge of our future workforce and society.

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

Yours Sincerely,

Scott Sinnett

TESTIMONY AGAINST PROHIBITING LIBRARIANS FROM ELIGIBILITY FOR TENURE
AS PROPOSED IN SB3269

Submitted to the Senate Committee on Higher Education

February 8, 2022

To:

Sen. Donna Mercado Kim: senkim@capitol.hawaii.gov

Sen. Michelle N. Kidani: senkidani@capitol.hawaii.gov

Sen. Kurt Fevella: senfevella@capitol.hawaii.gov

Sen. Gilbert S. C. Keith-Agaran: senkeithagaran@capitol.hawaii.gov

Sen. Glenn Wakai: senwakai@capitol.hawaii.gov

Cc:

Sen. Ronald D. Kouchi: senkouchi@capitol.hawaii.gov

Chair Mercado Kim, Vice Chair Kidani, Members of the Senate Committee on Higher Education:

My name is Catherine Pascual Lo. I was on the faculty of Kaua'i Community College, where I served as a librarian on tenure track and retired as head librarian.

As I understand, SB3269 proposes to prohibit librarians in the University of Hawai'i System from eligibility for tenure. I am writing in opposition to the proposal.

First, it defies understanding that this well-established practice of granting tenure to academic librarians would be abolished. Like teaching faculty, academic librarians are required to have master degrees. They are not confined to classroom teaching; their classrooms are without borders, so to speak, as they work with students, faculty, and the community, in addition to working in their libraries selecting, ordering, cataloging, and processing materials to support the curricula of their institutions; adding data to their automated systems to enable students, faculty and staff, and the community to access their collections; and assist library users with reference and other questions.

Second, academic librarians have undergraduate degrees in a variety of disciplines, including education, and often, they have masters in other disciplines, in addition to masters in library and information science. Institutions of higher education benefit immensely from the contributions of academic librarians. Denying tenure to librarians in the University of Hawai'i System will keep highly qualified librarians from applying for positions, and those who are with the system may decide to leave because of lack of job security.

Chair Mercado Kim, Vice Chair Kidani, Members of the Senate Committee on Higher Education, thank you for the opportunity to voice my opinion on this important tenure issue. Please allow the University of Hawai'i System to continue granting tenure to librarians.

Respectfully submitted,

Catherine Pascual Lo

Tel. (808) 742-7238

Email: lo.catherine1021@gmail.com

SB-3269

Submitted on: 2/8/2022 8:16:48 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jon Goldberg-Hiller	Individual	Oppose	No

Comments:

8 February 2022

RE: SB 3269

Dear Senators,

I am writing in opposition to SB 3269 which appears to subvert the University of Hawai'i's constitutional autonomy in order to diminish job security for professional employees. My concerns about this bill are many, but I will restrict my comments to one observation. This bill has no evident rationale. Perhaps my puzzlement would be worth your pause. Is it designed to fix a problem? Has the University administration identified an issue with these employees requiring your intercession? Has the public spoken of a need that would be advanced by your intervention in these labor matters? Has the Senate leadership or the Governor identified a set of goals confronting this state that are advanced by this bill?

I am a strong supporter of the Democratic party in this state because of its long history of progressive, policy-oriented, rational, law-respecting, rights-enhancing, and labor-oriented legislation. This bill meets none of these hallmarks. It has no evident basis in good government. It does seem to reach around the Constitution to teach some hard-working employees a lesson. Is that what is needed now?

Jon Goldberg-Hiller

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education 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 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, 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 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,

A handwritten signature in black ink, appearing to read 'Erika Molyneux', written in a cursive style.

Erika Molyneux

SB-3269

Submitted on: 2/8/2022 8:29:25 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lexer Chou	Individual	Oppose	No

Comments:

Higher Education Committee

Hawaii State Senate

415 S. Beretania Street

Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Alexandra "Lexer" Chou, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give

them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

Alexandra Lexer Chou

Professor

Leeward CC

SB-3269

Submitted on: 2/8/2022 8:31:19 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marina Karides	Individual	Oppose	No

Comments:

My name is Marina Karides, and I write to you as PI of a National Science Foundation (NSF) (#1725604) that is focused on improving diversity and the conditions of employment for women faculty, particularly those in STEM. I am writing in strong opposition to SB 3269.

We have conducted an institutional assessment of the UHCCs (and UH Hilo, UH West Oahu) on the conditions of employment including survey data analyzed (750 participants) with SPSS and qualitative data (75 interview participants) analyzed with Nvivo. Our final report will be available in April and I am happy to share the results with you.

In sum, my concern is two-fold. First is assuring tenure for faculty and specialists (support) at the UHCCs. The work accomplished at the CCs is now well documented. Comparatively UHCC faculty earn significantly less than states (California, New York) with similar costs of living and between \$10000-\$20000 higher salaries than UHCC faculty. Furthermore, these states and others have very well developed and supportive union contracts, including child leave, that are not available in Hawai'i. A significant finding is the challenges of (all) island faculty to build careers in STEM, which should inspire you to create further protections around tenure, rather than remove them.

May I suggest rather than further diminishing the status of UHCC faculty, support them by increasing their salaries and making childcare available, both are much needed. Ten percent of UHCC faculty have faced homelessness for at least a year. The specialist/support faculty at UHCC campuses carry an unusual load, and their work, which is service, also should be tenure driven permitting instructional faculty to instruct. Finally, research for UHCC faculty should remain an option, and those who choose to do it should receive credit towards promotion and tenure, though research should not be an obligation. For many UHCC faculty, especially those in STEM, the pursuits of grant and research are tied to their deep commitment to their students. Indeed, the orientation of UHCC faculty to their student body is one that should be heralded by the state legislature.

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Aaron Kalei Ruiz, 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.

My opposition relates in part to items in the bill that seem redundant based on existing guidelines, including:

- The bill notes that it seeks to “add a new section in chapter 304A, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii to create, administer, and amend the categorization plan to comply with board of regents policies” (p. 3).
 - 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.
- 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).
 - These practices are already requirements of faculty to retain tenure; the acquisition and maintenance of tenure must be earned. Five-year, post-tenure reviews exist to establish this accountability.

The redundancy of these items leads me to wonder: Upon what understanding of these existing guidelines has the intent of this bill been based? More importantly, what *is* the central intent of the bill? It appears that this legislation may at least in part be an attempt to make state legislators the de facto employer of UH faculty. Such a proposal jeopardizes the accreditation of the 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.

Finally, I wanted to speak to a point in the bill that impacts employees like me. The bill redefines UH Community College (UHCC) faculty as “faculty who teach courses” (p. 8). This is a recommendation to take tenure away from select classes of faculty who do not teach, including counselors (such as myself) and other student support personnel. I find the recommendation to limit tenure to only instructional positions to be myopic and misguided in that it does not acknowledge the real need for support for students beyond the classroom, nor does it recognize the fact that ‘teaching’ does occur outside of the classroom.

As counselors, my colleagues and I meet with students all throughout the school year, and in those sessions, we are *teaching* them how to manage their classes, balance school with life, and problem-solve. We are *teaching* them to adopt habits that will help them develop self-efficacy and resilience so that they

might be successful in the classroom and, eventually, in the community and the workforce. Many of our counselors also teach student development classes, which do provide a classroom and instructional setting for us to deliver such coaching to groups of students. Furthermore, my colleagues and I, via committee work, also engage in building and improving infrastructure and workflows to enhance the student experience in an effort to bolster student success and matriculation. All of this work comprises an important component of student success. The recommendation to take tenure from faculty like us feels like a devaluing of the important work we do and the contributions we make to our campuses and the community.

I am a recently tenured faculty, and I am deeply appreciative of the fact that my efforts to support our students, our campus, and our community could be recognized in a way that lends credence to the work I do. It would be a shame to pass this bill and send a broad message that the extensive, important work I and other support personnel do - and have done - is not valuable by excluding us from the benefit of tenure.

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

Me ke aloha,



Aaron Kalei Ruiz

SB-3269

Submitted on: 2/8/2022 9:01:57 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cynthia Franklin	Individual	Oppose	No

Comments:

My name is Cynthia Franklin, and I am writing to express my 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. Not only is this illegal, but it will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation at risk.

Approval of [SB 3269](#) will irreparably damage UH as an institution of higher learning that serves the public. It would gut UHM as the only R1 university within 1000s of miles.

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 precisely the opposite. We already struggle with catastrophic budget cuts and hiring freezes that have impacted the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these dispiriting challenges, tenured and tenure-track faculty have risen and continue to rise to the occasion. Even during a pandemic, most of us have taken on additional workloads in order to ensure our students receive an excellent education. Rather than support us, you are trying to gut the University system and the opportunities it creates for our students and communities. 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. 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. I say this as a faculty member who often teaches subjects that are subject, with the rise of the New Right, to censure and censorship. TFree 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. Poorly paid contingent faculty members do not have capacity to do this work.

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 first-rate 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.

In addition, I oppose the elimination of tenure for Librarians; I oppose the elimination of tenure for support faculty and extension agents; I oppose mandating already-overworked faculty in the UH Community Colleges (UHCCs) to perform research in addition to their instructional and/or other work with students, faculty, and staff.

[SB 3269](#) is a terrible idea. Please oppose this bill and defend public education as a public good, and UH as an institution of higher learning.

Yours Sincerely,

Cynthia Franklin

SB-3269

Submitted on: 2/8/2022 9:05:34 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Matthew Belluomini	Testifying for University of Hawaii	Oppose	No

Comments:

I oppose this bill.

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Danny Wyatt, and I am a resident of District 35 and the Campus Coordinator at the Waianae Moku Extension campus of 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.

First, many of the policies written in this bill are unnecessary, 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 of Hawaii 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. For the campus for which I am Coordinator, we lost one of those positions which was designated to serve the Native Hawaiian community where this campus is located.

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.

Accreditation is the cornerstone of the University's and Community Colleges' standing in relation to the federal government. While none would lose accreditation due to the possible perceptions of the accreditor's finding of undue influence, a loss of accreditation standing would be an embarrassing finding against the institutions.

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, there is no mention as to whether they will be eligible for tenure. Community college faculty carry a minimum 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 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.

[SB 3269 SD1](#) fails to address those workers that don't fit neatly into the categories listed, such as librarians and counselors who 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,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a long horizontal flourish that ends in a small hook.

Danny Wyatt

SB-3269

Submitted on: 2/8/2022 9:28:48 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Sakaue	Individual	Oppose	No

Comments:

Aloha,

My name is Dr. Shannon Sakaue, and I am a University of Hawai‘i Community College faculty member. I am writing to you to share my opposition to [SB 3269](#), which is focused on academic tenure at the University of Hawai‘i. I also urge you to oppose this bill.

In thinking about college experiences that happen across the United States, students likely benefited from tenured faculty contributing to their overall college experience. Their professors, librarians, and specialist faculty who supported and encouraged them to learn both in and out of the classroom, secured resources to utilize at the institution, and were able to fully support their learning as a college student.

The college students of Hawai‘i continue to deserve an education that provides depth and breadth. The college institutions need a team of confident instructors, counselors, librarians, instructional designers, and more. This confidence is related to tenure. Tenure at the public universities and colleges in Hawai‘i ensures that the faculty positions continue to attract the best and most qualified candidates to provide a full and robust educational experience to the current and future students of the UH system. Being a remote location in the middle of the Pacific Ocean, it is critical that our universities and colleges provide a strong and supportive environment woven together by the best and most qualified faculty.

I noticed in the revised draft of SB 3269, UH Community College (UHCC) faculty are identified correctly as a “C” classification, however there is no mention of our tenure being upheld. The students at the UHCCs are traditionally more at risk of not completing their education, having additional struggles and challenges, and ultimately need more support to succeed. Tenured faculty can ensure that these students have allies within the institution who are confident and willing to advocate for them.

Tenured faculty have the confidence that they can advocate for their students, challenge things that are not in the best interest of a student, and confidently put themselves in positions where they may not if they were not tenured. Tenure does not guarantee a person their job, it protects, and it is reviewed on a regular basis to ensure the tenured faculty member is still performing their primary duties at a sufficient level. Tenured faculty can be removed from their positions if

they are underperforming, hence tenured faculty are continuously working to improve. The college students of Hawai'i need advocacy within the institution, please oppose SB 3269 to ensure that the advocacy and allies for our students is never taken from them.

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

Sincerely,

Shannon Sakaue, EdD

University of Hawai'i Community College Faculty Member

SB-3269

Submitted on: 2/8/2022 9:37:40 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Aloha to our legislative representatives. I strongly oppose SB3269 for many reasons, but for the purpose of my testimony today I will focus on a single reason, which I find the most egregious. Academia has a long history of serving as a critique of political happenings. The philosophical and data-driven assessments of politics by academia serves to function, in many cases, as a critical discourse to help provide a checks-and-balances system that helps in preventing misrepresentation of the public, the exercise of excessive power, and poorly designed legislation by governmental bodies. While there are many flaws in SB3269, my greatest concern is that this process, which seeks to allow legislative control over the function of the University, the tenure system, and, therefore, academic freedom, is a means to eliminate potential opposition to political motives in the state. Whether this move is intentional or not, it represents a real threat to public discourse and input into our political processes by providing legislative control over one of the main bodies that provides critique of the legislature. I see this as a blatant power grab that seeks to further disenfranchise our state. Especially in this day and age, when our local politicians and governmental agents have repeatedly been accused and, more recently, arrested for charges of corruption, an independent University, free from legislative meddling, is essential for an effective and successful democracy.

SB-3269

Submitted on: 2/8/2022 9:52:23 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Frederick Reppun	Individual	Oppose	No

Comments:

To: Introducers

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, ,
senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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

My name is Frederick Reppun 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.

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 have 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. As a specialist faculty member, 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.

However, my work consists of more than these areas of instruction, scholarship, and service—it is a blend that could not be performed by an “F” faculty member, nor split among faculty and non-faculty positions. 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.

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 I become ineligible for tenure, it would remove the incentive to go above and beyond my job description.

The specialist classification is a critical designation that allows us to fulfill the diverse duties in our job description, while remaining competitive for tenure. Specialists are currently reviewed under a unique set of criteria that allows us to perform a wide-ranging 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 for anything.

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. 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 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](#).

Sincerely,

Frederick Reppun

SB-3269

Submitted on: 2/8/2022 10:18:24 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Allison Yap	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 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

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 Christine Hanakawa and as a parent of a middle and high school student, I know that we need to prepare youth to reach their full potential to become caring productive members of society. I feel that education, whether it is formal or non-formal learning, continues from K-12 schools to post-secondary institutions and during the workforce.

I am writing in strong opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill and any measure that may eliminate or restructure faculty classification or tenure, particularly Extension Specialists and Extension Agents in the College of Tropical Agriculture and Human Resources (CTAHR) for the following reasons:

- The bill **WRONGLY** indicates that the wording is taken from a proposal that the Board of Regents accepted. That is false. **The Board of Regents did NOT vote to approve or accept any proposal to change faculty structure or the tenure system.**
- UH is the Land-Grant Institution in the state so in addition to instruction and research, EXTENSION is a federally mandated mission. This mission is fulfilled by CTAHR's Extension Specialist and Extension Agent faculty.
- CTAHR Extension Specialist and Agent faculty **secured over 275 external grants** as Principal Investigators or Co-PIs totaling **over \$33,000,000 since 2017.**
- 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.
- CTAHR Extension Specialists and Agent faculty job descriptions meet all the requirements described in the bill's description of "Tenured and Tenure Track Faculty." These requirements include: direct instruction, research, and service. Current CTAHR Extension Specialist (S) and Agent (A) faculty responsibilities include:
 - Direct instruction responsibilities that have been included in S and A job descriptions 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.
- Faculty and administrators who review each faculty with no tenure every year is time consuming and not economical, taking away from the real focus of their work—with the research, direct instruction, and outreach with K-12 grade and college students, families, and community.
- Food is critical to your constituency's ability to function and this bill will harm Hawaii's ability to produce food in a way that is economically viable.
- 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 making Hawaii less reliant on imported food.
- 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.

- Without tenure, there will be a lack of quality Extension Agents and Specialists focusing on community outreach and representing the frontline of the college to key stakeholders who are the youth and families in our local communities.
 - Human Development and Family Studies (HNFS) Interns regularly receive direct instruction in the youth development field
 - Negative impact on all youth development programs, including 4-H
 - 4-H Youth Development Programs provide direct instruction to the future UH System
 - Youth will be your future constituents

SB 3269 will harm the agriculture industry, Hawaii's agriculture economy, Hawaii's food security, and all constituents who want or do eat locally produced food.

Sincerely,

Christine Hanakawa

SB-3269

Submitted on: 2/9/2022 12:30:17 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gaye Chan	Individual	Oppose	No

Comments:

The Legislature, as a governing body, has no business with UH policymaking. This is the responsibility and jurisdiction of the UH administration and UH Board of Regents. This bill sets a dangerous precedent that allows the Legislature to usurp the authority of the Board of Regents AND the UH administration. The Legislature does not have requisite knowledge, expertise, and understanding of a higher education system nor appreciate the nuances of an academic environment. Taking away core principles of academia such as academic governance and shared-governance will strip away the voice of faculty in their work, their occupation, and the academy they serve.

SB-3269

Submitted on: 2/9/2022 4:43:23 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Raiza Dalofin	Individual	Oppose	No

Comments:

Specifically opposing Section 3 that prohibits librarians from tenure. Librarians are essential in keeping collections up to date and providing knowledge to students that would be otherwise difficult to find on the internet, outside of the university. Librarians also meet the requirements for a tenure track position listed under section 2.

SB-3269

Submitted on: 2/9/2022 6:03:05 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Monica LaBriola	Individual	Oppose	No

Comments:

I strongly oppose SB 3269, which proposes to restructure tenure categories and therefore eliminate tenure for various UH faculty categories across the UH system, including researchers, extension agents, and faculty at community colleges. The bill is not only illegal, but will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger. Rather than perpetually trying to salvage the University, which brings tremendous economic benefits to the State of Hawai'i and our communities, the legislature should focus on finding ways to strengthen the University. Faculty tenure is central to the University's strength and must not only be retained, but should be recognized and bolstered--particularly after two years of UH faculty working tirelessly to keep the University functioning and serving our students throughout the pandemic. What's more, campuses in the UH System are among the most diverse in the nation in terms of our student body and faculty members. In particular, the numbers of Native Hawaiian students and faculty are the highest they have been, and must continue to grow. The proposed bill to weaken the University by destroying faculty tenure will reverse this necessary and important trend and will harm all faculty and students. Most importantly, it will harm Native Hawaiian faculty members and students who have had to fight decades--centuries--of oppression to finally have a strong and growing presence and voice on all our campuses. We must oppose any efforts that would reverse this trend and weaken opportunities for all Hawai'i students--Native Hawaiian students in particular--to gain access to quality higher education at home. As if Hawai'i's exorbitant cost of living and low wages aren't already enough of a disincentive for students and faculty to stay in Hawai'i, let us not create yet another hurdle for students, faculty, researchers, and others to remain in Hawai'i and at UH. Because, let's face it, tenure is one of the few tools UH and the State of Hawai'i have to attract and retain quality educators and researchers to serve our students and Hawai'i more generally. Let us not destroy one of the only tools we have left to create and sustain quality higher education for our state.

Again, I strongly oppose SB 3269. Strengthen UH, don't destroy it!

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is **Abigail Langlas**, and I am a resident of Kalihi and an Instructor at **Leeward Community College** in the Culinary department. 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.

As a tenure track Instructor who is in year four of this vetting process, I can give a first hand account of how strenuous the process is. We have to write contract renewals every two years, which take quite in depth and document the classes we teach, student evaluations, our teaching philosophy, all our duties as faculty members, our professional development activities, and any college or community service we have done, as well as future goals.

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. In my department, we are short one Instructor due to hiring freezes, which means the rest of us have to shoulder the duties said faculty member would have been assigned to. We do so much more than simply teach. We recruit students, create promotional materials, sit on high school boards, hold Advisory board meetings, fundraise, hold job fairs, and a myriad of other activities.

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. In my department alone we all carry overload. 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 is particularly important for departments like mine, as this is the pipeline for students entering our program. 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.

Additionally, this is really a slap in the face to all we have had to do in the last two years due to Covid. We have all had to pivot and change our mode of instruction not once, but several times, as well as accommodate sick students, keeping ourselves as well as them on track when they fall behind. This wasn’t done for a paycheck, but for our students' success. We are already on the brink of burn out, and this just seems uncalled for. Counselors call each and every student up before the beginning of the semester to make sure they register or to find out why they have not. Support staff continually find grants for equipment and funding that we otherwise would not have due to budget cuts. Other Instructors offer continual professional development opportunities that have helped us all pivot to hybrid and online classes. I was blown away by the amount of support and hard work everyone on my campus has put in these last two years.

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

Yours Sincerely,

Abigail Langlas

SB-3269

Submitted on: 2/9/2022 6:16:25 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ivan Nitta	Individual	Oppose	No

Comments:

Higher Education Committee

Hawaii State Senate

415 S. Beretania Street

Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Ivan Nitta, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give

them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

Ivan Nitta

SB-3269

Submitted on: 2/9/2022 6:39:12 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Byron Gangnes	Individual	Oppose	No

Comments:

To: Introducers

senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov, senihara@Capitol.hawaii.gov, , senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov

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

My name is Byron Gangnes and I am an Emeritus Faculty member of the University of Hawaii at Manoa. I am writing in **opposition** to SB 3269, SD 1, relating to academic tenure at the University of Hawai'i. **I also urge you to oppose the bill.**

SB 3269 would **impose considerable harm on the University of Hawai'i**, at a time when the System is already struggling with budget austerity, hiring freezes, and the loss of needed but temporarily open faculty positions. These developments have severely hampered the UH System's ability to deliver the high-quality education that is essential to the people of Hawai'i.

While budget cuts and other austerity measures have imposed short-term harm, **inappropriate changes to the tenure system threaten long-term damage** to the quality and productivity of the UH system and the state's citizens. While amendment SD 1 addresses some of my earlier concerns about specific elements of the proposed tenure system, there remain problems such as the removal of tenure for support faculty and extension agents,

But the **far bigger problem is the insertion of the State Legislature into the definition of and conditions for tenure**. The system of tenure and promotion in the UH System is appropriately the purview of the Intuition itself through a well-established process of shared governance between the UH Administration, the UH faculty union, and Faculty Senates, as laid out in part in section R-20 of the Unit 7 collective bargaining agreement. This system, which is consistent with the operation of other leading institutions, assume correctly that organs of the Institution itself are best positioned to ensure a system that will best serve the mission of the University and maximize its benefits to students and the state overall.

SB 3269 more generally **sets a dangerous precedent of Legislative encroachment on UH operations** that violates the principle of independent University decision-making. It is Legislative overreach that imperils the future autonomy and effectiveness of UH.

Tenure plays a critical role in higher education. It provides the security faculty members and allied professionals need to engage in work of highest value without regard to fear or favor. It permits these professionals to undertake activities with the highest likelihood of providing value to our base of knowledge and the growth and prosperity of Hawaii.

I note that the awarding of tenure is by no means automatic, but **relies on carefully developed and rigorously implemented professional standards and review**. As an Emeritus Faculty Member with more than thirty years under my academic belt, I have sat on many Department and University tenure and promotion review committees and can testify to the seriousness with which faculty take the process, even when it means losing a liked colleague who just doesn't measure up. In other words, the tenure system is not something that we take lightly or as a favored gift, but as an important cornerstone of our whole enterprise. Finally, I note that failure to maintain a satisfactory system of tenure imperils our ability to recruit and retain excellent UH Faculty and allied professionals in what is always a very competitive market for the world's finest scholars.

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

Sincerely,

Byron Gangnes

Professor Emeritus of the University of Hawaii at Manoa

SB-3269

Submitted on: 2/9/2022 7:55:30 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Florentino Abara	Testifying for University of Hawaii	Oppose	No

Comments:

My name is Florentino Abara, Professor/Counselor at Kapi'olani Community College, and I am writing in **opposition** to **SB 3269**, relating to academic tenure at the University of Hawai'i.

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, I am in **opposition** to **SB 3269**.

SB-3269

Submitted on: 2/9/2022 7:55:48 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

My name is David Flynn and I write today in **opposition to SB 3269**, Relating to Academic Tenure at the University of Hawaii.

Article X, Section 6 of the Constitution of the State of Hawaii establishes that the University of Hawaii's duly appointed board of regents shall have exclusive jurisdiction over the internal structure, management and operation of the university. SB 3269 disregards the board's exclusive jurisdiction by claiming that tenure eligibility for certain faculty positions is a matter of statewide concern. Of course, these positions account for an extremely small percentage of our state's government workforce and the talented professionals who are qualified and suitable for such faculty positions are overwhelmingly very effective contributors to the university's operations, and thus to the State of Hawaii. There is a record of success. The real concern is the potentially devastating impacts from unnecessary legislative interference with the board's governance of the university and the very real threat that these actions will quickly weaken the state's preparedness.

Please support the incredible work of the University of Hawaii and **vote against SB 3269**.

Thank you for your time and consideration.

Sincerely,

David Flynn

SB-3269

Submitted on: 2/9/2022 8:03:05 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marielle Hampton	Individual	Oppose	No

Comments:

I strongly **oppose** SB3269 relating to academic tenure at the University of Hawaii.

This bill is **anti-agriculture**. It will damage the quality and capacity of UH extension specialists and agents that directly serve our local farmers, ranchers, and families. Extension is a critical support for Hawaii’s agricultural industries and workers, including coffee growers, cattle ranchers, papaya and mac nut farmers, landscape, ornamental, and aquaculture producers, and fresh produce growers.

In addition, without the incentive inherent in tenure-track and tenured positions, Hawaii would be impacted in the following ways:

1. **Decrease in grant funding entering the state:** In the past five years alone, Extension Agents and Specialists have been awarded over 275 external grants totaling **more than \$33 million**. These funds create jobs, bring money into the local economy, and provide valuable programs and services for constituents.
2. **Decrease in research** which is critical to solving the agricultural problems facing our state’s producers.
3. Decrease in educational programming for agricultural producers and their families to support their businesses and quality of life.

For these reasons, I **oppose** SB3269 and any effort to eliminate tenure for Extension Specialist and Agent faculty as it will significantly decrease funding for Hawaii and cause a decline in agricultural research and education.

We don’t need politicians who vote against agriculture and food security in our state.

Respectfully submitted,

Marielle Hampton

This testimony is in strong opposition to SB 3269, relating to academic tenure at the University of Hawai'i. My name is Betsy Fisher and I'm a Professor at UHM. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications. Such measures would devastate the quality of higher education in Hawai'i, destabilize the University system, and, very importantly, endanger University accreditation.

Approval of SB 3269 would damage the intellectual output and reputation of our University system, severely diminish the education of our students, make it nearly impossible to attract or retain top faculty, and hamper research grants that are part of the economic engine of the State. Our graduate programs would decline immeasurably.

Despite increasing challenges of get cuts, hiring freezes, and swept faculty positions (not to mention the Covid crisis), the tenured and tenure-track faculty work diligently to ensure that our students receive an excellent education 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.

Universities also need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. Aside from teaching, faculty serve on committees, hold academic administrative positions, spend hours counseling students, and guide our students to degree completion and beyond. A reduction of eligible faculty to do this important work will result in a University of Hawai'i system in decline.

Dismantling UH's existing tenure system would be ruinous to the University's workforce. Disrupting the 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 will affect the ability to secure extramural research funding and maintain and grow student enrollment.

SB 3269, appears to interject the Legislature into the constitutionally established role of the UH Board of Regents by taking away their exclusive jurisdiction over the internal structure, management, and operation of the UH thereby granting themselves as the governing body over the Board of Regents. Enactment of this bill would diminish the recognition and importance of academic governance, shared governance, and academic consultation of UH faculty. The bill will ultimately undermine the existing UH shared governance structure that ensures that faculty rights are protected and, more importantly, that faculty voices are recognized.

For the reasons stated above, I urge you not to vote for SB 3269.

Yours Sincerely,

Betsy Fisher

SB-3269

Submitted on: 2/9/2022 8:29:22 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kawena Lauriano	Individual	Oppose	No

Comments:

Aloha mai kākou,

My name is Kawena Lauriano and I am writing in strong opposition to SB3269/SD1.

Throughout the pandemic, all University faculty, especially Faculty Specialists, have found innovative and creative ways to teach and engage with students. Faculty Specialists on my home campus at UH West O‘ahu have supported student success by quickly creating virtual learning and advising environments, courses, front desks, testing options, and more. Faculty Specialists **do** engage and teach students, not always in a traditional classroom, but their work is integral to the success of the University.

Further, many support faculty and Extension Agents positions are held by Native Hawaiians who work on the frontlines, directly assisting and supporting Native Hawaiian students and communities. Essentially, these faculty are the “faces” of the University which are seen in public. Eliminating tenure for the positions will be detrimental in recruiting and retaining qualified candidates, who know and understand how to work with Hawaiian and underserved communities, unfairly harming Native Hawaiian students, faculty, staff, and community members. Tenure provides security and protection for many Native Hawaiian faculty who are often put in unsafe situations while we try to uphold our kuleana to the University and our lāhui.

Again, I ask that you oppose SB3269. Mahalo.

Me ke aloha ‘āina,
Kawena

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha, Senator Kidani, Senator Kim and to the Higher Education Committee members,

My name is Isaiah Smith and I am a resident of Honolulu and am a lecturer in the UH system. 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.

I feel that firstly, 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.

This bill also 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 needed. By creating these unnecessary statutes, a lot of the UH-System governance checks and balances would be bypassed in the process, such as proposing amended policies, and inviting feedback from campus governance groups before adopting changes. Also there is little evidence of statewide concern on the matter, as no data demonstrating mass employee or student failings or complaints, evidence of systemic mismanagement or financial exigencies have been produced. The current stated drop in the number of tenured faculty is most likely connected to the the position sweeps and hiring freezes that were made due to the COVID-19 pandemic. For instance in Fall 2021, Leeward Community College had 24 positions swept and 32 frozen; and has most likely increased since the that time.

Passing this bill as is, 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, 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 Leeward Community College.

I also 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,

Isaiah Smith

SB-3269

Submitted on: 2/9/2022 8:37:11 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Russell Galanti	Individual	Oppose	No

Comments:

This bill addresses extension agents and clearly shows that the writers of the bill have not understood the role of extension agents. Extension arguably fulfills the instructional role that is expected of tenure faculty. These include 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. These are required programs for a trained work force. This doesn't cover the research and education through seminars, workshops, and field days that result in the direct education of our community members in topics that are directly applicable and make immediate changes to the well being of those stakeholders and the community as a whole.

If you take away tenure status of extension agents there needs to be a change in job descriptions and duties as well. Extension agents duties should be adjusted to meet the criteria. No more research, no more education, only consultation through farm visits. It would be unfair to remove the benefits and protections of tenure then expect extension agents to continue to do the same amount of research and instruction. Look at extension across the country and you will see the reason UH extension faculty are faculty is because they service the community and university in a higher capacity than anywhere else in the country.

You will be throwing some of the hardest working individuals under the bus with this bill. All extension agents work hard for the communities they serve. Many new faculty that are affected by this will leave. Given the pay scale (barely livable), expectations of the positions, and lack of tenure, very few qualified candidates will apply. This will result in a reduced support for the agricultural community, 4H programs, and family services. The expectation is for Hawaii to have food and agriculture sovereignty in the near future. This bill directly limits the ability of the University to support that. You should definitely not support this bill.

SB-3269

Submitted on: 2/9/2022 8:48:02 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Debbie Weeks	Individual	Oppose	No

Comments:

SB3269 gets it wrong.

Tenure was developed to ensure that political interests do not hijack the educational system. With the increase in authoritarian governments and authoritarianism even within our own country, this is a dangerous move on a very slippery slope. Education is our best defense against conspiracy theories and mis-information, which is driving a lot of dangerous political attitudes and divisiveness. The legislature already has control of the educational purse-strings, having professors and instructors being at-will employees beholdng to a political entity is one way to end a free society. Please don't do it.

This all begs the question: How can the legislature have any right to remove tenure protections when it represents a reason these protections are needed? You might say you represent the will of the people, but events in the last few years make it obvious that many people have been manipulated away from the democratic path and there are many so called representatives, especially federally, who have not acted in the best interest of those they represent. Please leave education out of this mess by removing this Bill and any other such acts from consideration.

Thank you for your consideration of these concerns.

Debbie Weeks, Ph.D.

SB-3269

Submitted on: 2/9/2022 8:48:40 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Malia Van Heukelem	Individual	Oppose	No

Comments:

My name is **Malia Van Heukelem**, and I am writing as an individual voter, taxpayer, and citizen in **opposition to [SB 3269](#)**, relating to academic tenure at the University of Hawai‘i. I urge you to oppose the 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. 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 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](#).

Sincerely,

Malia Van Heukelem

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

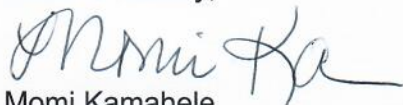
My name is Momi Kamahele, and I am writing in opposition to SB 3269 SD1 relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

I believe it 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.

Moreover, 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.

For these reasons, please vote against SB 3269 SD1.

Yours Sincerely,



Momi Kamahele

Professor Hawaiian Studies, UH Leeward CC

SB-3269

Submitted on: 2/9/2022 8:52:51 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

My name is Lisa J. Miller, I am a tenured faculty member teaching computer science at Kapiolani Community College. 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.

Among its many harmful proposals, the bill as revised would potentially eliminate tenure for faculty in the UH Community Colleges (UHCCs).

(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".

But "C" is not included in the list of tenured and tenure track faculty

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

I personally could be paid much, much more with my graduate degree in computer science working in the tech industry. Other than my love for teaching and desire to serve the community, the only reason that I sought out a CC job was because of tenure and the stability that brings. Community college faculty are required to take on heavier teaching loads than their counterparts at UHM, while being paid less. Removing the possibility of tenure from community college positions would effectively kill the community colleges as we know them. No one would want those jobs.

I can only wonder if the purpose of this bill and others seeking to separate the CCs from the University of Hawaii are in reality an attempt to do just that, kill our Hawaii community colleges; perhaps to further former President Trump's reactionary ideas on eliminating

community colleges all together and retreating back to just a bunch of "trade schools" for non-degree seeking students.

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

Yours Sincerely,

Lisa J. Miller

From: Cindy Texeira <cintex808@gmail.com>

Sent: Wednesday, February 2, 2022 12:28 PM

To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto

Subject: Testimony to SB 3269

Categories: Drafted in the Drafts folder

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 Cindy Texeira 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 time necessary 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.

Sincerely,

Cindy Texeira

kim1 - Angelina

From: Shimi Rii <shimi@hawaii.edu>
Sent: Friday, February 4, 2022 3:35 PM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai
Subject: SB 3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Categories: Printed for DMK

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Senators Kim, Fevella, Ihara, Riviere, and Waikai,

My name is Shimi Rii Claborn, and I am writing in **opposition to SB 3269**, relating to academic tenure at the University of Hawai'i. I hope that my testimony here will provide some light to real-life situations of academic faculty at UH, and I urge you to oppose the bill.

I am a 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 a kama'āina who has worked her entire life to impact local students and community.**

SB 3269 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.” 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 to support them 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 pathway, 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**. I serve the University by contributing on several institution committees such as faculty hiring 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 that supports a Native Hawaiian postdoc, 2 undergraduates, and 1 graduate student. 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.

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**, 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. **Ultimately, I am a local girl, who wants a stable, meaningful job in Hawai'i, my home. I have invested in my home and I deserve my State to invest in me.**

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.

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

Sincerely,

Yoshimi M. Rii Claborn

Shimi Rii, PhD
Research Coordinator, He'eia National Estuarine Research Reserve
Hawai'i Institute of Marine Biology
P.O. Box 1346 (for regular mail)
46-007 Lilipuna Rd. (for packages)
Kāne'ohe, HI 96744
shimi@hawaii.edu | shimirii.wordpress.com | heeianerr.org

Note: It is sometimes convenient for me to send email on evenings and weekends. Please do not feel obligated to respond to this email outside of your normal working hours. Mahalo nui.

kim1 - Angelina

From: Cindy Texeira <cintex808@gmail.com>
Sent: Wednesday, February 2, 2022 12:28 PM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: Testimony to SB 3269
Categories: Completed, Drafted in the Drafts folder

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 Cindy Texeira 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 time

necessary 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](#).

Sincerely,

Cindy Texeira

kim1 - Angelina

From: Travis Idol <twidol@alumni.wfu.edu>
Sent: Saturday, February 5, 2022 6:22 PM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: opposition to SB3269

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Aloha Hawaii legislators,

I am a fully tenured professor at the University of Hawaii at Manoa, but my testimony here represents my own thoughts and opinions as a faculty member. It is not intended to represent an official position of any unit or department of the university.

I oppose SB3269 and urge you to do so, as well. This bill is an unnecessary and intrusive attempt to legislate matters internal to the University of Hawaii system. The reasoning and justification behind it reflect an inaccurate and incomplete understanding of the purpose, value, and need for tenure at the university.

There are many things wrong with this bill, and I'm sure sharper and more knowledgeable minds than mine will provide ample and duplicate reasons and evidence for these errors and shortcomings in their own emails and testimony if this bill is given a hearing. Let me focus on just one of the key problems, and that is the restriction of tenure to faculty who provide instruction. For our purposes, we can avoid the actual job title or classification of a faculty member and instead define "instructor" as someone who is designated as the lead or co-instructor for a course in a Schedule of Classes at a UH campus (see <https://www.hawaii.edu/myuhinfo/class-availability/> for links to these schedules for the 10 UH campuses). Many faculty provide guest lectures or presentations to students, but they are not the listed instructor for the course. Some of these faculty, like researchers (R faculty) extension specialists (S faculty) or agents (A faculty), have no official instructional time and thus do not teach semester-long or summer courses. Some of these faculty at UH-Manoa, at least, can serve as the academic and research advisor to graduate students and will be listed as the "instructor" for a thesis or dissertation "course" when the student is finishing their research. This gives both the faculty member and the student academic credit for this important work.

As you can see from these simple but commonplace examples, there is no straight-forward answer to a simple question as to who is or is not an instructor and who does or does not teach classes or provide instruction. Just to add one more wrinkle: I am a faculty member in the College of Tropical Agriculture and Human Resources (CTAHR), the land-grant college in the UH system. We have many faculty who have "split" appointments, meaning their time is officially allocated to different functions, including any combination of instruction, research, or extension. Their classification is based on the majority appointment, e.g. I am an instructor with 0.65 of my full-time equivalence (FTE) dedicated to instruction and 0.35 to research. One of our faculty members has FTE split among all three duties, and their extension time is dedicated to the Sea Grant College, meaning they also have a joint appointment between CTAHR and Sea Grant.

The granting of tenure is a way to ensure a long-term mutual commitment of the university and the faculty member to support their work and academic freedom as it advances the mission and purpose of the university. It is NOT, as the bill claims, a guarantee of permanent employment: faculty already undergo periodic review, at least every 5 years, to ensure they continue to be productive members of the university and are contributing to the broad but strategic mission and purpose of the university.

Because the UH system, like most public university systems, is about advancing knowledge, discovery, and practice, as well as teaching and training students, it is appropriate, prudent, and fair for the university to grant tenure to faculty not classified as instructors and even those who never teach classes. And it is presumptive of the legislature to legislate faculty classifications, even if they are ostensibly based on a Board of Regents committee report. This is not the proper role of the legislature, and the classifications in this bill seem meant primarily to support the desire to restrict tenure to instructional faculty. Once again, I urge you to vote against this bill if it is brought to a committee vote, making a clear and public statement of your position on this issue.

Thank you,

Travis Idol, PhD

kim1 - Angelina

From: Kathleen Kane <kathiekane60@gmail.com>
Sent: Sunday, February 6, 2022 5:40 PM
To: Kathleen Kane
Cc: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: SB 3269 re: Academic Tenure At The University of Hawai'i IN OPPOSITION

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Aloha kākou,

I am writing in **opposition to SB 3269 relating to academic tenure at the University of Hawai'i and to urge you to oppose this bill.**

My name is Kathleen O. Kane and I am submitting this written testimony in opposition to SB 3269. It proposes eliminating tenure for faculty who are not providing direct instruction, and I am **urging members of the House and Senate Higher Education Committees to oppose this bill.**

I am a full-rank tenured Faculty Specialist working in the field of faculty development in a position deserving of tenure. I have held this faculty position at the Center for Teaching Excellence (CTE) in the UH system since July 1995. In addition, I was appointed Director of the Faculty Mentoring Program (FMP) and of the Office of Faculty Development for Academic Support (OFDAS) which is the unit of both CTE and FMP. The duties and responsibilities of my position require that our programs and our unit support the mission of the university with regard to teaching and learning, and that through direct support of faculty teaching, have an **immediate impact on student learning.** I work with faculty of every category, college/school, and department on campus to support them in their professional development as researchers, teachers, and in their service beyond the campus to our island communities across the state. I provide events and services that enable professional growth and competence in all areas that are required for tenure and promotion. In order for me to accomplish this as a faculty in a tiny team of three, I must call upon my relationships across campus with faculty in all disciplines and of all categories to bring them on board to contribute their service to their colleagues across campus through our programs and services. To do this, **faculty of every category—including Specialists, Researchers and Extension Agents--bring their expansive knowledge of their disciplines, their competencies as faculty in the classroom and on our campus providing support for the benefit of our students, and in the communities where they serve the people of Hawai'i.**

Prior to this faculty position, I worked as an APT and as a Senior Teaching Assistant at CTE. I earned all my degrees at UH Mānoa: B.A. 1983, M.A. 1988, Ph.D. 1994. I have taught 107 courses in my areas of research disciplines, above and beyond my Faculty Specialist duties and responsibilities. I mention these details to illuminate that while Faculty Specialists' positions are not consistent across the campus with regard to duties and responsibilities, each of us develop a proportionate correspondence between teaching, research and service within our diverse settings that keeps **the service to students at the heart of all that we do.** I am referring here to faculty who, as Christian Fern of UHPA wrote: "understand the granting of tenure places a far greater burden and responsibility on them to maintain high standards of research and instruction, both inside and outside of the classroom, and know they are setting an example for junior faculty who are striving to obtain tenure."

I would like to extend that sentiment towards **the deep commitment I witness in faculty across all categories including that of my own as a Specialist.** Large numbers of us have an abiding sense of duty not only to the faculty who are junior to us, not only to faculty who come here from other places and have an enormous learning curve, but to the University of Hawai'i at Mānoa and all that it has meant to us. To all that it has meant to our lives and to the reasons we determined to remain here to foster our own professional academic trajectories in **positions that are not defined exclusively by classroom teaching but absolutely above all, to the students each AY who are just beginning their undergraduate and graduate studies, many of whom we see as reflections of ourselves as we once were: full of anxieties and dreams, confidences and uncertainties, talents and undiscovered potentials.** Many of us maintain duties inside the classroom as instructors so that we have the immediate experience of that beautiful process, to look it in the face and see it from the other end of the trajectory. It is to that extraordinary student experience that our labor outside the classroom serves, what the university cultivated and advanced in ourselves, and how this all circulates between the communities from which we come and in which we live on these islands.

I am most concerned that in SB 3269:

- Non-instructional faculty are being disregarded as subject matter experts in their professions. These professions require advanced degrees to serve the needs of students with disabilities, student development, student identity, student exploration of careers and majors, first-year students, returning adult students, mental health, instructional design, library science, and more. **Advanced degrees 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 student needs in these areas.**
- The bill applies to the entire UH System. The community colleges' missions are not the same as the University of Hawai'i at Mānoa and they are not R-1 institutions like UHM. Community colleges and support staff 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. Community College faculty will be required to shift their focus to research, with an immediate and direct depletion of essential services to students provided by non-instructional faculty. **Community college faculty carry heavier teaching loads than their counterparts at UHM as well as already**

existing responsibilities to: increase college access to underserved populations; increase access and college-skills for those returning to school; and, provide developmental support for underprepared students and community outreach and service.

- Much of the bill describes the very processes that faculty, departments, colleges, and administrators perform and have been performing historically, generating a skewed impression these processes are the design and demands of the proposers of this bill. **Periodic review processes are firmly in place and conducted at every level of promotion and tenure, at every level from departmental to administration through faculty-driven developmental processes supported by the Hawaii Labor Relations Board.**
- Tenured faculty have a contract with the University, and the bill does not address legal matters that would certainly arise, nor a plan for the legal costs associated with this bill's proposed changes.

In closing, I urge you to **OPPOSE Bill SB3269.**

Mahalo for your consideration,
Kathleen O. Kane, PhD
UH Mānoa

SB-3269

Submitted on: 2/9/2022 8:54:28 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alena Shalaby	Individual	Oppose	No

Comments:

My name is Alena Shalaby. I am a Graduate Assistant at the University of Hawai‘i. I oppose bill SB3269 relating to academic tenure at the University of Hawai‘i.

This bill threatens faculty tenure and undermines academic freedom. Faculty tenure protects our ability to do research and makes us select the University of Hawaii as a place we can do boundary-pushing, ground-breaking, and field-changing research. Moreover, denying academic freedom to one group, such as the librarians, diminishes academic freedom for all.

Do not threaten our ability to complete research; oppose bill SB3269.

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 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,

A handwritten signature in black ink, appearing to read "Amy Med", followed by a period. The signature is written in a cursive, flowing style.

kim1 - Angelina

From: S. Shankar <sshankarwriter@gmail.com>
Sent: Monday, February 7, 2022 8:00 AM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: Testimony to Oppose SB3269

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 **S. Shankar**, 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 oppose the bill and urge you too to oppose any measure to eliminate or restructure faculty tenure for any faculty classifications. I believe these moves are illegal, will destroy valuable and proven aspects of the higher education 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. UH already struggles 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. The tenure and promotion system we currently, well tested by times, makes for the highest quality research and instruction, 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.

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. 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.

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 specialist 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. 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.

Finally, tenure is essential for UH to attract and keep top-notch teachers and researchers nationally and internationally. UH will lose out to other R1 universities across the country if the changes you contemplate are passed.

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

Yours Sincerely,

S. Shankar

-Shankar

S. Shankar
sshankar.net

SB-3269

Submitted on: 2/9/2022 9:15:12 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

I am writing to oppose SB 3269. The issues addressed in this bill, including faculty classification and continuing review of faculty, are issues that the University Board of Regents should be addressing, not the state legislature. There are existing processes and avenues for addressing these issues, so there is not a need for the legislature to address them.

There *are* many important issues for the State of Hawaii that the legislature should be addressing with taxpayers' dollars; attempting to create new statutes that take over a set of roles that already exist (and work acceptably) is not one of them. This is overreach on the part of the legislature. Interference in University affairs by the state is also a risk the university's accreditation by WASC (Criteria for Review 1.5 says: "The institution does not experience interference in substantive decision or education functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.")

This bill is an instance of overreach on the part of the legislature, and is potentially harmful to the University (as a risk to accreditation).

Jessica Gasiorek

kim1 - Angelina

From: Yao Hill <yaohill@gmail.com>
Sent: Monday, February 7, 2022 1:13 PM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: oppose SB 3269
Categories: Printed for DMK

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Aloha Proposers of SB 3269,

My name is **Yao Hill** and I am submitting this written testimony in opposition to SB 3269. The bill proposes eliminating tenure for several classifications of faculty including librarian and specialist faculty.

I am in the specialist classification. As a non-instructional faculty member, I am an institutional assessment specialist and I coordinate program and institutional level learning outcomes assessment. I have been employed in the UH system for approximately 12 years. I believe that my profession is deserving of tenure. I was tenured and I just submitted my promotion application.

Being a tenure-track faculty and the process of pursuing tenure and promotion gave me immense motivation to grow as a professional, putting the interest of the students and the university at the center of my work, and continuously challenging myself to serve as the leader on campus and in my profession.

I continuously innovate new programs and constantly reflect and adjust existing programs to demonstrate my ability to exercise independent judgement and growth as a professional—the criteria for tenure and promotion.

In the past four years, I provided 160 consultations with 100% satisfaction rating, facilitated and co-facilitated 42 workshops, ensured 99.5% of assessment report submission rate, led 9 campus initiatives, and coordinated 6 campus events. I presented 39 conference presentations and published 8 articles and reports in collaboration with 21 national and international experts. I participated or led 4 national projects and coordinated 6 national events. I strive to establish my national and international expertise, in part, because of the tenure and promotion expectations.

The tenure process is not just a job security, it is a statement that the university wants us, the content experts in our field, to belong, to innovate, and to lead, no matter what our positions are, for the university to excel, to establish our statue as the world-class educational institution, an institution that invest and rely on her dedicated tenured faculty members who contribute to the reputation and prestige of the university in our own positions.

Tenure attracts and retains the best talents to serve our university. It promotes innovation, leadership, and ownership. Keep tenure!

Sincerely,

Yao Zhang Hill
Associate Specialist
University of Hawaii at Manoa

*2550 Campus Road, CRAW 231
Honolulu, HI 96814*

kim1 - Angelina

From: Allyson T. <amtanouye@gmail.com>
Sent: Tuesday, February 8, 2022 9:36 AM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: Written Testimony - SB 3269

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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 Allyson Tanouye, 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:

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

Allyson Tanouye

kim1 - Angelina

From: Amy Nishimura <hybolics@gmail.com>
Sent: Tuesday, February 8, 2022 3:16 PM
To: Sen. Donna Mercado Kim; Sen. Kurt Fevella; Sen. Les Ihara, Jr.; Sen. Gil Riviere; Sen. Glenn Wakai; Sen. Michelle Kidani; Sen. Gilbert Keith-Agaran; Rep. Gregg Takayama; Rep. Linda Clark; Rep. Della Belatti; Rep. Sonny Ganaden; Rep. Cedric Gates; Rep. Troy Hashimoto; Rep. Jeanne Kapela; Rep. Takashi Ohno; Rep. Sean Quinlan; Rep. Justin Woodson; Rep. Ryan Yamane; Rep. Val Okimoto
Subject: OPPOSITION TO SB3269/SD1

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha mai kākou,

My name is Amy Nishimura and I have worked at the University of Hawai'i West O'ahu for nearly fifteen years. This testimony addresses "support faculty," Extension Agents, and **conflicts of interest**.

I write in ABSOLUTE OPPOSITION TO SB3269/SD1. Clearly, misconceptions about the burden of labor that faculty carry, across all classifications, remain at the forefront of this bill. I respectfully underscore that unless one is or has been engaged in instructional assignment, unless you fully comprehend how our work is interconnected, then misguided intentions will negatively weigh on all of us.

When you state that, "The university also appoints other faculty who primarily engage in research or who provide specialized services **but who are not typically employed in a teaching capacity,**" you misrepresent job duties and responsibilities for thousands of people. We are an interconnected entity and your misguided definition assumes that unless one is classified as Instructional, their role is somehow of lesser value.

This is demeaning as my colleagues, Extension Agents and "support faculty," provide labor in ways that exceed traditional ideas about "teaching capacity." How much do you know about what they actually do on a daily, weekly, or yearly basis? Do you know how much direct face time they provide to students, colleagues, how much time they spend driving from one location to the next--during severe and/or extreme weather conditions? Do you have any idea how they give of their time willingly, not begrudgingly? Are you aware of how they mentor Instructional Faculty? ***They do not "teach" in a controlled environment, a place with four walls; their classrooms exist wherever they are called to duty and their responsibilities are often perilous in comparison to traditional instruction.***

Extension Agents, if you are not aware, are literally helping to feed the people of Hawai'i and their expertise are needed now more than ever. At a time when we are increasingly vulnerable and the perils of climate change have arrived, ***why is the UH system a "statewide concern"? Why isn't clean water a central concern and the talking point for every single bill being discussed at this point in time. I raise this in relation to what Extension Agents do because WHEN we deal with water scarcity, whose expertise do you think we'll need?*** These are the people who will know how to conserve and use water in order to keep our state healthy and FED. They are working on securing a stable agricultural environment for this state and yet time has been spent on a bill that threatens our very existence. Yet, you want to deny these people tenure, singling them out in an insulting manner.

I am also taken aback by the statement 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 potentially targeting faculty**. Please leave the process in the hands of those who have experience and knowledge about the five-year review process. 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*.

For these reasons and many more, I strongly encourage you to VOTE NO on SB3269/SD1.

Mahalo for your time,
Amy Nishimura

SB-3269

Submitted on: 2/9/2022 9:19:43 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alphie Garcia	Individual	Oppose	No

Comments:

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Alphie Garcia, 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 believe the genesis of this bill was in error. To rely on the permitted interaction group as justification to attack tenure, a hallmark of academic freedom, is unwarranted and unjustified. The permitted interaction group was supposed to explore tenure at the University of Hawai'i, yet did not consult with any support faculty who would be most affected by their decisions. The language of their conclusion showed very little understanding of what support faculty do, and this was carried further in earlier versions of SB 3269. I am a librarian at the University of Hawai'i - West O'ahu and I hardly recognized myself and the work that I do, or in any of my incredibly hard working colleagues, in the language of the bill. In part, I think that's understandable. Support faculty do an incredible amount of great and varied work for the University which is why these hamfisted attempts to redefine and reclassify faculty positions via a law are so frustrating, and why these efforts are already better left up to collective bargaining in which the State of Hawai'i already has a role. 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.

I don't understand the purpose of [SB 3269 SD1](#) wanting to “add a new section in chapter 304A, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii to create, administer, and amend the categorization plan to comply with board of regents policies” (p. 3). These are already addressed in the collective bargaining agreement between UHPA and the State. These reviews already happen. Again, why codify into law something that the State already has a hand in negotiating? 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.

One of the biggest frustrations is this attempt to weaken tenure and disrupt the collective bargaining at the University of Hawai'i. To not extend tenure benefits to UHCC faculty because they don't do research discounts the work that they do and the value they provide to their institutions. The tenure process is a rigorous vetting tool, involving multiple contract renewals with reviews to even get to the final step of receiving tenure, which in itself has multiple stages of review. It is not something given lightly. It is not "permanent" or "continual" employment allowing faculty to collect a paycheck without performing their duties. 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?

I feel fortunate to be a librarian at the University of Hawai'i - West O'ahu. While it can be a difficult and challenging job, I believe in my University's mission to foster excellence in teaching, learning, and service to the community. I believe I do my part to uphold that mission. But these constant attacks on the very nature of my job as a faculty member are exhausting and unhelpful.

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

Sincerely,

Alphie Garcia

kim1 - Angelina

From: taniguchi1 - Eseta
Sent: Wednesday, February 9, 2022 9:56 AM
To: kim1 - Angelina
Subject: FW: ATTN: Seta - Opposing SB3269

Aloha Angelina,

Siobhan had called Senator Taniguchi office saying that she had a difficult time in putting her testimony for SB 3269 on the Legislative Website. She has attempted many times so she had emailed her testimony. I have already informed Lisa that I would be willing to email you her testimony.

If you have any questions, please feel free to email or call me at 66460.

Mahalo,
Seta

From: nidhonacha@hawaii.rr.com <nidhonacha@hawaii.rr.com>
Sent: Wednesday, February 9, 2022 9:52 AM
To: taniguchi1 - Eseta <taniguchi1@capitol.hawaii.gov>
Subject: ATTN: Seta - Opposing SB3269

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Opposing SB3269
Siobhán Ní Dhonacha
Individual Testimony
2.9.2022
9:52 AM

Aloha e Senator Taniguchi,

I hope this email finds you well. My name is Siobhán Ní Dhonacha, and I submitting testimony as an individual. Mahalo nui for all of your great work on behalf of your constituents.

I wholeheartedly ask that you vote against SB 3269, relating to academic tenure at the University of Hawai‘i. SB3269 is not solving problems that have been identified with data or evidence, unfortunately. SB3269 has great potential to undermine the entire UH system, negatively affecting generations of students, disrupting innovation, disrupting research that advances all of our Hawai‘i ‘ohana, and curtailing home grown talent and entrepreneurship, to name some areas. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications.

As Christian Fern noted, “Granting tenure to a University of Hawai‘i faculty member is at least a five-year process that involves a great deal of rigor and peer review. By contrast, civil service positions in the State enjoy security after a six-month probationary period. Other UH positions (Unit 8 APT employees) have “employment security” after three years in a permanent position.”

I write with a heavy and disappointed heart as an individual, but my job is as a UH Faculty member who has worked tirelessly and with dedication during my work history, and especially since the SARS-CoV-2 pandemic began. This workload includes teaching, advising, research, recruitment, program planning, writing significant numbers of letters of recommendation, helping to plan post-graduate pathways, reviewing scholarship applications, working with the community, serving as a UHM Senator, serving as a member and Chair for a committee and Board, to name only some areas. Helping students succeed is key, and underpins all that I do. As a first-generation student myself, I truly know how care in the sacred spaces of education can transform a life. Education did that for me. I offer my very best heart, intellect, and self to that goal.

Approval of [SB 3269](#) has real potential to devastate the intellectual output and reputation of our beloved University system, and negatively affect the education of our students, including opportunities to study with scholars in chosen areas of study, receive grants for research, and the dream of pursuing post-graduate education at other Research Level 1 institutions. In Hawai'i, we are so very fortunate to have the grounding of Hawaiian cultural wisdom and to be students of that epistemology. Personally, I feel it is our kuleana, our duty to respect that, and to work with one another in a caring "giving and receiving" model.

We are all public servants. Please support our University & UH Faculty, get to know us - let us learn from one another so we can all offer our sincere kuleana together to mālama the vital UH System, and give that back to our students and each other. 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 likely, sadly, accomplish just the opposite result.

Mahalo nui for your kind time and attention,
Siobhán Ní Dhonacha

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 9, 2022

Chair Kim, Vice Chair Kidani, 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 SD 1, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Approval of SB 3269 SD 1 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? If the latter, would librarians at community colleges be eligible for tenure? 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 librarians, 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 SD 1.

Thank you for the opportunity to provide testimony.

Junie Hayashi
Public Services Librarian, Professor CC
Leeward Community College

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 librarians and 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

SB-3269

Submitted on: 2/9/2022 9:31:02 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Higher Education Committee

Hawaii State Senate

415 S. Beretania Street

Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education 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 instruction, 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 and who teach sensitive topics from arbitrary dismissal. This is crucial in the academic sphere as it enables faculty to innovate and to engage in critical research and teaching without fear of retribution. 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 after graduate school 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

SB-3269

Submitted on: 2/9/2022 9:34:31 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Yvonne Barkley	Individual	Oppose	No

Comments:

My name is Yvonne Barkley and I recently obtained my PhD at the University of Hawai'i at Manoa (UHM). I strongly oppose [SB 3269](#), relating to academic tenure at UHM. As currently written, the bill applies to the entire University of Hawai'i 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 the University's accreditation in danger.

Approval of [SB 3269](#) will devastate the intellectual output and reputation of our University system, and severely diminish the education of the students, including opportunities for them to study with the foremost scholars in their chosen areas of study, receive grants for research, and pursue educational goals at other Research Level 1 institutions. The legislative measures under consideration in this session will compromise the educational system at the University of Hawai'i.

I worked with tenure and tenure-track faculty at UHM and witnessed firsthand how they already struggle with austere budget cuts, hiring freezes, and a myriad of other challenges. Rather than provide support, this legislation will severely further hamper their ability to properly perform their duties and continue elevating the research and educational outputs of this R-1 institution.

The origin of tenure for faculty lies in academic freedom, freedom to express varied thought and research from multiple perspectives. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. This is why governance of the University system is delegated to the Board of Regents and not controlled by a single person, corporations, religious groups, special interest groups, or the government. The path to academic freedom 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 University work incredibly hard to develop ties with the local community and engage in long-term mentorship with students and beginning scholars. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. SB3269 restricts which faculty are eligible to do this important work under tenure, therefore resulting in a worse University system.

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. Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Eliminating the eligibility of certain faculty to be tenure-track puts the University's accreditation status in jeopardy.

The ill-advised dismantling of UHM's existing tenure system would be ruinous to their workforce. Disrupting the faculty's governance structure will hinder UHM's ability to attract highly-ranked faculty and researchers. Additionally, it will drive away those currently part of the University community. Ultimately, this will negatively impact the quality and reputation of UHM as an R-1 research institution, and affect the ability to secure extramural research funding as well as grow and maintain student enrollment.

Among its many harmful proposals, SB3269 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 UHM, and they are not R-1 institutions like UHM. Community college faculty are required to take on heavier teaching loads than their tenure/tenure-track counterparts at UHM. Requiring UHCC faculty to conduct research in addition to their other numerous duties 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.

SB-3269

Submitted on: 2/9/2022 9:35:06 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tiani Akeo-Basques	Individual	Oppose	No

Comments:

As a member of the University community, I STRONGLY OPPOSE this bill!

SB-3269

Submitted on: 2/9/2022 9:48:10 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brenda Machosky	Individual	Oppose	No

Comments:

As a 15-year resident and home-owning taxpayer of Kailua and professor at the University of Hawai`i West O`ahu, I, Brenda Machosky, as a private citizen, write in **opposition of SB3269** being advanced out of committee.

This bill creates a highly-problematic "solution" in need of a problem. In proposing a large-scale revision of the entire academic, scholarly, research, and service traditions of the well-established University of Hawai`i system, this bill will create myriad foreseeable and unanticipated problems. The proposed changes to the UH system have no basis in precedent, are not consistent with national higher education best practices, and do not respond to any specific current large-scale problem in the University of Hawai`i System.

This bill threatens the scholarly reputation of its faculty, the quality of instruction offered to its students, and the widely varying and specialized services that UH instructional faculty and faculty specialists, including librarians, support faculty and dedicated researchers, provide to the communities of Hawai`i as well as the campus communities. This bill will ruin the national and international reputation of the UH system, reducing competitiveness for national and federal grant competitions. The bill would also reduce the quality of education offered in our community college system, at UH West O`ahu and UH Hilo as baccalaureate-granting institutions, and the R1 institution of our system, UH Mānoa.

The proposals in this bill would steadily undermine the University of Hawai`i as a valued academic institution. Research faculty — recognized every year by internal awards — will not attract massive funding from the federal government for medical, scientific and cultural research. Unsupported by the State of Hawai`i (which proposes to take over management of the university system) and with a declining reputation for the University of Hawai`i and its human resources, researchers will take their reputations, their discoveries, and their labs elsewhere.

If the library and its librarians are deemed unessential to the academic success of our students, whether at the community college or at the R1 institution, and not eligible for tenure, federal and private research applications will be drastically weakened, because our faculty cannot claim a strong research base. Our students will be subjected to the political and fringe pressures of book banning and information censorship because librarians will face termination if their collection choices reflect diversity but do not meet a particular current fad of discrimination (as is currently very much happening in our country). Librarians need to be able to stand their ground on diverse

collections that promote inquiry, knowledge, and informed debate. They cannot do this without tenure. Without a strong research base in our libraries and information resources.

Under this proposed law, the appeal of teaching in the University of Hawai`i system will diminish, and even if people take positions here, they will be looking for *better* institutions because the support of faculty at UH is clearly not valued (again, if this bill becomes law). Instructional faculty, researchers, and yes, specialist faculty will seek an academic home where they are valued and supported not only with quality library resources, an academic village that supports our students and each other, and a reputable institution of higher education behind them.

I urge the committee to look closely and critically at the problems that this bill will create (not solve). The University of Hawai`i system is not perfect, but it has a solid and long-term reputation in many fields and provides a reputable in-state opportunity for our population to earn everything from a certificate to a doctorate, a medical degree or a law degree. This reputation is in grave danger from the proposals put forward in this bill.

Thank you for your consideration,

Brenda Machosky, Ph.D.

SB-3269

Submitted on: 2/9/2022 9:57:24 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

My name is Michelle Phillips, Ph.D., and I am writing in strong opposition to SB3269, relating to academic tenure at the University of Hawai'i. As currently written, this bill applies to the entire UH System, and effectively eliminates tenure for all Community College faculty of all classifications. I urge you to oppose the bill and any other measure to eliminate or restructure faculty tenure for any and all faculty classifications because it will devastate the intellectual output and reputation of our University system, including diminishing the education and opportunities of the most vulnerable and underserved students in our communities.

Despite receiving a Ph.D. in Biological Sciences, I chose to teach in the UH Community College (UHCC) system as opposed to an Research Level 1 institution because I felt that focusing on teaching and research with students, as opposed to primary research for the purposes of advancing my career and advancing knowledge in a particular field, was an important endeavor for our communities and it was where I could make the largest difference in the lives of our students. Our community college system is a gateway for students that provides them with the ability to study in their chosen areas of study, work under grants that our community college faculty secure specifically to provide for research and scholarship for them in STEM, and to pursue their dreams - especially if their dreams involve education at other institutions.

These past two years, we have struggled greatly with 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, and major loss of morale. Despite these mounting challenges, the tenured and tenure-track faculty, specifically at the community colleges, have risen to the occasion and taken on additional workloads in order to ensure our students receive an excellent education. Rather than receiving support from the community for which we teach and educate, this bill is trying to take away the one bit of security we have in our positions. Community college faculty focus on teaching and working with our community members of all ages, and in addition to this, we apply for grants that don't increase our salaries like an R1 university would receive but are instead to provide our students with opportunities. Through this bill, you refuse to acknowledge our commitment, and the necessity of a stable educational system that is achieved through a normative tenure and promotion process, which will weaken the educational experiences offered both within and outside of a traditional classroom setting.

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, make far less money, and go through a longer tenure process because they start as "Instructors" as opposed to "Assistant Professors." Requiring UHCC faculty to conduct primary 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. As a woman in STEM, and even though it is not part of my current job description, I already apply for grants so that I can provide opportunities for my students to do research, and to mentor and provide for them an experience in STEM that they might receive at UHM or UH Hilo. However, these grants are for my students, not my own salary or interests as they would be at an R1 institution or if research was a required part of my job. This fact, in itself, allows me to focus on teaching courses and giving students the best education I possibly can, while also providing them with unique opportunities that can help them as they continue to further their careers.

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 and community projects, mentor students and beginning scholars in research and their academic journey, as well as over the long term through their careers. To be clear, our our tenured and tenure-track faculty at the community colleges work hard. The majority of us work throughout the summer and are putting in night and weekend hours. We serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students and mentoring students in research projects, 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.

Further, 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 further oppose the elimination of tenure for Librarians, Academic Support Faculty, and Extension Agents. These members of our college provide 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. Our Academic support faculty allow for teaching development and support for our faculty, especially since there are no Teaching and Learning centers available on our campus. 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.

SB3269 is a terrible idea. Please vote accordingly.

Sincerely,

Michelle R. Phillips, Ph.D.
Assistant Professor of Biology
Natural Sciences Department Chair
Hawaii Community College

SB 3269- 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. 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 am grateful for the opportunity 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'eau, "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.

Mahalo,

Carrie Larger

SB-3269

Submitted on: 2/9/2022 10:12:31 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Davin Kubota	Testifying for Kapi'olani CC	Oppose	No

Comments:

TITLE: Librarians and counselors have been teaching in the system, for many semesters now so don't take away their tenure protections, or MINE

Esteemed senators charged with protecting professors who work hard like my wife and myself,

Certainly, you have received several malcontent or harshly-worded criticisms from some of my colleagues. I will refrain from that approach. I was pleased, however, that Senator Kim replied to my email:

Sadly, the program [UH Athletics] has been in a deficit for a number of years, but that points to a need for stronger accountability and openness on the part of the UH administration, at all levels, and that is a major point legislators have continued to make over the years when it comes to the school's governance.

It is unfortunate that calls for reform and stricter oversight have to originate at the Legislature. I would have hoped, expected in fact, that the UH administration and Board of Regents would demonstrate the leadership to make meaningful improvements to the state's only school of higher education.

(Mercado Kim,
personal email)

To the last frame of the Esteemed Senator's block quote, might I add the discussion point as follows: "expected in fact, that the UH administration and Board of Regents would demonstrate

the leadership to make meaningful improvements"--still, what if faculty themselves are making grassroots efforts to improve from the bottom up? This bill is a moot point, if, by definition, the librarians and counselors are indeed worthy of tenure as faculty members.

As someone in the ground game, I can earnestly attest that faculty are working hard to address your concerns.

To that end, however, a grassroots push, presumably inculcated by yourself and members of the group tasked with investigating tenure, has already created courses like IS 109 for counselors and IS 297 for librarians at our campus. Therefore, the current bill that would rip away tenure protections from said faculty members--teaching faculty members--seems ill sighted, since we, the hardworking majority, are making steps to add value-added work efforts, and attempting to shine valiantly for the 'lazier and complacent' faculty whom this bill might be targeting.

I have seen [IS 109 in action](#). Students who come from low income neighborhoods are taught about resource advocacy. I teach students from your own districts, Senators, and they come to our classes filled with self-loathing, imposter syndrome, and the pervasive sense, paraphrased, "Dat I so stupid and no can learn nutting." Since the course core work builds upon fixed mindset, how to express agency, and how to reach active membership in the college community and also to build collegiality, I wonder if each of you could do me a favor and think back to your early days of college. Were you a bastion of confidence? Did you excel in every subject? Did you have self-esteem to navigate every course? Many of my college counselor friends and colleagues are in there, in the trenches, counseling students from 8 am to 5 pm, often walking them away from suicide, from breakups, from the ravages of this horrendous pandemic. Is it fair to say that the counselor in this situation isn't contributing, isn't making your own constituents more empowered and socially mobile?

The librarians are not slacking, either. As I am writing this, my wife, a librarian, is hard at work building the Big Read website and securing vendor space and making collaborative efforts to bring in community partners to make the event a success. This year's Big Read, which received a massive grant, is attempting to celebrate indigenous voices like Joy Harjo's, Craig Santos-Perez's, and Brandy McDougall's, as well as promoting local artists like my friend and personal colleague's Lee Tonouchi's children's book about Okinawan folklore.

My wife and her team teacher also innovated and created the acclaimed class, IS 297, which is a lot of work. Their class focuses on information literacy, navigating fake news, and reading behind the surfaces of texts.

It seems painful on a personal level to see a bill that seems to posit that my wife and other members of the library aren't working hard, aren't worthy of the protections of tenure, since we have already seen how damaging fake news has been in terms of exacerbating an already gruesome pandemic, eroding the public trust, and increasing the foothold that Vladimir Putin has on destroying the very foundations of this country.

<https://is297p.wordpress.com/>

Please look at the topics that were covered on this week: <https://is297p.wordpress.com/government/>

For your own children and families, isn't it a good thing to become more civics-minded, to learn about the intersectionality of politics and also cybersecurity or cyberinfluence? Isn't that topical and relevant to all the hacking elements that have been incurred due to Putin's KGB expertise is destabilizing regimes using social media?

Allow me to describe why removing my wife's tenure, or her colleagues' tenure matters.

Say my wife decides to choose a controversial book, perhaps by Snowden, or perhaps, some years down the line, if the bills are successful, that a certain legislator hates *_Maus_* by Spiegelman, which was recently banned in Tennessee. If a legislator or administrator hated those books, they could fire my wife, without cause. In other words, she has to teach a state-sponsored curriculum, something that the state approves of: In my mind, this is a nightmare scenario straight out of North Korea or Chinese Communist Party Indoctrination.

Our students deserve access to free information, not occluded information that gets dictated by the powers that be. To me, part of a civics-based education is the principle of freedom of expression as well as academic expression. For my wife and I, that's what at stake here: Nothing less than the hearts and minds of our students.

Say a counselor decides a differing approach than what a legislative body or administrator agrees with. The approach comes from a different field of counseling psychology, is still effective, but the administrator or legislator doesn't think it is. That counselor could be fired, without cause. This seems like a very dangerous approach, to only posit that one counseling approach is appropriate in a sea of modalities.

IS 109 and IS 297 prove that grassroots activism works better, and that on the ground level, faculty like counselors and librarians are really working hard to push towards the ideals that your bills seem to advocate towards. Unlike many of my colleagues, who only see the malicious aim of the bill, I can somewhat perceive how and why the bills attempt to dislodge some of the teachers who indeed hide behind tenure to do nothing and change nothing.

This bill seems to say that librarians and counselors aren't teaching, but my testimony reveals that they've been teaching for quite some time.

Personal Testimony Presented before the
SENATE COMMITTEE ON HIGHER EDUCATION

February 10, 2022, 3:00 p.m., Room 229 & Videoconference

by
Halina M. Zaleski, Ph.D.

**SB 3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.
Testimony in OPPOSITION**

Chair Donna Mercado Kim, Vice Chair Michelle N. Kidani, and Members of the
Committee:

My name is Halina M. Zaleski and I am a retired Extension Specialist with the University of Hawai'i at Mānoa's College of Tropical Agriculture and Human Resources (CTAHR). I am pleased to provide personal testimony on SB 3269. This testimony does not represent the position of the University of Hawai'i or CTAHR.

I OPPOSE SB 3269 because it undermines the authority of the Board of Regents to classify faculty and the undermines the ability of the University of Hawaii Professional Assembly to negotiate working conditions.

The stated goal of SB3269 D1 to "Amend section 304A-1002, Hawaii Revised Statutes, to outline the faculty classification system..." goes directly against, and hence would negate the original statute that "The board of regents shall classify all members of the faculty of the university including research workers, extension agents, and all personnel engaged in instructional work..."

It appears the amendment would not only make for a contradictory and poorly written statute, it would put the authority of defining UH faculty positions squarely with the Hawaii state legislature. State legislatures across the nation have passed legislation barring the teaching of "divisive concepts." In some states, this legislation excludes teaching about race and gender at the university level. Maintaining the authority of the Board of Regents is critically important to insulate the University of Hawaii from the winds of political change.

Tenure also protects the university and faculty from political influence. This is just as important for Extension Specialists and Agents as it is for other faculty. In Animal Sciences, for example, tenure allows extension specialists and agents to assist animal agricultural while protecting them from special interest groups, such as Animal Rights Hawaii. Extension and Outreach faculty are part of the core mission of a Land Grant, Sea Grant and Space grant institution and not merely "support faculty".

In summary, I oppose SB 3269 because the authority of the Board of Regent to govern the ability of the University of Hawaii Professional Assembly to negotiate working conditions should not be usurped by the Legislature. Thank you for the opportunity to provide testimony.

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is I-Chia Shih, and I am an Assistant Professor at Leeward Community College (Leeward CC). Besides teaching Human Anatomy and Physiology, I also serve as the STEM Program Coordinator for my college. In this letter, I wish to offer you the insights on the benefits of the tenure process for the support faculty at the community college.

In my classes, I often help students learn about the organs of a 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) is 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.

The tenure process for the teaching faculty and support faculty (e.g. counselor and librarians) is similar to having an exercise program for the human body. With exercising, the heart and blood vessels have to work hard and more efficiently as a team with the brain. Without exercising, the body and its organs function at a bare minimum with no challenges. For teaching faculty, criteria such as main duty, college services, community services and leadership are considered carefully before tenure is being awarded. The same goes for support faculty when they apply for tenure. If exercising is one way of keeping your body healthy, then the tenure process is a way to keep the college system healthy. I wish that the Senators will have an opportunity to take a closer look at a tenure dossier of a support faculty and you will see how much effort they place into their daily work in order to achieve their goals of helping students.

The teaching faculty help the students learn the subjects, but there are so many other aspects that go into a student's learning process. At our colleges, the majority of the students need assistance when choosing a major, registering for courses, finding resources, conducting research, attending educational workshops, and much more. Each semester, we have close to

7000 students at Leeward CC, and each of our counselors and librarians are the main support system for our students who come to us with little or no training. Of central interest, we have about 400 STEM students at Leeward, and our STEM counselor meets with them on a regular basis where she provides valuable information and resources to help them finish their STEM pathway. The counselor also provides information on improving the program curriculum for the overall STEM education. This all comes from years of experience from serving our students and faculty. Similarly, our librarians at Leeward CC started the Open Education Resources (OER) initiatives a few years ago. Since then, many Leeward faculty, lecturers, and staff created and adopted free OER textbooks and resources to help our students save money. I believe that we have helped Leeward students save more than hundreds of thousands of dollars as over 50% of our classes use zero-cost textbooks. This is the power of providing the tenure process to support faculty. I truly wish that you will begin to see that the tenure process is a healthy process for the college as exercising does to the human body. Although I am only sharing our story from Leeward CC, librarians and counselors across the UHCC system are doing the same in helping every student of Hawaii.

As a vital part of the state of Hawaii, our counselors, librarians, faculty and administration at the UHCC are working closely as a team to help our students, who are the residents of your districts. We truly wish that we can offer more information to the Senators before such a bill and its amendment were drafted. This bill will have a serious effect on the UHCC system and it will directly affect the students who are the residents in your communities. Please oppose SB 3269 SD1.

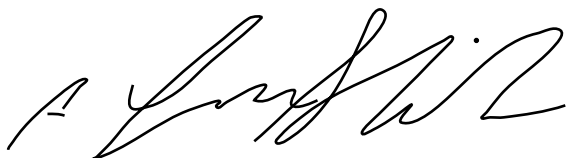
Lastly, we have all heard the saying that it takes a village to raise a child. It also takes a village to “raise” a successful Community College student. Please remember that the teaching and support faculty are all part of the village and the tenure process is an effective way of keeping the college healthy.

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

Yours Sincerely,

I-Chia Shih, Ph.D.

ASNS (STEM) Program Coordinator

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

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 Kamuela Yong, and I am a resident of Waimanalo (District 51) and an associate professor of mathematics, at the University of Hawaii – West Oahu. 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, 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 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.

[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,

A handwritten signature in black ink, appearing to read 'Kamuela Yong', written in a cursive style.

Kamuela Yong

SB-3269

Submitted on: 2/9/2022 10:31:59 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristin Mills	Individual	Oppose	No

Comments:

I am a resident of Pukalani (Maui), a taxpayer, a parent, a health educator, and a strong proponent of increasing food stability and agriculture on Maui.

I am strongly opposed to SB3269. If passed, our key faculty at University of Hawaii who support education surrounding agriculture will be negatively affected as they will not be able to attain tenure status at the university. This negatively effects our long-term efforts to improve agriculture here on Maui as we, as a small rural university campus will not be able to retain highly experienced faculty in this area. They will move to states that allow for tenure status in Cooperative Extension positions.

Please vote against SB3269. Our Cooperative Extension faculty need to be able to attain tenure status so they will continue to teach here in Hawaii and can keep educating our youth and adults about agriculture. This is the only way we can move toward more food sustainability here in Hawaii.

Sincerely,

Kristin Mills, M.S., M.A.

Personal Testimony Presented February 9, 2022
by Garrett Apuzen-Ito, Ph.D., in consideration of Senate Bill 3269

My name is Garrett Apuzen-Ito and I am a geophysicist in the Department of Earth Sciences, at the University of Hawai'i at Mānoa, but this testimony does not represent the position of Department of Earth Sciences or the University of Hawai'i.

I respectfully OPPOSE SB 3269. I fear that both elements of SB3269 could set a harmful precedent of restricting the autonomy and, hence, effectiveness of higher education and R-1 research in Hawai'i.

(1) The proposed addition to Chapter 304A on tenure represents too far a reach into management of the University of Hawai'i. Authority over the criteria for recruiting tenure-track positions and awarding tenure should be the within the University (board of regents and president), where the true expertise concerning these matters lie. Pushing the boundaries of knowledge comes with risk, and there are situations when discoveries may go against your voters' opinions or the economic interests of power-welding companies or organizations. We in the sciences are dedicated to revealing evidence-based truths, regardless of these external influences, and this is part of the reason the university system across the U.S. and Europe embraces tenure.

Whereas the bulk of the bill's language aligns with current practices, there are details that could be problematic. Imposing this detailed level of management by State law hinders the autonomy of the University and brings risk to the ability to remain at the cutting-edge in the discovery and transmission of knowledge for promoting an increasingly capable workforce that can meet the every-changing needs of society.

(2) The proposed amendment to Chapter 304a-1002 directly counters and undermines this statute. This statute states that "the board of regents shall classify all members of the faculty...", but the proposed amendment would impose the classifications. In other words, it would be the Hawai'i state legislature who would classify all members of the faculty, not the board of regents.

About the proposed classifications: serving a relatively small population in the only ocean-island U.S. state, Hawai'i's single R-1 university campus must take on an usual diversity of roles, in contrast to mainland states served by multiple campuses or neighboring state universities. Related to this, the University of Hawai'i, has been a global leader in numerous areas, especially those pertaining to our ocean-island setting; and that leadership has largely been enabled by the diverse faculty classifications that this bill proposes to eliminate. The board of regents, through consultation with the University administration and faculty, are the knowledgeable authorities who can most effectively define faculty classifications. State legislators should not. Preserve Chapter 304a-1002 so that the board of regents retains the authority on faculty classification.

Ultimately, I am asking the Hawai'i state legislature to have more trust in the faculty and leadership of our fine University system. If there are particular concerns about the University's effectiveness in fulfilling parts of its mission, then that is where state oversight should focus. Leave authority on the details of HOW to best fulfill its mission to the University.

The control this bill aims to assert comes with greater responsibility, and I am fearful that future legislative decisions will be insufficiently well informed or able to respond should unintended, harmful consequences evolve.

Mahalo for the opportunity to provide testimony.

SB-3269

Submitted on: 2/9/2022 10:40:57 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chris Gargiulo	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 Chris Gargiulo and I am writing in opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I ask that you oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications via this bill, because as it is currently written, it applies to the entire UH System, and therefore could negatively impact the quality of education for across all of our state-wide communities and potentially affect the operations of the University system and accreditation status.

[SB 3269](#) impacts the intellectual output and reputation of our University system, and could have a diminishing effect on 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 academic dreams.

The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University may not be able to fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by third parties with varying degrees of investment and commitment to the state that might change at any given moment of time, such as 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 a working and highly effective 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. Faculty serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education. A decline in eligible faculty to do this important work for the State could result in a worse University system and not a better educational system for our students.

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.

The dismantling of UH's existing tenure system could 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 could drive away those who are already part of the UH community. This could negatively impact the quality of the UH as a R-1 research institution, and 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. 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 could 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

This bill could be used to require UHCC faculty to conduct research in addition to the duties mentioned above if so, would divert their 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.

In conclusion, I ask that you oppose [SB 3269](#).

Yours Sincerely,

Chris Gargiulo

From: [REDACTED]
To: [Sen. Donna Mercado Kim](#)
Subject: support for your tenure idea w/ one fix
Date: Tuesday, February 8, 2022 12:33:50 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Senator Kim

For reasons of retaliation I wish to remain anonymous but I am a UHWO faculty member. I hope you understand what would happen were I to share this opinion with my co workers. But trust me I'm not alone in this opinion.

Many student services people were made tenure track Specialist Faculty at UHWO and it was started by an outgoing Chancellor who had a background in Student Services. It was and is a travesty and an embarrassment. These people serve on system wide committees such as "general education" for which they have no expertise, but of course add input. Furthermore, they are now the largest voting bloc in the UHWO Faculty Senate! So the idea to not grant tenure to support staff who can in no honest way be described as "faculty" is spot on!

However, Specialist Faculty who MUST do research as a part of their job duties [like agricultural ones or med school], even if they have no direct teaching responsibilities, should be tenure track.

The origins of tenure are related to research, not teaching actually. Many faculty erroneously think it's about "freedom in the classroom" but that's a misguided idea.

So you can imagine a Specialist Faculty who produces research that powerful ag [or other] industries do not like could be subject to retaliation. Thus they should be tenure track.

My union will of course want to keep as many members as possible so perhaps this could be a bargaining chip in hopes of ridding the university of support staff being tenured.

My guess is that most faculty realize that making student services staff or other support staff "faculty" is ridiculous. Plus they already have union representation via civil service. On the other hand I believe most faculty would agree that people who have to do research as a part of their job, regardless of their teaching responsibilities should have tenure protections.

Thanks for listening and again sorry I have to fear retaliation.
Aloha!

From: [Bed Prasad Paudyal](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Kurt Fevella](#); [Sen. Les Ihara, Jr.](#); [Sen. Gil Riviere](#); [Sen. Glenn Wakai](#)
Subject: Opposition to SB 3269 SD1
Date: Wednesday, February 9, 2022 12:19:36 PM

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Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Bed Paudyal, and I am writing in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill for the following reasons:

1. It attempts to interfere into the institutional autonomy of the University of Hawai'i, which is a prerequisite for the accreditation of UH colleges by the accreditation agencies WASC and ACCJC.
2. It tries to needlessly impose guidelines where there are already guidelines in place, governed by the UH Board of Regents and union contracts.
3. It disregards the already-functioning system of faculty classification plan and the periodic review of faculty work before and after tenure and erroneously implies that a rigid system imposed by the legislature would be better than the one that is subject to adaption by the collective agreement between the BOR, the UH President, and the union.
4. It is contradictory and shows lack of understanding about how community colleges work. It categorizes the community college faculty as "C" and does not deem them eligible for tenure despite defining tenured and tenure-track faculty as those "engaged in direct instruction." It demands that the librarians at community colleges conduct research, which would take the time away from what they do

(instruct students in researching and evaluating sources), and renders counselors ineligible for tenure, whereas instruction in community colleges is effective only as a joint work of the instructor, the librarian, and the counselor.

5. It misunderstands tenure as “the right of a faculty member to permanent or continuous service,” whereas the fact is the faculty members earn their employment by presenting evidence of persistent effort and continuous improvement through the pre-tenure and post-tenure review process.

6. It does not recognize tenure as the guarantee of academic freedom to teach without coercion by political powers, and thereby endangers the future of democracy. It shows willingness to make Hawai'i one of those states where [the legislature dictates what instructors in schools and colleges can and cannot teach](#).

7. It shows a hurtful and contemptuous dismissal of the value the faculty at UH colleges bring to the citizens of the state through their lifelong dedication to education. As an instructor in a community college (Honolulu CC), this bill makes me feel my work for my students and the work of my dedicated colleagues is not respected.

Yours Sincerely,
Bed Paudyal

February 9, 2022

Subject: STRONGLY OPPOSE passage of **SB 3269**

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 Nikhil Narahari, and I am writing in **strong** opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. As it is written, this bill applies to the entire UH System. You **MUST** oppose the bill and any measures to eliminate or restructure faculty tenure for any faculty classifications because it will destroy the quality of education for our communities, destabilize the operations of the University system, put University accreditation in danger (not to mention the questionable legality of such an act).

Approval of [SB 3269](#) will absolutely **devastate** the intellectual output and reputation of our University system, and will severely diminish the quality of education for our students. This includes opportunities for them to study with the foremost scholars of national repute 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. I don't need to impress on you that our educational systems already struggle enough without additional and unnecessary burdens placed upon them by possibly well-meaning, but misguided legislators.

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 dedicated tenured and tenure-track faculty are rising to the occasion and taking on additional workloads to ensure our students receive an excellent education. While I am not an educator myself, I have seen firsthand the tremendous dedication and selfless, back-breaking effort applied by our teachers in higher education solely perchance to benefit our community and our children. All this, even in the face of the COVID health crisis.

Rather than support us, you would be destroying the University system and the opportunities it creates for our citizenry from the inside out. Passage of this legislation would reveal an explicit refusal to acknowledge the necessity of a stable educational campus for education and scholarship achieved through a normative tenure and promotion process.

The origin of tenure for faculty lies purely in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University cannot properly fulfill its mission to benefit society. Society abjectly suffers 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.

It seems apparent you may not understand how hard our tenured and tenure-track faculty work. Many work throughout the summer and over weekends. They serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education – all with shameful rates of compensation. A decline in eligible faculty to do this important work for the State **will result** in a degraded University system and ultimately will cost our communities and our future. Instead, the Administration will turn to employing contingent faculty.

The University's regional accreditation body and professional accreditation bodies requires them to have robust shared governance to maintain 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 would be 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 UH's 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. 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 generally required to take on heavier teaching loads than their counterparts at UHM, in addition to their responsibilities to perform other duties such as 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, facilities management specific to classes, including budgeting and ordering supplies and cleaning, academic discipline

coordination, student organization sponsorship and mentorship, professional development participation and presentation, and 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.

Passage of [SB 3269](#) would be devastating to our University and our Community. It would decimate the ability of our dedicated, hard-working faculty and staff to serve the keystone of our educational system and forward its role as a beacon for enlightenment and growth for our world.

Please **DO NOT** vote for this bill.

Respectfully,

Nikhil V Narahari

From: [male jmchun](#)
To: [HRE Committee](#)
Subject: opposition to SB 3269 SD1
Date: Wednesday, February 9, 2022 2:25:06 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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

My name is **Jayson Chun**, and I am writing to urge you to oppose bill [SB 3269 SD1](#).

This bill will do great harm to the University of Hawai'i, its students, and the citizens of Hawai'i. Its provisions on tenure will lead to legislators having strong power over UH faculty, and will jeopardize the accreditation of the entire UH system. This bill will put UH faculty under political pressure by limiting tenure to a select few and thus allow faculty in sensitive positions to be arbitrarily dismissed without due process or cause.

Faculty at other universities in the US are already under political pressure, and this bill will do the same to UH faculty. Let's keep UH as a world class university system. Please vote against [SB 3269 SD1](#) . Thank you for your consideration.

Yours Sincerely,

Jayson M. Chun

SB-3269

Submitted on: 2/9/2022 10:43:01 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Judy Lemus	Individual	Oppose	No

Comments:

I am writing in opposition to this ill-conceived bill for the following reasons:

1. It usurps the constitutionally-provided shared governance structure of the university and removes power from the Board of Regents, UH administration, and faculty to make independent decisions regarding the academic affairs of the university. Interference from the legislature in these affairs is a huge overstep and will undermine university credibility (and likely accreditation).
2. It undermines the ability of UH to recruit and retain highly-skilled faculty who perform not only important direct instruction and research within the university, but also a wide variety of other academic duties critical to the university's mission and sustainability, such as scholarship within and in collaboration with the community, and professional development for professionals in university-related research and education (such as in-service teachers, agriculturalists, entrepreneurs). Without these key roles, the effectiveness of the university as an educational institution in Hawaii will be severely diminished.

SB-3269

Submitted on: 2/9/2022 10:45:45 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chris Gargiulo	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 Chris Gargiulo and I am writing in opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. Please disregard my previous testimony because I accidentally submitted it via the wrong email address. I ask that you oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications via this bill, because as it is currently written, it applies to the entire UH System, and therefore could negatively impact the quality of education for across all of our state-wide communities and potentially affect the operations of the University system and accreditation status.

[SB 3269](#) impacts the intellectual output and reputation of our University system, and could have a diminishing effect on 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 academic dreams.

The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University may not be able to fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by third parties with varying degrees of investment and commitment to the state that might change at any given moment of time, such as 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 a working and highly effective 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. Faculty serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education. A decline in eligible faculty to do this important work for the State could result in a worse University system and not a better educational system for our students.

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.

The dismantling of UH's existing tenure system could 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 could drive away those who are already part of the UH community. This could negatively impact the quality of the UH as a R-1 research institution, and 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. 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 could 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**

This bill could be used to require UHCC faculty to conduct research in addition to the duties mentioned above if so, would divert their 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.

In conclusion, I ask that you oppose [SB 3269](#).

Yours Sincerely,

Chris Gargiulo

SB-3269

Submitted on: 2/9/2022 10:47:56 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Dear Commitee Members.

The current UH system of position classification and tenure process has enabled UH to become a leading research and academic university with a strong national and international reputation.

Dont mess with a winning formula! This Bill is a huge mistake

Tenure is not about job security - it is about academic freedom and committment to an institution - in this case the University of Hawaii

To proposers of SB 3269 and members of the House and Senate Higher Education

Committees: senkim@capitol.hawaii.gov, senfevella@capitol.hawaii.gov,
senihara@Capitol.hawaii.gov, senriviere@capitol.hawaii.gov, senwakai@capitol.hawaii.gov,
senkidani@capitol.hawaii.gov, senkeithagaran@capitol.hawaii.gov,
reptakayama@Capitol.hawaii.gov, repclark@Capitol.hawaii.gov, repbelatti@Capitol.hawaii.gov,
repganaden@Capitol.hawaii.gov, repgates@Capitol.hawaii.gov,
rephashimoto@Capitol.hawaii.gov, repkapela@Capitol.hawaii.gov,
repohno@Capitol.hawaii.gov, repquinlan@Capitol.hawaii.gov, repwoodson@Capitol.hawaii.gov,
repyamane@Capitol.hawaii.gov, repokimoto@Capitol.hawaii.gov

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 **Catherine Wehrman**, 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. I have served the Community College system for 37 years as a counselor, primarily supporting students who are parents of minor children. Thousands of students who have been supported by instructional and **non-instructional faculty** have graduated and become productive Hawaii taxpayers and contributing citizens.

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,

Catherine Wehrman, M.Ed.

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 Kristie Malterre and I am a counseling faculty member at Kapi'olani 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.

The proposal creates a "C" classification for community college faculty, which is not attached to any mention of tenure. Additionally, the "C" classification in SB 3269 SD1 is being framed as "instructional faculty." The "C" classification in the University of Hawai'i Community College (UHCC) system has included all tenure and tenure track faculty - both instructional and non-instructional. It is critical that UHCC faculty of both types remain tenured and tenure track.

Within the University of Hawai'i, the mission of the UHCCs is unique, fills essential needs within our communities, and directly serves, benefits, and impacts our state and local citizenry:

Access: *To broaden access to postsecondary education in Hawai'i, regionally, and internationally by providing open-door opportunities for students to enter quality educational programs within their own communities.*

Learning and Teaching: *To specialize in the effective teaching of remedial/developmental education, general education, and other introductory liberal arts, pre-professional, and selected baccalaureate courses and programs.*

Work Force Development: *To provide the trained workforce needed in the State, the region, and internationally by offering occupational, technical, and professional courses and programs, which prepare students for immediate employment and career advancement.*

Personal Development: *To provide opportunities for personal enrichment, occupational upgrading, and career mobility through credit and non-credit courses and activities.*

Community Development: *To contribute to and stimulate the cultural and intellectual life of the community by providing a forum for the discussion of ideas; by providing leadership, knowledge, problem-solving skills, and general informational services; and by providing opportunities for community members to develop their creativity and appreciate the creative endeavors of others.*

Diversity: *By building upon Hawai'i's unique multi-cultural environment and geographic location, through efforts in curriculum development, and productive relationships with international counterparts in Asia and the Pacific, UHCC students' learning experiences will prepare them for the global workplace.*

In order to continue to fulfill the unique mission of the UHCCs and its value in serving our state's larger, as well as underserved and marginalized, populations, it is vital that faculty positions (both instructional and non-instructional - including counselors, librarians, instructional designers, and program coordinators) remain tenured and tenure track. Our most at-risk and vulnerable populations - affected by historical and systemic

inequities and disparities, personal life situations, socio-economic factors, etc. - need and deserve the commitment, stability, freedom from undue influence (political, societal, parental, etc.), knowledge, and expertise that UHCC tenured faculty contribute. Faculty support all aspects of a student's academic experience that impact their eventual attainment of educational and occupational goals and eventual contributions as a member of our state and local economies; instructional and non-instructional faculty play key and necessary roles within an educational ecosystem centered on student learning and success.

It is for these reasons, as well as for my unwavering commitment to the mission of the UHCCs and the community that I serve, that I oppose SB 3269 SD 1, and hope that you will, too.

Sincerely,

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

Kristie Malterre, M.Ed.

Counselor, Kapi'olani Community College

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 and ability to receive tenure

I hope that it is just a misunderstanding that Community College (C) faculty were not clarified if eligible for receiving tenure from the faculty classification system. Community college faculty play a vital role in almost half of all of the UH System students. In addition, as [stated in the Mission Statement of the University of Hawai'i](#), part of the purpose is:

Provide all qualified people in Hawai'i with equal opportunity for high quality college and university education and training.

Provide a variety of entry points into a comprehensive set of postsecondary educational offerings, allowing flexibility for students to move within the system to meet individual educational and professional goals.

Advance missions that promote distinctive pathways to excellence, differentially emphasizing instruction, research, and service while fostering a cohesive response to state needs and participation in the global community.

To meet these diverse goals and our diverse set of students, we have to do so in a diverse way that requires a diverse range of faculty classifications to meet all these unique needs. This includes providing tenure track positions to faculty from all campuses.

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

My name is Anna Feuerstein, and **I am writing in strong opposition to SB 3269**, relating to academic tenure at the University of Hawai'i. I am currently an Associate Professor at the University of Hawai'i-Mānoa, and I oppose this bill for numerous reasons. Not only does it threaten our university accreditation due to the state legislature's direct interference in the university's shared governance and tenure procedures, but it also shows poor knowledge of the protections for academic freedom guaranteed by tenure. In effect, this bill has simply taken the P.I.G report – which was opposed by a large group of faculty and staff, the University administration, and UHPA – and turned it into a bill, attempting to codify into law a biased report that showed little understanding of academic tenure and had little support throughout the university community. While most of my colleagues are concerned about this bill's treatment of tenure, as I am, I'd like to point out some other troubling aspects.

What most worries me about this bill is that **this another attempt to put the regulation of public education into the hands of state legislatures**. We are seeing this play out across the country. In fact, across the country we've seen [37 states](#) either introduce or pass bills banning “divisive topics,” such as histories of race and racism (erroneously referred to as “Critical Race Theory”), the 1619 project, and gender issues. We've even seen [bills](#) introduced that suggest teachers should not cause students “discomfort,” a bill clearly written for the sole purpose of white-washing history. As such, SB 3269 sets up a dangerous precedence of the state legislature regulating teaching at the university level, to the potential detriment of our very diverse student community and even the safety of teachers who teach courses on race.

I also have concerns about the extremely patronizing language that faculty need to be “adaptable” in the delivery of higher education (304.C). This is clearly an attempt to codify into law the practice of teaching online. Certainly faculty understood and agreed with the need to teach online during the pandemic; this was the safest option. Faculty like myself took up the task of figuring out how to translate the in-person classroom to a virtual format, all while experiencing the same stresses and mental health issues that many of our students faced. But this language is clearly not about the prospect of another pandemic. Rather it is an attempt to make it a law that – for whatever reason – faculty will need to teach online classes. While many of us agree that having a decent number of online classes is beneficial to the community, we also understand the drive toward more online classes is simply a cost-saving measure. I can also personally attest to the fact that many online classes are simply not as good as in-person classes; my students have told me as much. To be clear, some professors prefer teaching online and do it very well; certainly not all online classes are worse than in-person teaching. But to force faculty to teach online based on a whim of the university administration risks lessening the overall quality of higher education in the state of Hawaii.

Further, section 304.2, which states that “prior to 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” sets up a dangerous precedent that will undoubtedly lead to the shrinking and collapsing of departments, what we've already seen as attempts at “consolidation” across the university system. Of course there is much synergy and interdisciplinarity across the university, but to write into law that people should be teaching across units is to ignore the specific methods, conversations, and nuances of respective disciplines and fields. I myself am a member of a “shrinking” department, and am currently teaching a course that is outside my area of expertise because we have not had that person replaced. **If this state legislature truly cares about the quality of higher education, then we should have *more* tenure-track hires, not less.**

Also, who is going to make this decision? I doubt the university administration has the knowledge of each department and its specialties to essentially fill positions on their own, picking and choosing from other departments where people may be able to fill vacancies. Again, **to require faculty to teach across units risks the quality of higher education, and will undoubtedly create a heavier work-load for those who have to be members of multiple departments.** This will also not help recruitment efforts.

With fewer tenure-track hires, we ultimately will need to rely on adjunct labor, an extremely exploitative way for the university to save money on teaching. I was an adjunct professor for two years at the University of Hawai'i-Mānoa before I was hired into a tenure-track position. **I taught eight courses a year and made around \$25,000**, all while continuing to do my research so as to remain qualified for a tenure-track position. Let's keep in mind that I did this while living in one of the most expensive states in the country and paying about \$600 a month in student-loan debt. If the state is actually concerned about the affordability of Hawai'i for its residents, relying on adjunct labor is no way to help the academic labor force in this regard. **It is beyond offensive that the writer of this bill claims to support quality higher education, all while making it easier to starve departments and exploit Hawai'i's academic labor force.**

Ultimately, this bill attempts to codify into a law a report that was uniformly rejected by the university of Hawai'i system, including the board of regents. It sets up a dangerous precedent for state control of university teaching, risks further depleting the university's work force, and risks lessening the quality of higher education. **If you truly care about higher education in the state of Hawai'i, I ask you to *oppose* this bill, and redirect more funds toward hiring and retaining tenure-track faculty.**

Sincerely,

Anna Feuerstein

SB-3269

Submitted on: 2/9/2022 10:56:07 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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 Stavrupe-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 strongly 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

My name is Mandy Westfall-Senda. I have been a faculty member at the University of Hawai'i at Mānoa since 2011 and earned tenure and promotion in 2016. 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 and all 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. It is not uncommon that we regularly put in 12+ hours a day along with frequent weekend hours also being performed. We serve on committees, hold administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education, both in *and* out of the classroom. 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 any classification of 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 all faculty but specifically targeted support faculty and extension agents. As a support or specialist faculty myself, I regularly teach both undergraduate and graduate students through credit bearing courses *and* in developmental workshops. I advise students, through their respective organizational involvements and in mentoring, para-professional relationships. I also regularly conduct research for program improvement. Finally, I give back to my community of colleagues by sitting on numerous campus committees and in national professional organizations. Among other things, my colleagues 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 or specialist faculty like myself, often work with our most at-risk students who are 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. 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. The community colleges' missions are not the same as the University of Hawai'i at Mānoa (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.

Sincerely,

Mandy Westfall-Senda

Assistant Specialist, Student Involvement and Leadership Development, Office of Student Life and Development

Office of the Vice Provost for Student Success

University of Hawai'i at Mānoa

SB-3269

Submitted on: 2/9/2022 11:01:20 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Aaron J. Levine	Individual	Oppose	No

Comments:

My name is Aaron J. Levine and I am an Assistant Specialist at the University of Hawaii at Manoa. I am writing in opposition to SB 3269 SD1 and SB 3269 and I urge you to oppose these measures. These proposed bills are 1) not the Senate’s business and are not a good use of the Senate’s time and taxpayer resources, and 2) passage of these bills will have a long-term negative impact on the state’s economic well-being, the University of Hawaii’s (U.H.) status as a premiere educational and research institution, and the ability to retain high-performing faculty.

The Board of Regents (BoR) and U.H. administration are in the best position to provide appropriate oversight and work with faculty and staff to deliver the many services that the university provides. The BoR, U.H. administration, faculty, and staff are appointed or hired because they have the requisite knowledge and background to do their jobs. Such work is highly specialized and nuanced, and the Senate is simply not equipped to make informed decisions on such matters. The decision about what positions warrant tenure, on what campuses, and for which types of faculty are best made by the administrative and faculty experts on the ground. There are already robust systems in place to address concerns about the competence of the BoR, U.H. administrators’, faculty, and/or staff. It is disingenuous for the Committee on Higher Education to believe that these proposed bills rise to the level of “statewide concern” that requires legislative intervention and action.

The retention of high-performing tenured faculty is paramount to a university’s success and the community it serves. The university benefits from providing tenure opportunities to a variety of faculty positions (Instructors, Specialists, Researchers, Librarians, etc.). The academic freedom that tenure supports applies to faculty engaged in a number of duties, including: teaching, research, the acquisition and dissemination of resources, the development of policies and procedures, and developing and sustaining external partnerships to name just a few.

I will illustrate just one example of how tenure helps me to be a more effective professional without necessarily involving direct instruction or new research. I work in a Specialist line, and tenure helps provide me with the courage to propose research-based, albeit sometimes controversial, solutions to systemic problems. I act as the clinical liaison for the Institute for Teacher Education which is U.H.’s largest teacher preparation department in the state. We work with approximately 125 PK-12 schools throughout the state to provide approximately 400 teacher candidates with clinical experiences in PK-12 schools each semester. The schools and teachers that host our teacher candidates provide hundreds of hours of support to each of our teacher candidates. Research indicates that teacher retention is directly tied to the quality of the

clinical mentoring support that preservice teacher candidates receive from inservice clinical mentor teachers. The state currently compensates our school partners an embarrassingly less than 50 cents/hour for the work they provide. The increased demands of being a classroom teacher are already taking a toll on teachers, and it is becoming more and more difficult to find teachers who are willing to serve as clinical mentors. These teachers deserve at least 50-100 times the current 50 cents/hour rate because the work that they do is paramount to developing and retaining high quality teachers. Clinical mentor teachers, like our special education teachers, deserve differentials for the above-and-beyond work that they provide. Such an investment on the front end would go far in helping to address Hawaii's teacher shortage and retention rates.

I understand that when I advocate for potentially controversial changes such as the one illustrated above that I may risk considerable push-back. However, tenure provides me with a sense of added security in advocating for such measures without the threat of severe retaliation. This is just one example of the many intellectual risks that I must consistently take to serve my profession and our educational community at large.

Micromanaging U.H. and removing the possibility of tenure for employees in positions such as mine will further erode Hawaii's existing brain drain. If you are paying attention you will realize that the incoming generation of academics are *more* demanding than the current generation. They are rightfully less tolerant of injustice and will not hesitate to seek employment in states and institutions that are more supportive of higher education.

I urge you to vote in OPPOSITION to SB 3269 SD1 and SB 3269.

Sincerely,

Aaron J. Levine

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Annemarie Paikai, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill's vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as "C," are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who "shall be classified as 'L' faculty" (p. 7). Yet in this delineation of duties, the bill notes that "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" (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced. As a librarian myself, this section is of particular concern as it's outcome directly affects my ability to fulfill the responsibilities of my position in an effective and efficient way.

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. 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 of Hawai'i.

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

Yours Sincerely,

Annemarie Paikai

SB-3269

Submitted on: 2/9/2022 11:06:10 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle Shin	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 Michelle Shin 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.

Yours Sincerely,

Michelle Shin

February 9, 2022

My name is Kelsie Aguilera, Assistant Professor of Anthropology at Leeward Community College. I oppose [SB 3269](#). Approval of SB 3269 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 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 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. **The current version of SB 3269 appears to not support, understand, nor value my work, as the bill does not clearly grant community college faculty tenure eligibility.**

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 UHCCs.

Thank you for your time and consideration,
Kelsie Aguilera
Assistant Professor of Anthropology
Leeward Community College
kelsieag@hawaii.edu

SB-3269

Submitted on: 2/9/2022 11:10:27 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ji-Yeon Kim	Individual	Oppose	No

Comments:

As a member of the faculty at the University of Hawaii-Manoa, I am pleased to provide my personal testimony on SB 3269 SD 1. This testimony does not represent the position of the University of Hawaii.

I strongly oppose SB 3269 SD 1. The bill states that support faculty and extension agents (FSE) "are engaged in academic support" (e.g., "student research and academic program support"), or "are engaged in agricultural extension activities." The bill also clarifies that "FSE" includes those currently classified as Specialist (S) and Agent (A). I would like to point out that there are many "FSE" faculty who neither provide academic support nor perform agricultural extension activities. Some conduct applied research in social sciences, and many of them teach.

They are not classified as Research (R) because they do not follow the traditional research practices. Publishing in peer-reviewed journals is a crucial achievement measure for any academic professional. However, many "FSE" faculty also publish reports and fact sheets for community partners and stakeholders, often including state agencies. Translating research into practice is one of their primary functions. They also collaborate with community partners and help them achieve their goals, e.g., building evaluation capacity. These outreach/extension projects are important but do not meet the criteria of research projects in academia and are classified as non-research.

Including the University of Hawaii-Manoa, many universities recognize that scholarship is not limited to original research. Applied forms of scholarship, including translational research and collaboration with community partners, are equally valuable and beneficial. In addition, education does not happen only in a classroom by a textbook. Support faculty and extension agents ("FSE"; currently "S" and "A") who are engaged in agricultural or other extension activities play essential roles in education.

In summary, like "F" faculty, many "FSE" faculty engage in applied research and scholarship that "advances innovation, creates new knowledge and knowledge practices, and benefits students and the broader community," They also "engage in service inside the university and the community."

Academic freedom should be granted to "FSE" faculty as well. Suppose academic freedom is essential for faculty who teach college students and conduct original research. In that case, it is equally important for faculty who provide direct and indirect education and training to students,

community partners, other stakeholders, and the general public and conduct applied and translational research and extension activities. In addition, the work done by "FSE" faculty cannot be simply quantified, and the quality of work should not be evaluated by people who are not experts in their fields. It is only fair for "FSE" faculty to be evaluated by peers and experts in their areas.

Last but not least, academic freedom should also be granted to community college faculty. I understand that the primary focus of "C" faculty is on teaching students. Research may relatively be less critical. That does not justify taking academic freedom from them. Academic freedom is not just to protect research. All students should learn from faculty who are not afraid to explore diverse opinions and not just follow the mainstream. This is time to think about what makes college education unique and valuable.

I respectfully ask you to vote against BS 3269. Mahalo nui for the opportunity to testify.

RE: SB3269

TO: HRE Committee:

Senator Kim; Senator Kidani; Senator Keith-Agaran; Senator Wakai; and Senator Favella

My name is Leslie Lopez, I am a Labor Education Specialist at the Center for Labor Education & Research at the University of Hawai'i – West O'ahu, however my testimony is submitted as an individual. I am also a mother of two public school students and an organizer for LaborFest Hawai'i for the past 10 years. I request the committee consider the following direct perspective on the work of Librarians, Extensions Agents and Specialists and please vote against SB3269.

HLRB reviewed the classifications for BU07. Further, the 1972 Board issued an order that the BOR must bargain exclusively over subjects such as classifications and job security. Further, the language of the bill misrepresents the classifications and actual position descriptions of Community College Faculty, Librarians, Specialists and Extension Agents.

Librarians are the core of academic freedom in the academy; they conduct research, teach research methods to both faculty and students, preserve and archive historical and institutional knowledge, and contribute local, national, and international scholarship. A reclassification and loss of tenure for librarians would negatively impact the academic integrity of the UH System.

Extension agents are the direct link from the academy to the community (social services, agriculture, etc.). Similarly, many Specialist Faculty work inside and outside of the formal classrooms providing specialized knowledge in the communities they serve. For example, the Center for Education & Research fulfills statutory directives in the labor community, and provides labor education services to students enrolled at UHWO, members of the labor community, public and private organizations and the community at-large. Community members have been taking classes on parliamentary procedure, Hawaii Labor History, steward trainings, collective bargaining and earning continuing education credits at the Center for over 40 years.

The Center has also published books, papers and media on the Hilo Massacre, provided translations of Robert's Rules of Order in Native Hawaiian, and published articles and public presentations on the contributions of women to the labor movement in Hawaii. The archive houses the only publicly available labor education collection in the State of Hawai'i, including the Reinecke collection, thousands of hours of oral history in the Rice & Roses collection, files and clippings from every labor union; truly an invaluable asset to the working people of Hawai'i.

Similar to I faculty, Extension Agents, Librarians, and Specialist are "at-will" during their 5-year probationary period and may be terminated "at-will" during that time. Continuous service is contingent upon 5-year reviews, including review committees and administrative review. Consider that private labor contracts generally include a 90-day probationary period.

The decline of tenured faculty represents a broader trend in austerity and the privatization of civil service; the loss of public services threatens the stability of our public infrastructure. I ask the committee to consider who we relied on most during the lockdowns. Public food service workers provided much needed meals to the most vulnerable in our community - all public-school students in need. University faculty, including librarians, extension agents, and specialists moved services temporarily online, or continued to help the community by volunteering to process unemployment claims, for example. Public school teachers similarly adapted with the resources they had.

SB3269 represents another hit to the stability of public services in Hawaii. The removal of tenure for Specialists, Extension Agents, and Librarians puts them in jeopardy to censorship pressure from political interest groups, arbitrary termination, and severs the direct institutionalized link between the University System and infrastructure of public services they provide.

SB-3269

Submitted on: 2/9/2022 11:14:06 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Man Yang	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 Man Yang. I am writing to urge you to oppose [SB 3269](#), relating to tenure at UH. The elimination and restructuring of the tenure system would be detrimental to the quality of higher education in our state and for local communities, and it would endanger the accreditation of our state university system.

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. 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.

Yours Sincerely,

Man Beryl Yang

SB-3269

Submitted on: 2/9/2022 11:14:29 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
pamela scheffler	Individual	Oppose	No

Comments:

My name Pamela Scheffler, I am a Professor of Geography, Biology and Environmental Science at Hawaii Community College in Hilo. 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 as well as to the population we serve: our island communities.

As a community college professor, I am highly impacted by the changes to faculty classifications. Indeed, as the bill is written, I am unsure if community college classification (C) would be moved under the F-classification or if it would be removed from tenure consideration entirely. Either result would be disastrous to the mission of the University of Hawaii and its community college network. The UH Community Colleges (UHCC) serve the most needy of our island population. In Fall 2021, 1,926 of the 1,996 students enrolled at Hawaii CC (i.e., over 96%) are residents of the state of Hawaii. We have a mandate to take care of our own and our faculty do an incredible job of supporting our island along their educational pathways. Indeed, the most needy of our community come to the UHCCs to better themselves through education and meet their life goals; our faculty help them get there.

I am sure you are receiving many letters on the importance of tenure and I will not repeat much here, but I hope you understand that if you do not support those who support our community, it will be the people around us who suffer the most. If the goal of this legislation is to remove the tenure process from the UHCCs, this will have far-reaching repercussions across the State of Hawaii. If the intent is to bring the C-classification under the F-classification (currently used for faculty at 4-year campuses with research requirements), you will lose the powerful teachers who are meeting the needs of our college students on a daily basis. The qualifications for most faculty positions at UHCC include obtainment of a Master's degree in their field and few faculty hold a Ph.D. and have a strong research background. Many of the most qualified to teach in higher education are not qualified to conduct research there.

The elimination of many of the other duties that are currently tenure-track will also have strongly negative impacts on teaching and learning. I understand the reasons for tenure for all of the current positions but can most realistically speak to the importance of tenured extension agents. As an ecologist and instructor of the science of the natural environment, I depend heavily on the knowledge and expertise of the UH Manoa extension faculty stationed on Hawaii Island to supplement and improve the courses I teach. I am able to request guest lectures and

fieldtrips from these faculty that improve learning for all my students. The UH extension faculty are experts in their field and, as such, provide an invaluable resource to the Big Island community. Farmers, ranchers, conservationists and foresters all depend on the knowledge of these faculty to improve the work they are doing. This benefits the entire community through improved agriculture, etc. and an increase in healthy, local products that are raised with the science needed to protect our soils and environment.

As a final plug for tenure, we are living in a world where political appointees can confidently say that untruths are no more than “alternative facts,” and where such alternative facts are presented to the populace on a daily basis. Tenure provides a foundation for faculty to challenge popular narratives and to instill critical thinking skills in their curriculum; it separates academia from politics. I have am the beneficiary of faculty unafraid to talk about the rapidly warming planet, even at times when that was politically unpopular, and who have taught the theory of evolution in the face of strong opposition. My tenured status allows me to challenge my students to deconstruct what they hear through their social media platforms and to apply scientific principles to determine for themselves what they chose to believe and to repeat. I have students for a few hours a week, for a few weeks of their lives, but what they learn in my classes they can take with them forever. Tenure is part of the reason that I am able to provide this for them.

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

SB-3269

Submitted on: 2/9/2022 11:28:31 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 9, 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

Submitted on: 2/9/2022 11:28:48 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eiko Kosasa	Individual	Oppose	No

Comments:

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 **Eiko Kosasa**, and I am a resident of Mānoa and an Associate professor of political sciences and chair of the social sciences, 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.

My opposition lies in these areas:

1) The definition of “academic tenure” is wrong. It is not “the right of a faculty member to permanent or continuous service” as stated in SB 3269 SD1. Tenure in the university is not a free pass for “permanent” employment as this bill incorrectly characertizes. We have rigorous standards in which faculty must reach and uphold in order receive tenure and to maintain in good standing. The whole bill is premised on this inaccurate core definition and function, therefore the Bill’s conclusions are erroneous and insulting.

2) The purpose stated in this bill is to amend chapter 304A, Hawaii Revised Statutes addressing the various facets of tenure. Again, how can anything be resolved if the definition and its function of tenure are wrong and used as the base in this SB 3269 SD1? It is illogical.

3) As a member of Leeward Community College, classifying community college tenure as “faculty who teach courses and shall not be required to conduct research and shall be classified as "C” misunderstands and miscategorizes the function of the community colleges. Librarians, counselors, and others faculty who support the education of our communities. Again, another point where the writers of this bill do not understand our university system.

Possible recommendations:

Stop wasting our tax dollars with repeated attacks on tenure. Begin with a report or discussion based on the reality of the university and its function. Then and only then, can productive discussions occur between the university, UHPA, and the legislature. People may not agree but at least they will be on the same page to begin the discussion. Last year's PIG report had the same problem as outlined above. You are wasting everybody's time with sloppy work.

We are also tax payers so we expect the same courtesy given to all residents of the state of Hawai'i.

Oppose SB 3269 SD1.

Sincerely,
Eiko Kosasa, PhD

SB-3269

Submitted on: 2/9/2022 11:29:10 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kate Yusi	Individual	Oppose	No

Comments:

My name is Kate Yusi. I am a PhD student and graduate assistant in the Political Science Department at the University of Hawai‘i at Mānoa. I oppose Senate Bill 3269 relating to academic tenure at the University of Hawai‘i.

This bill threatens faculty tenure and undermines academic freedom. Faculty tenure protects our ability to do research and makes us select the University of Hawai‘i as a place we can do boundary-pushing, ground-breaking, and field-changing research. Moreover, denying academic freedom to one group, such as librarians, diminishes academic freedom for all.

Do not threaten our ability to complete crucial research. Please vote to oppose SB-3269.

SB-3269

Submitted on: 2/9/2022 11:32:23 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alyssa MacDonald	Individual	Oppose	No

Comments:

Higher Education Committee

Hawaii State Senate

415 S. Beretania Street

Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Dr. Alyssa MacDonald, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been

employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Mahalo,

Alyssa MacDonald, Ph.D.

SB-3269

Submitted on: 2/9/2022 11:39:56 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rebecca Carino-Agustin	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 Rebecca Carino-Agustin. I am currently a tenure-track Specialist Faculty, serving as a College Success Advisor at the University of Hawaii-West Oahu, Student Affairs Division. My testimony is submitted as an individual and not as a representative of the University of Hawaii.

I am writing in strong opposition to SB 3269 and am urging you to oppose this bill. In my three years as a Faculty Specialist, I've learned that there appears to be two major misunderstandings of this position: 1) how faculty specialists differ from staff and 2) the purpose of tenure.

Let me address the first misunderstanding. As a faculty specialist, I am expected to take on the role of a practitioner, deriving my advising practices grounded in learning and development theories. Any policy, process and procedural change recommendations, revisions, or creation are grounded in scholarly research. The minimum level of education required to be a faculty specialist is a master's degree, and with that comes the kuleana of carrying out research-based and informed practices, policies and procedures. This expectation to do scholarly research in addition to colleague consultation is one of the ways faculty differ from staff.

Another distinction is that as a faculty member, I have a stake in the faculty senate, having the power to influence policy change that positively impacts students through input and vote. While staff members, many of whom work within the Student Affairs Division, can provide input, they cannot vote. Also at faculty senate there can be points of contention, and being tenure-track or tenured encourages us to provide dissenting opinions towards the good of progress and always at the benefit of students. Reclassifying faculty specialists and removing the rights of tenure would impact how I and other faculty specialists down the line interact in these sessions, as we may not be as vocal for fear of retaliation.

As a faculty specialist, I serve as an educator in various capacities. As a First Year Experience Coordinator, I educate our peer mentors on policies that pertain to the institution to guide their interactions with their mentees. As a College Success Advisor, I educate my students on federal, financial, and program policies and procedures to ensure they are informed when making decisions on their academic journey. Working as a faculty within Student Affairs I also teach

Student Development courses inload, providing students the academic success skills necessary to ultimately persist and graduate at our institution. Staff are not expected nor are required to educate in this sense.

The second misconception is around the idea that tenure secures us “lifetime employment”. The process of tenure for faculty versus that of staff is much more rigorous and strenuous. Our probationary period lasts for up to 5 years with 3 rounds of review. We need to showcase that we have performed or excelled in the realms of professional and scholarly activities, and service, then showcase our growth to make impactful contributions over time. Our dossier is then reviewed by several tenured committee members to determine if we should continue or be granted tenure. At any point during our probationary period, we could not be renewed. Staff undergo a 3-year probationary period that does not require this much rigor.

In the same vein that Instructional Faculty and Librarians are able to engage in controversial topics, which are protected by tenure, tenure encourages Specialist Faculty to design and carry out innovative, and potentially controversial, practices towards addressing diversity and equity issues that are still very present within higher education, that “at-will” faculty will not for fear of losing employment. The work Faculty Specialists do goes beyond educating in the classroom. The work we carry out year-round is making impactful changes on the policies, procedures, and processes to make higher education more accessible for students. This impactful change can only happen with tenure for Faculty Specialists.

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

Sincerely,
Rebecca Carino-Agustin, Faculty Specialist, Student Affairs Division

SB-3269

Submitted on: 2/9/2022 11:40:53 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hannah Hyman	Individual	Oppose	No

Comments:

My name is Hannah Hyman. I am a current Graduate Assistant in the Political Science PhD program at the University of Hawai'i at Mānoa. I strongly oppose Senate Bill 3269 relating to academic tenure at the University of Hawai'i.

This bill threatens faculty tenure and undermines academic freedom. Faculty tenure protects our ability to do research and makes us select the University of Hawai'i as a place we can do boundary-pushing, ground-breaking, and field-changing research. I personally moved from Chicago to Honolulu in the hopes of pursuing my PhD with recognized, world-class faculty that do unique research rarely supported anywhere else. Without the protections of tenure, my mentors and professors would be unable to do their work; I, in turn, would not be here, and would be unable to do mine. I am so grateful to be a part of the University of Hawai'i kākou and to have this opportunity, and I truly hope that other future scholars can have that as well. Tenure is vital to that hope and that future.

Moreover, denying academic freedom to one group, such as librarians, diminishes academic freedom for all. Without freedom to have an open exchange with all members of the University of Hawai'i kākou, there is truly no open exchange across the board. Librarians frequently engage with controversial but important texts, and to lose the ability to do so would not only cripple discussions that they could have with others, but what can be brought to the classroom and to students in research presentations or papers. I implore the legislature to keep tenure protections for all, so that everyone at UH can experience true intellectual freedom.

Do not threaten our ability to complete crucial research. Please vote to oppose SB-3269.

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education 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, 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 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

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, and in dispelling incorrect assumptions about academic librarians. I will also provide an example of why librarians should be eligible for and are well-deserving of tenure at community colleges.

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 research” which is contrary to expectations for faculty at the community colleges which includes librarians.**

(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 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. Leeward Community College has a decades-long partnership with ENG 100 faculty to teach information literacy skills through scheduled sessions in the classroom and a [self-paced online module](#). Successful completion of the online module is

a requirement for passing the course. **To assume that librarians do not teach is inaccurate and to exclude community college librarians from categories (2) and (6) is an oversight. If this bill moves forward, the community college faculty category should be revised to include faculty who do not “teach courses,” but who active and full contributors to the teaching and learning mission of the community colleges. Librarians should be included in this category.**

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 books in their 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.**

My role as a community college librarian has evolved over the past decade. Contrary to assumptions that tenure leads to rigidity and inflexibility, it has had the opposite effect for me. **Tenure gives me the freedom to innovate and make changes in teaching and learning that are actually more responsive to a rapidly changing educational environment. Tenured faculty can innovate without fear of the consequences for out-of-the-box thinking. My leadership in OER in the UH System and nationally, is an example of why tenure benefits me, students, faculty, and society at large.**

As a community college librarian, I have assumed 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 community college librarians at UHCC campuses, 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 have no-cost textbooks such as OER. The savings to 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](#) showcases our efforts and the important role of librarians in leading the OER initiative.

Community college librarians have been instrumental in increasing OER adoption across the UH System. Librarians use their expertise to identify and curate OER available on the web,

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

using our knowledge of the curriculum to sift through numerous resources. 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 adoption 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. Without librarians, UH would not have an OER initiative.** WICHE recently highlighted one of the OER initiatives at UH in its [WICHE Insights Newsletter](#).

OER adoption at UH would not be where it is today without the leadership of community college librarians (see [AY 2019-20 UHCC OER Annual Report](#)). I directly attribute some of my success as a librarian in convincing many colleagues to adopt OER to my status as faculty of equal standing. Skepticism about OER was common at the beginning and myths had to be dispelled. Adopting OER is not always 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 expended. Commonly, faculty need to combine and remix disparate OER to replicate a \$50 or \$100 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. Another reason for using OER besides the cost factor, is commercial textbooks are not that great to begin with. 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 students. **OER can, and has, improved teaching at UH and community college librarians have provided the training and support to faculty to transform their teaching for the benefit of our students.**

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 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 some of the funding provided by the Office of the Vice President for Community Colleges. [Botany in Hawai'i](#) is a recently published textbook by Leeward Community College faculty that would not have been published without the advocacy, training, and support by community college librarians and other non-teaching faculty members. The co-authors received a small \$1,500 grant from UHCC. Along with additional federal grant funding, they were able to create a textbook that did not exist before.

As you see, **OER and my role as a tenured faculty librarian advocating for OER has led to innovation in the classroom with direct benefits to how students learn through the use of more contextualized learning materials and the adoption of innovative pedagogical practices while increasing college affordability.**

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 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.

Yours sincerely,

Wayde Oshiro

SB-3269

Submitted on: 2/9/2022 11:45:47 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kaiqing Su	Individual	Oppose	No

Comments:

I will be submitting testimony in opposition. The research we do as graduate students—from our published journal articles to our dissertations—relies upon the ability of our committee chair or advisor to supervise us and not be worried about losing their job because they supported our work. We come to UHM to take and to teach interesting, tough classes that challenge us and our students with course material some may find challenging, controversial, or that they might wish was never taught. Our job is to teach the histories that those in power have tried to hide away and to do the research that opens the curtains and lets the light into the aspects of our societies that some may not wish to acknowledge. We can only do that if our faculty and staff have the full protections of tenure and academic freedom.

SB-3269

Submitted on: 2/9/2022 11:58:52 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Meredith Lee	Individual	Oppose	No

Comments:

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee:

My name is Meredith Lee, and I am an Assistant Professor 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 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 future 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 unions 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. For example, as of Fall of 2021, Leeward Community College had 24 positions swept and 32 frozen.

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) accreditations 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:

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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. With tenure, 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. 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.

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 current 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 institutions, 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 am also particularly concerned about the proposed changes for librarians and counselors. 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.

Counselors, and other support faculty, 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.

[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.

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.

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.

In summary, 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 insert government control when the university system must remain autonomous.

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

Yours Sincerely,

Meredith Lee

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Nicole Kau'i Merritt, and I am a resident of Halawa Heights and an Assistant Professor at the University of Hawai'i – West O'ahu. 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.

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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

A handwritten signature in black ink that reads "N. Kau'i Merritt". The signature is written in a cursive, flowing style.

Nicole Kau'i Merritt, ScD, MPH, MA

SB-3269

Submitted on: 2/9/2022 11:59:20 AM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Aloha,

My name is Katherine Finn Davis, 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.

Specifically, I oppose denying tenure to support faculty and extension agents solely because we do not primarily engage in direct instruction. I am a Specialist (not "support faculty") at the UHM Nancy Atmospera-Walch School of Nursing. I have well-defined job responsibilities that include planning, management, and community relations, all of which are critical to the success of the students and faculty. For example, just this semester I am engaging with local healthcare organizations to secure summer scholarships and opportunities for our students to have clinical experiences at their organization. These students will go on to stay at that particular organization through their Senior year clinical experiences and thus be an easy hire upon graduation. This helps counteract our state's growing general nursing shortage. I am also collaborating across the state's healthcare organizations to develop a plan for centralizing and streamlining specialty training for nurses to help speed up the process of training specialty nurses, avoid having to recruit from the mainland or use expensive travel nurses, provide jobs for our local students, remove duplication of efforts, and firmly place UHM NAWSON as a critical driver in innovative methods towards solving our state's specialty nursing shortage. I am organizing opportunities for our local healthcare organizations to speak directly to our students about their employment opportunities so our students can remain and work at home after graduation vs being wooed away by mainland hospitals. I am sponsoring opportunities for local healthcare organizations to support our soon-to-be new grads with practice interviewing. Many of our students have been offered positions through this longstanding program. I could go on. But, the point is that Specialist faculty also serve a critical role in helping educate our students to serve our state in different ways than through direct instruction.

Therefore, I do not vote for SB 3269.

Sincerely,

Katherine Finn Davis

SB-3269

Submitted on: 2/9/2022 12:00:53 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mika D Thompson	Individual	Oppose	No

Comments:

My name is Mika Thompson. I am a PhD-Epidemiology student at the University of Hawai‘i at Mānoa. I oppose Senate Bill 3269 relating to academic tenure at the University of Hawai‘i.

This bill threatens faculty tenure and undermines academic freedom. Faculty tenure protects our ability to do research and makes us select the University of Hawai‘i as a place we can do boundary-pushing, ground-breaking, and field-changing research. Moreover, denying academic freedom to one group, such as librarians, diminishes academic freedom for all.

Do not threaten our ability to complete crucial research. Please vote to oppose SB-3269.

SB-3269

Submitted on: 2/9/2022 12:03:35 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Makanalani Gomes	Individual	Oppose	No

Comments:

Aloha, my name is Makanalani Gomes. I am a Graduate Assistant, Graduate Candidate, and the GSO representative for Hawaiian Studies at the University of Hawai'i- Mānoa. I strongly oppose Senate Bill 3269 relating to academic tenure at the University of Hawai'i.

This bill threatens faculty tenure and undermines academic freedom. Faculty tenure protects our ability to do research and makes us select the University of Hawai'i as a place we can do boundary-pushing, ground-breaking, and field-changing research. Moreover, denying academic freedom to one group, such as librarians, diminishes academic freedom for all.

Do not threaten our ability to complete crucial research. Please vote to oppose SB-3269.

Regarding SB3269, I strongly oppose the Bill.

I have spent 55 years in higher education. I am a retired R5, Emerita member of the UH Manoa faculty. In my 51 years at UHM I have seen Hawai`i State Legislative measures, such as SB3269, place the University of Hawai`i at risk of loss of accreditation. Such loss would deny the State of Hawai`i youth a reputable institution of higher education and innovation.

As a research faculty member, I have taught classes at all levels from introductory, through upper class, to graduate level. At each level, the aspects of the classes that the students find the most exciting are those that deal with latest research discoveries. When those discoveries are ones made here at UH, they are the most inspiring. Such lessons encourage our local best and brightest students to realize that they could do the same right here in the islands, and retain close ties to their ohana. With the current difficulty of attracting and retaining faculty to the UH from innovative fields of endeavor, it is imprudent to revoke the traditional appeal of tenurable positions for any category of faculty. Tenure does offer a sense of job security, but it is really the opening of the door to expanded imagination. Imagination is the driving force of discovery.

The Bill SB3269 would have deleterious effects on the State of Hawai`i with regard to acquiring expert guidance when needed. Suggesting that Specialist Faculty not be tenurable indicates a woeful lack of appreciation of the work that group contributes. They are the support for analytical equipment and facilities, for design and implementation of unique solutions to unexpected problems. For students, they are the corporate memory for what works and what does not in any lab. They teach students best practices in their fields and are the guides to safety. They are often the only opportunity for students to learn the quirks of aging analytical instruments. This is a very important function in our time of dwindling resources for upgrades in equipment. To lose "corporate memory" of this sort, because of difficulties in retention, would impact every lab, every facility, in the system.

Furthermore, Extension Agents are the connections between research and the local communities of farmers, consumers, and families. To gain the trust of such cohorts takes time, the sort of time that enables these faculty members to get to know the needs of the community she or he collaborates. They need that time to become the reliable resources the entire State turns to. Would you trust someone you did not know, someone who has been assigned a 2- to 4 -year tour duty, to advise you whether or not it is safe to drink the water? Tenure for these faculty members is a means to attract and retain those who are most dedicated to the welfare of the State and who can fearlessly speak truth to power.

A University is not a set of classrooms. It is so much more than a high school, it is a source of inspiration, experimentation, and innovation. It is a vector for economic growth, for human and environmental health, and for public safety in times of natural hazards. UH needs to maintain its ability to attract and retain minds that offer the potential for discovery and give them the longevity that engenders trust.

SB-3269

Submitted on: 2/9/2022 12:11:20 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ivette Stern	Individual	Oppose	No

Comments:

My name is Ivette Rodriguez Stern and I am providing personal testimony in **strong opposition to SB3269**, relating to academic tenure at the University of Hawai'i. I am a faculty member at the University of Hawaii.

The bill reflects a severe lack of understanding of the university's faculty categories, our duties, and our rigorous tenure and review procedures. If passed, it will have devastating impacts on academic freedom, the university's ability to serve its teaching, research and service mission, and its ability to continue serving as a Research 1 institution.

To clarify, many support faculty and extension agents serve at the nexus of research, teaching and extension, conducting translational and applied research in a variety of fields that serve the state as well as the nation and performing various forms of non-classroom educational activities. They are not classified as researchers because they do not follow the traditional research practices (e.g., generating original research, publishing in peer-reviewed journals as the highest measure of achievement). Nevertheless, these faculty bring in extramural funds and their work is grounded in scholarship. Universities throughout the nation recognize that scholarship is not limited to original research and classroom instruction, and that applied forms of scholarship (e.g., conducting translational research and engaging with community partners to improve systems, policies and programs) are equally valuable in academia.

More specifically, the proposed changes in faculty classifications would be quite harmful to the College of Tropical Agriculture and Human Resources, where support faculty and extension agents engage in scholarship to deliver education, research, service activities that directly contribute to the state's agriculture and well-being of Hawaii's citizenry. The protection of academic freedom they need to carry out their work is the same as for instructional and research faculty. Taking away academic tenure for support faculty and extension agents will weaken the college's ability to recruit and retain the best workforce moving forward, and to serve the state's needs.

Additionally, the peer-review tenure process at the university is extremely rigorous. A post-tenure 5-year review process is also in place to evaluate faculty and guarantee productivity standards are met. It is critically important for the university to maintain the integrity of its tenure and post-tenure review procedures and to stay aligned with the best practice recognized by our peer institutions across the country.

Finally, and more generally, disrupting the university's faculty governance structure diminishes its appeal to faculty performing at the top of their profession, will negatively impact the university's ability to attract a qualified workforce in the years to come, and likely drive away those who are already part of the university community. Over the long-term, this will impact the university's standing as a R-1 research institution, impact its ability to secure extramural research funding, and impact its ability to maintain and grow student enrollment. While this bill is marketed in spirit of improving our educational system, it will, in fact, have the exact opposite impact.

I urge you to vote against SB3269. Thank you for the opportunity to testify.

SB-3269

Submitted on: 2/9/2022 12:19:17 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Larissa Leslie	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 Larissa Leslie, 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.

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.

I also oppose the elimination of tenure for librarians. 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.

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.

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,

Larissa Leslie

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Ashley Biddle, and I am a resident of Kaimuki and a tenure-track Instructor of Psychology 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.

I love but am overqualified for my job at Leeward CC. Whereas I am only required to have an MA, I have earned a PhD in Psychology and remain very active in my field, including research (even though I am not required to). I have done an enormous amount of professional development throughout my 4 years on the tenure track and am an accomplished teacher, earning high marks from both peers and students. I have, no doubt, changed the lives of hundreds of students. I have improved my community in substantial ways. I look forward to a long career at Leeward CC where I am supported in ways that allow me to innovate and serve our students better.

While doing this important work, I have had to max out the overload courses I teach (which means I am teaching 13 courses per year instead of 9) just to make enough money to afford the cost of living in Honolulu. I have also given birth to two young children with no paid parental leave. The two things that have made it still worthwhile for me to continue in this job, instead of leaving academia for a much better paying job in industry, are my supportive colleagues and the possibility of tenure. This bill threatens both of these and will drive dedicated teachers out of our community college system, where we are needed most.

Even though I am relatively new to the system, I have firsthand experience with the difficulties of hiring quality instructors. When I started my tenure-track job, there were two other tenure-track Psychology instructors. By the beginning of my second year, they had both moved onto other jobs and I was the senior-most Psychology faculty member. As such, I have headed every search committee and also hired countless lecturers. Whereas we should have 4 full-time Psychology instructors, we only have two currently and the remaining two positions have been swept. This means that one colleague and I are responsible for over 1500 students per semester, and do a significant handling of 8-10 lecturers. It is insulting to insinuate that we are not worthy of tenure simply because we are not required to do research.

My colleagues are unequivocally the most supportive part of my job. I regularly interact with faculty members across disciplines, librarians, counselors, disability services, and other support faculty. To strip them of the possibility of tenure would mean fewer qualified colleagues, and a cascade of terrible outcomes, both for the employees "left standing" and the students.

I am a developmental psychologist by training, which means I am well-versed in the research that shows educating parents has ripple effects on their children. This bill would decrease our ability to educate

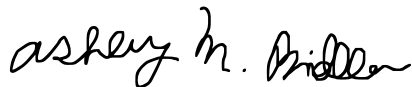
parents (over 50% of my students are parents) and thus lead to deleterious effects on children of Hawai'i. Educated parents are better able to advocate for their children when seeking services. Research also consistently finds that the earlier parents seek services for children, the better the outcomes.

I am also concerned that this bill 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.

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. 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,

A handwritten signature in black ink that reads "ashley m. Biddle". The signature is written in a cursive, lowercase style.

Ashley M. Biddle, PhD

9 February 2022

TO: 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

FROM: Lurana D. O'Malley

RE: Testimony in Opposition to SB 3269 and 3269-SD1

Thank you for this opportunity to give testimony. My name is Lurana Donnels O'Malley, and I am writing to strongly oppose SB 3269 and its revision 3269-SD1, relating to several key governance issues including academic tenure at the University of Hawai'i.

Any alteration to tenure procedures from the legislature has enormous ramifications for the health of the University. The practice of tenure preserves academic freedom, highly prized in American society. The practice of tenure is essential to the current excellent reputation of the University beyond our shores. The practice of tenure assures applications from prospective faculty members of a high caliber.

Tenure also promotes faculty stability, and commitment to community. Contingent or part-time faculty are simply not able to dedicate the additional time (usually overtime far beyond 40 hours a week) needed to nurture the academic growth of undergraduate and graduate students.

In the past two years, tenured and tenure-track faculty at UHM have risen to meet the extraordinary challenges of the COVID pandemic, not to mention the hiring freeze, and the budget cuts. Faculty have demonstrated resourcefulness and flexibility in challenging conditions, and have shown a commitment to UHM and to our state that should be rewarded, not penalized.

A classification of "renewable term" faculty is proposed in the bill; as you may be aware, there is a growing national trend to rely on such temporary faculty, or on part-time or on adjunct faculty or other forms of non-tenure-track faculty as cost-saving measures. But in the long run if UH begins going down the slippery slope of replacing tenure-track positions with this kind of temporary position, the university and the state will suffer from the lack of high quality faculty that tenured positions can provide. The stability of tenure by its very nature creates a more stable work environment which in turn creates stronger departments, and better educational experiences for students. As the bill says, "an educated workforce is a critical determinant of the economic and social health of the State." Any erosion of tenure practices will be harmful to the education of that workforce.

Please preserve the delegation of these types of governance matters outlined in these bills to the University to the Board of Regents. Yours Faithfully, Lurana D. O'Malley

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 **Tamera Loveday**, 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.

Yours Sincerely,

Tamera Loveday

metalhead_173@hotmail.com

509-240-5744

PO BOX 1443, Kea'au, HI 96749

Davianna Pōmaika'i McGregor
1942 Naio St.
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Testimony In Opposiiton to SB3269 and SB3269 S.D. 1 Proposed
Presented Before the
Senate Committee on Higher Education
Thursday, February 10, 2022
1:00pm

By Davianna Pōmaika'i McGregor

Chair Mercado-Kim, Vice-Chair Kidani and members of the Senate Committee on Higher Education, 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 and SB3269 proposed S.D. 1.

Passage of SB3269 or SB3269SD1 (Proposed) 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. Passage of this bill will also undermine the status and integrity of the statewide community college system.

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 is a process that is within the purview of the University of Hawai'i administration and the Board of Regents. It 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.

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 both the University of Hawai'i at Mānoa, and the community colleges and expand the diaspora of Hawai'i-born residents to the continent to seek excellent educational and professional opportunities. 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 who largely hold Specialist and Extension Agent positions.

I testify in opposition to this bill because it will reverse the progress of recruiting Hawai'i-born educators and graduate students to the University of Hawai'i at a time when we have a critical mass of highly trained educators and researchers in all educational fields on the continent. It will reverse the progress of propelling 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 on Higher Education support the academic freedom of our university faculty, in all classifications by not passing SB3269/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 initial "D" and a long, sweeping tail on the "g".

SB-3269

Submitted on: 2/9/2022 1:01:59 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emily N Daubert	Individual	Oppose	No

Comments:

To whom it may concern:

My name is Emily Daubert, and I am writing in opposition to SB 3269_SD1, regarding academic tenure at the University of Hawai‘i, and to humbly implore you to also oppose the bill. Because we share goal of delivering high-quality education to the citizens of Hawai‘i, I feel compelled to point out that this bill would damage the University of Hawai‘i and its ability to do so.

First and foremost, I am most concerned by the legislature’s attempt to diminish the University’s and the Board of Regent’s autonomy with regard to academic governance. While, I suspect I share many of the legislature’s concerns about tenure and the tenure process in general, these issues need to be addressed by the Board of Regents and the faculty, staff, and others whom they directly affect—not by state lawmakers. I have worked at flagship State Universities in two other states (PA and MD), and those Universities were able to better serve students and educate their workforces because the legislatures were working to support, rather than usurp University autonomy and effectiveness. Any issues with tenure or the tenure process should NOT be changed by people who are outside the system, and who, frankly demonstrate little understanding with regard to tenure and academia.

More specifically, I am concerned that eliminating tenure for support faculty and extension agents (p. 7) will remove the necessary protections for their positions. For example, these faculty manage Early College, the dual-credit programs for high school students in the state of Hawai‘i. Beyond contributing directly to an educated workforce, which (in agreement with the bill) is a critical determinant of the economic and social health of the State, programs such as these, which are run by extension agents, also prepare local high school students for entry into and success in the UH system. I specifically cite the example of Early College because agents in this legislative-backed initiative establishes equity of college access for underserved populations, such as lower socioeconomic and rural students, with a special commitment to Native Hawaiians success, consistent with (if not central to) the UH mission.

Additionally, support faculty, such as counselors, work with some of the most at-risk students, who face food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health struggles, which have a strong impact on students ability to succeed in college and graduate on time. Without tenure, counselors risk being arbitrarily dismissed due to disagreements with parents, students, supervisors, or administrators, which threatens impartial decisions, speech, and actions designed to protect the students and the educational mission of the

UH System. If tenure is eliminated, I am concerned that our fantastic counselors will seek employment elsewhere, where tenure is offered. In general, this policy has the potential to contribute to the skills drain and population decline currently being experienced by the State of Hawai'i.

In sum, faculty and staff at the University of Hawai'i are already struggling as a result of austere budget cuts, hiring freezes, and swept faculty positions. The lack of funds has a direct impact on my and others' abilities to secure external grants, which financially contribute University, and as an Assistant Professor, the looming threat of tenure being taken away piece by piece is terrifying with regard to job security.

I came to Hawai'i to put down roots and to better this University and this State, and it is upsetting to see bills, such as SB 3269_SD1, put forth with the justification of better educating and preparing students to enter the workforce. There is no reason to believe that SB 3269_SD1 would do so, as evidenced by the Board of Regents failure to adopt the Permitted Action Group's tenure proposal.

In the spirit of a shared goal of improving education in the UH System to better prepare students for the workforce, I humbly implore you to oppose SB 3269_SD1.

With warmest aloha,
Emily

Testimony Against SB 3269 SD1
Senate Committee on Higher Education (HRE)
February 10, 2022 at 3 pm

RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

Chair Donna M. Kim, Vice-Chair Michelle N. Kidani, and members of the Senate Committee on Higher Education:

I write in **strong opposition** to [SB 3269 SD1](#), relating to the removal of academic tenure at the University of Hawaii for specialists (support faculty sic), extension agents and community college faculty. I am a tenured Specialist in the College of Social Sciences at the University of Hawaii at Manoa. However, I am writing today as a concerned individual with first-hand knowledge of this subject having gone through the tenure process and having served on tenure/promotion committees at the departmental and campus levels.

To provide context, the UHPA membership learned in September 2021 that many members of the PIG Task Group came to the table with inaccurate, preconceived notions about tenure. The PIG Group was comprised primarily of individuals who have never gone through the tenure/promotion/periodic review process. If they had, it is my belief that they would have a completely different perspective and appreciation for the process and this Report would not be before us today. This proposed solution attempts to solve a non-existent problem. The recommendations are harmful as it will prevent identified faculty in this Bill from effectively serving the wide range of learning communities.

Allow me to describe the process. Every probationary faculty member must meet the educational requirements and years of service for the rank that he/she is applying for tenure and/or promotion. Then each of us are reviewed against the *tripartite model* so we must provide detailed evidence of meeting each of the criteria in 1) teaching/professional activities, 2) research, and 3) service (university and community). We prepare a comprehensive document of dozens of pages that address these criteria and submit to the Provost's office. Independent reviews are done at seven (7) levels – the 5-member department personnel committee (DPC), 6-7 external faculty evaluators (EE) at peer universities, department chair (DC), dean (D), the campus-wide Tenure and Promotion Review Committee (TPRC), chancellor/provost and then the president. At each level, parties assess how the individual has met the criteria and whether he/she is and can continue to be a valued member of the university. The review process starts in December the year prior and ends in May of the following year. The probationary faculty can be rejected at any time along the way. When we are approved for tenure, faculty are ready to work with the same commitment for the rest of our career. We follow the same processes all over for promotion to the next rank by providing concrete evidence of what we have done since our last promotion. Every five years, we undergo a periodic review process, which is performed by the department chair. If there are deficiencies, action is taken by the administration. This series of reviews continue until we end our employment. Other categories of employees do not require this level of review. I understand that this SB3269 is introduced by HRE as a subject of state-wide concern. However, please note that the Bill proposes to reduce the review process to that of other employees versus the standards we are presently held to, which is counterintuitive in my view. The reason faculty are against this bill (which equates to more work and accountability) is that once we

have achieved tenure, this establishes credibility with peers and expands opportunities for the institution and the State. The “tenure” path is by no means the path of least resistance.

Currently, faculty collaborate with faculty peers nationally and internationally on teaching/research projects, and this directly translates into additional external funding to the State and ultimately more jobs for people in Hawaii. Our publications also contribute to the recognition of the UH as a respectable institution. This is equally true for the targeted faculty (i.e., specialists, extension agents and community college faculty) in Bill 3269 SD1. Without tenure, opportunities to work with faculty “peers” will diminish significantly (as we will no longer be seen as faculty peers) and the university and the State will ultimately be adversely impacted in the long run. Tenure is a win-win position for the faculty, the university and the State of Hawaii.

While no system is perfect, the current system has the breadth of faculty to make the university operate at its optimum. As I briefly discussed, the kind of changes proposed here in Bill 3269 SD1 will create a ripple effect of negative repercussions. More importantly, the removal of tenure **does not save dollars and would not ensure higher quality employees**. I therefore ask that you reconsider and vote in opposition to SB 3269 SD1 in its entirety.

Sincerely,

Ann Sakaguchi, MPH, PhD

My name is Nicole Alia Salis Reyes, and I am writing in opposition of SB 3269. This bill seems to rely heavily on recommendations made by a Board of Regents Permitted Interaction Group (PIG) on tenure in October 2021. Like many others, I was vehemently opposed to those recommendations, and my concerns remain now with the proposal of SB 3269.

As was outlined by the UH College of Education Faculty Senate in a letter of testimony regarding the PIG recommendations, "Tenure is not about job security. Tenure is about protecting academic freedom." Academic freedom, moreover, entails the free and unencumbered pursuit of knowledge. In accordance with the 1940 Statement of Principles on Academic Freedom and Tenure by the American Association of University Professors, through its provision of full academic due process, tenure provides a vital means for ensuring that faculty have the autonomy to engage in scholarly pursuits that they merit worthy, even when these pursuits may be politically unpopular. This 1940 Statement was foundational in the establishment of tenure at academic institutions across the U.S. and it remains relevant today. While the number of tenured faculty positions may be shrinking across the U.S. due to institutions' increasing reliance on adjunct faculty for cost savings, literature suggests that this may be at the peril of higher education as we know it. This is not because adjunct faculty do not strive to do good work but because, due to their lack of tenure, they are often placed in precarious positions with minimal resources or support to complete their job duties. From this trend, we may see that academic freedom remains elusive without the protections and security provided through tenure. If SB 3269 were to be passed, this would effectively end tenure for several faculty classifications, including specialist and extension classifications. Such conditions could erode academic freedom across our University of Hawai'i System, preventing the system as a whole from fulfilling its mission to serve Hawai'i and the Pacific.

The work of faculty is complex and it seems often never done. In his work with the Carnegie Foundation for the Advancement of Teaching, Ernest Boyer (2016) posited that the work of faculty is four-fold, encompassing:

- the scholarship of discovery, which involves the pursuit of new knowledge through research;
- the scholarship of integration, which interprets knowledge through interdisciplinary perspectives;
- the scholarship of application, which seeks to apply knowledge to consequential problems in the real world; and, finally,
- the scholarship of teaching, which enables the transmission, transformation, and extension of knowledge.

Acknowledging and elevating the importance of *all* of these forms of scholarship, Boyer argued, "What we urgently need today is a more inclusive view of what it means to be a scholar" (p. 75). Unfortunately, SB 3269 would do just the opposite. It neglects to see that all classifications of faculty in the UH System engage in these various forms of scholarship, though perhaps to different degrees. I would especially like to call attention to the work of faculty specialists. The work of faculty specialists can vary considerably, depending on the needs and responsibilities outlined in their letters of hire. However, many faculty specialists are charged with academic advising and/or student services program administration. Such work often requires that faculty

specialists engage in all four areas of scholarship noted above. They must remain versed in the latest theories and best practices of their professional fields and must be prepared to evaluate the efficacy of their programs. They must be able to work across units and to apply their knowledge of theories and best practices to support the retention and success of students, especially those from backgrounds underrepresented in higher education. And, they must be able to teach students, empowering them with knowledge and skills to unlock their potential success in college. To put it plainly, faculty specialists *are* scholars and, with tenure, they may be able to engage in their scholarship to the fullest extent. They play key roles in supporting our students and programs and ultimately in shaping our university for the better.

To reiterate, I strongly oppose SB 3269. In its threat to academic freedom, its myopic view of scholarship, and its overstepping of the balance of shared governance, SB 3269 would undermine the very core of our University of Hawai'i System, our only public system of higher education in Hawai'i. High quality higher education is essential for Hawai'i to be able to have a place in an increasingly globalized knowledge economy. We should be bolstering our system of higher education, not tearing it down from within.

SB-3269

Submitted on: 2/9/2022 1:13:05 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
William Albritton	Individual	Oppose	No

Comments:

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is William McDaniel Albritton and I am writing in opposition to the Legislature's SB 3269 SD1.

At Leeward Community College, we are all working hard to educate our students. With the budget cuts, sweeping of UH positions, and freezing of UH positions, many of us are taking on extra duties and teaching extra classes to make sure things get done. Janitors are taking on extra areas for cleaning. Professors are mowing grass. Aging buildings are in need of repair, so we put buckets below the leaks and buy dehumidifiers to reduce potential mold issues as short term fixes. We try to hire Student Help to cover some of the more routine jobs, but we are having trouble hiring Student Help as the pay for students is so much lower than what they could get paid at jobs outside the college. In short, we are pressed pretty thin with a skeleton crew and our limited resources, and tasked with the important job of educating our future workforce.

To help us with this situation, it would be very supportive to hire full time positions again, to increase funding to repair aging facilities, and to increase the pay for Student Helpers.

However, this bill is a reorganization that does not help with these pressing issues. Instead, it takes tenure away from some very crucial positions, such as from counselors and community college faculty. The counselors and community college faculty are very busy and dedicated with teaching, professional development, committee service, and community service. For example, just this past Saturday, the Leeward CC STEM faculty hosted the Leeward Regional Science Olympiad on the campus, which took a lot of time for preparation and required a lot of Leeward CC faculty and student volunteers. Taking away tenure from these hard-working people will dishearten current counselors and community college faculty, discourage people from applying for a job as counselor or community college faculty, and lower the quality of support and the quality of education for our students.

This situation keeps reminding me of a comedy routine by Comedian Bernie Mac, who jokingly says, "Y'all know the saying 'Never kick a man when he's down?' Well, if you really think about it, there is actually never a better time to kick a man than when he's down!" and the audience laughs at the truth and irony of Bernie's joke. Unfortunately, the

Legislature's SB 3269 SD1 and the University of Hawai'i Board of Regents Resolution 21-06, which the Regents didn't approve, feels like y'all are kicking the 10 UH campuses while we are down.

In short, please help the 10 UH campuses with a better bill, rather than hinder us with SB 3269 SD1.

Thank you for your time and consideration.

**Sincerely,
William McDaniel Albritton
92-1979 Kulihi Street
Kapolei, HI 96707**

SB-3269

Submitted on: 2/9/2022 1:13:43 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wayland Quintero	Individual	Oppose	No

Comments:

Higher Education Committee

The Hawaii State Senate

415 S Beretania St.

Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 9, 2022

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

Along with many others, I strongly urge you to oppose and abandon [SB 3269 SD1](#), relating to academic tenure within the University of Hawai'i system.

My name is Wayland Quintero, a resident of Senate District 14, Representative District 33. I am a graduate of the University of Hawaii, a father, spouse, an instructor at Leeward Community College, and an emerging activist in issues that matter to me alongside other people in various communities.

Frankly, I believe that any changes to the tenure system should be left to people who have day-to-day and high expertise in tenure matters, who also hold decades of deep experience in academia, and who have also cultivated authentic relationships between the primary stakeholders- the faculty and staff in the University of Hawaii system. As such, I believe that tenure and other related decisions must be left to the UH Board of Regents in close consultation with our union, the University of Hawaii Professional Assembly (UHPA) and union members.

There are so many pressing issues in our community that the Legislature ought to and can address instead: clean water and other environmental issues, affordable housing, responsible law enforcement, responsible tourism, taxation, and much more.

That all said, tenure is not a matter that our state Senators and Representatives should be involved in. I respectfully encourage each of you to direct your focus elsewhere.

Aloha,

Wayland Quintero, Ph.D, MFA

SB-3269

Submitted on: 2/9/2022 1:17:06 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alex Wong	Individual	Oppose	No

Comments:

The solution for addressing inefficiencies in the existing public education system is NEVER going to be the levying of additional bureaucracy and political control over education. The cost of the time, money, and people power to institute "periodic reviews" by political and administrative figureheads will be an additional expense and waste of taxpayer dollars. The efficacy and actual benefit of this proposed shift of greater executive power and bureaucracy over the University of Hawaii's educators and faculty is highly questionable and frankly suspicious.

The main reason why the current state of public education in Hawaii is so deplorable is because the individuals higher up the ladder in the educational system are politicians and NOT educators, and yet they continue to make all the decisions that dictate the (dys)function of the educational system. It goes against common sense to have critical administrative decisions on Hawaii's public education system and public university being made by POLITICIANS and BUREAUCRATS who have zero experience actually teaching. Interestingly enough, the term "ivory tower" exists to depict an academic's innocuous vantage point for making ethical and scientific judgements of society and systemic functions (and dysfunction) from the safe oasis of the university. However, no term exists for those politicians who make uninformed legal and administrative judgements of other fields and industries, from the comfort and safety of the State Capitol; politicians with little to no real world experience themselves in the respective fields and industries they continue to further corrupt and shackle with additional bureaucratic hoops for everyone to jump through. Please refrain from continuing to waste everyone's time with these irrational political "priorities".

Furthermore, why would you take away librarians' ability to work towards tenure? These professionals are the keepers of academic knowledge in the university and the State of Hawaii. Retention of quality librarians is integral for the advancement of acquiring, organizing, studying, disseminating, and critically analyzing historic knowledge and new information and data. Continuity of library faculty is critical for continued growth and evolution of the university's collection of information. Why would you want to take the opportunity of tenure away from them? Are you intentionally trying to get rid of and discourage quality librarians from staying in the University of Hawaii? It is ridiculous that I even need to spend my valuable time to stop and address this political idiocracy. Please kill this bill, SB3269.

Mahalo for your time,

Alex Wong

SB-3269

Submitted on: 2/9/2022 1:22:16 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Julianne Walsh	Individual	Oppose	No

Comments:

Julianne M Walsh

3437 Winam Avenue

Honolulu, HI 96815

Senator Wakai,

I strongly oppose SB 3269. It should not pass this hearing because it is based on incorrect assumptions about the roles played by faculty specialists at the University of Hawaii. I AM A FACULTY SPECIALIST.

This committee is overreaching in trying to limit the work of UH faculty, and it inaccurate represents the significant roles of both faculty specialists and librarians, who serve students and community uniquely. I understand the hope to devote more time, energy and effort into workforce development and to push those tasks on to tenure-track faculty. Yet, this is misguided and will ultimately be unsuccessful in accomplishing workforce development.

The work of a university to meet academic demands, community needs, publication pressures, serve students and their future is diverse. The various faculty categorizations help the university better serve its diverse students, communities, and interests.

The role of faculty specialist is specifically designed to utilize the skills of a knowledgeable faculty member (I have a PhD) in typically applied ways, unlike many full-time teaching/research faculty. In my capacity as an Associate Specialist, I design courses, I serve on graduate student committees, I teach a packed undergrad course, I offer independent study courses for those within my specialization, I coordinate the assessment of both a BA and MA degree program. And I also oversee all student internships, advise undergraduates and set up service learning/civic engagement for our majors to apply their knowledge and skills in the community – workforce development, for sure.

Most full time teaching faculty (vs specialists) have a three-tiered commitment to teaching, research, and service. The reputation of the university and the draw for new students is largely

based on faculty's publication outputs (reputation), funded through prestigious grants. UH Manoa is a Research 1 university, which is a significant designation. Professors do not have the time, or, often, the SKILLS, to do 'workforce development' in addition to teaching and research. Their service is to the university across departments, on education committees, and such, and their great gift is learning and teaching and writing (grants, projects, articles, books).

It is my 25 years on the UH Manoa campus, first as a student, then part-time specialist, and full time for over 12 years (and yet not in a tenure track position), that enables me to speak to the significance of Faculty specialists as the real movers and shakers of student-centered and community-centered programming. This is time consuming work for faculty who can create long-lasting relationships in communities, with institutions, and with teaching faculty. Faculty neither have the time, nor (often) the skills to engage in this very grounded, community-centered work while pursuing research and publication.

Please support the dedicated faculty specialists who actually DO THE WORK that this committee is looking for. It makes no sense to discriminate against us. We are the bridge between the university and the community in very concrete ways. We understand the academic talk and we help translate that into real engagement and opportunity, and keep all faculty cognizant of the communities we serve.

This bill should not pass this hearing. It will not succeed in addressing the issues desired. It demonstrates **a very obvious misunderstanding** of the work of diverse faculty across the system.

Julianne Walsh

Jmwalsh808@gmail.com

jwalsh@hawaii.edu

SB-3269

Submitted on: 2/9/2022 1:26:13 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Micah Brodsky	Individual	Oppose	No

Comments:

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Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Erin Thompons, and I am a professor at Leeward Community College writing in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I respectfully yet strongly 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 concerns that [SB 3269 SD1](#) is supposed to address are already covered 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. Therefore, it seems that [SB 3269 SD1](#) is seeking something different from what it claims. [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. 8). This excludes "support faculty," such as counselors, educational technologists, and coordinators who have direct impacts on curriculum development, teaching and learning practices, and direct student support services. This bill effectively risks turning the UH system into a revolving door of employment for support faculty and 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. I can understand that these dire budgetary times prompt the consideration of drastic measures that mirror private sector business practices, but weakening your investment in the people who serve in our higher education system will have a detrimental impact on the students and graduates who are our state's future. 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.

Furthermore, 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.

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 of Hawai'i.

For these reasons, please vote against [SB 3269 SD1](#). Thank you for your time.

Sincerely,

Erin Thompson
Professor, CC
Leeward Community College

SB-3269

Submitted on: 2/9/2022 1:29:58 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Waynele Yu	Individual	Oppose	No

Comments:

Aloha e 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 Waynele Yu, and I am writing in strong opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I strongly urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it is illegal, jeopardizes academic freedom, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

The bill states, "the term "academic tenure" is generally understood to mean the right of a faculty member to permanent or continuous service," but this is not true. Tenured positions do not equate to "lifetime employment." In fact, both Wikipedia and the American Association of University Professors (AAUP) define tenure as, "an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation." If these proposed changes are suggested due to financial concerns, eliminating tenure for certain faculty positions will be detrimental to the University as it puts academic freedom at risk. If you are not familiar with the significance of academic freedom to public universities, I urge you to read the AAUP website: <https://www.aaup.org/issues/tenure>.

I am currently a non-tenure line instructor at the University of Hawai'i at Mānoa. Tenure line positions are not often created in the College of Education, because they are created with caution knowing that the college must be able to sustain the financial costs. We have a very high percentage of non-tenure line faculty at the College of Education. This affects our ability to support our students in many ways. Although I know that it is necessary, and beneficial to students, I am hesitant to address controversial issues in my teaching because I am not tenured. Additionally, non-tenure line faculty are not do not receive other benefits within the university

system. We are not eligible to apply for sabbatical and various financial support for our research. So although I am expected to conduct research and provide service as part of my job duties, I have limited means to support my efforts and I am not eligible to receive credit on my workload to do so. As a result, I am doing work that benefits the University without compensation for my time. I do this because I know the work is important and it benefits my students. There are many different roles that faculty must fill (instructional and non-instructional) in order to support the University's mission. It is dangerous to make certain privileges available to some faculty but not all when each person is necessary for the success of our programs.

Thank you for the opportunity to testify. For the reasons stated above, I urge you to vote in opposition of [SB 3269](#),

Yours Sincerely,

Waynele Yu

SB-3269

Submitted on: 2/9/2022 1:30:05 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan C. Miyasaka	Individual	Oppose	No

Comments:

My name is Dr. Susan C. Miyasaka and I am a retired professor of Agronomy from the University of Hawaii (UH). My written testimony is on my behalf only as a private citizen. I was born and raised in Hawaii, graduated from Kalani High School, and obtained a master's degree in Agronomy & Soil Science from UH, before continuing on to earn a Ph.D. in Agronomy from Cornell University. UH is the land-grant institution for the state of Hawaii, and the College of Tropical Agriculture & Human Resources (CTAHR) is unique in having extension agents and extension specialists who work with farmers across the state of Hawaii. Hawaii is food insecure, with 85-90% of our food imported. We were reminded of this problem recently during the Covid-19 pandemic with supply chain issues in our food supply and empty shelves in grocery stores. If Hawaii is to increase local food production, then extension agents and specialists are essential to conduct applied research and provide outreach to farmers. Removing their recognition as full UH faculty and their ability to earn tenure and promotion will result in resignations and loss of extension agents and specialists who help to support local farmers. UH faculty, such as extension agents and specialists, do much more than teach students - they are an essential resource for farmers in the state of Hawaii. Passing bill SB3269 will hurt the ability of the state of Hawaii to move towards greater food security. Please vote against bill SB3269. Thank you.

SB-3269

Submitted on: 2/9/2022 1:30:12 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kealani Cook	Individual	Oppose	No

Comments:

Aloha e Luna Noho Kim a me nā Lālā o nā Komike,

We the undersigned are writing to express our opposition to the proposed changes to the tenure system found in SB3269. We are faculty and staff of Native Hawaiian descent at the University of Hawai‘i, West O‘ahu. While we are writing as a concerned group of interested individuals rather, our experiences both as Kānaka Maoli within the University System and at UHWO have informed our opinions about the current bill. In particular it has led to concerns about some of the potential consequences of this bill on the voice of historically underserved populations in campus governance.

In particular we wished to point out that many of the faculty of Native Hawaiian or Filipino descent at UHWO are in specialist positions. As Specialist Faculty they are allowed a place in the Faculty Senate and thus an established role in the shared governance of the university. Ending the Specialist Faculty classification would have a direct negative impact on the voice of Native Hawaiians and Filipinos in that shared governance. Our student body, it should be noted, is currently 28% of Native Hawaiian descent and 23% of Filipino descent. As of the data from Fall 2020, Instructional Faculty were just under 12% and 5% respectively, and a Faculty Senate pulled just from those ranks would be even less able to represent the concerns of those communities.

In addition to reducing the raw numbers of faculty of Native Hawaiian and Filipino descent, ending the Specialist Faculty classification would weaken the ability of the Senate and its associated committees and working groups to connect to the specific and special needs associated with historically underserved populations. The specific roles that Specialist Faculty fill give them crucial insights into these needs in ways that could be easily overlooked by Instructional Faculty due to the differing nature of their work. Advisors and the faculty of the No‘eau Tutoring Center, for instance, work with students on a one-on-one level in ways that allow them to understand student needs and to push the campus to meet

those needs. In ending the classification, we risk not only silencing their voices in campus governance but those of the students that they work closely with and advocate for.

Finally, these times demand an ability to foster spaces of aloha. The foundation of aloha is a reciprocal relationship of respect and trust. We have found this to be a key component in our work with students, each other and our community at large. We understand that the committees are weighing a number of factors in this hearing, but we trust that the Senate will take the time to examine these issues with an understanding of some of these consequences and we hope that you will vote against allowing this bill to move forward.

Signed

Name, Title, Division

Kealani Cook, Associate Professor, Humanities Division

Kamuela Yong, Associate Professor, Mathematics, Natural and Health Sciences Division

Lelemia Irvine, Assistant Professor, Mathematics, Natural and Health Sciences Division

Carrie Larger, Specialist Faculty, Student Affairs Division

Kawena Komeiji, Librarian, UHWO Library

Kēhau Kahanu, Program Specialist, Chancellor's Office

Ka‘iulani Akamine, Specialist Faculty, Student Affairs Division

Carina Chernisky, Librarian, UHWO Library

Ke‘alohi Perry, Faculty Specialist, Division of Student Affairs

Nicole Kau‘i Merritt, Assistant Professor, Mathematics, Natural and Health Sciences Division

Michiko Joseph, Librarian, UHWO Library

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Suzette Scotti 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill's vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as "C," are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who "shall be classified as 'L' faculty" (p. 7). Yet in this delineation of duties, the bill notes that "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" (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

Suzette Scotti
Associate Professor of Art History
Leeward CC

SB-3269

Submitted on: 2/9/2022 1:36:05 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jerry Saviano	Individual	Oppose	No

Comments:

Higher Education Committee

The Hawaii State Senate

415 S Beretania St.

Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Jerry Saviano, and I am a resident of District 15 and a 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.

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, 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 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,

Jerry Saviano,

Professor, English

Honolulu Community College

Written Testimony for
February 10, 2022 at 3:00 p.m.
SB3269 SD1 PROPOSED- RELATING TO
ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII
Submitted by Candy Branson

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, and thank you for the opportunity to submit written testimony. 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 PROPOSED and the details it is missing. For example, I am unclear why tenure was left out in the second draft of this measure for the community colleges when it is just as important for teaching faculty as it is for research faculty. Among 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.

SB-3269

Submitted on: 2/9/2022 1:38:11 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristin Bacon	Individual	Oppose	No

Comments:

Opposing SB3269

Kristin Bacon

Individual Testimony

2.9.2022

1:36 PM

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 Kristin Bacon, and I submitting testimony as an individual.

Mahalo nui for kokua for us, your constituents. I urgently ask that you vote against SB 3269, relating to academic tenure at the University of Hawai‘i.

This Bill, and any other legislative measure associated with, may damage UH for a very long time, hurting students and all types of employment classifications, but most immediately & directly, Faculty. I testify here as an individual, but work in research at UH, and have for many years.

Research brings in hundreds of millions of dollars to the UH System, and therefore Hawai‘i. A Bill such as SB3269 passing could very negatively affect research at UH as there are all sorts of complicated and stringent requirements on many levels that Universities must meet to qualify for faculty research grants and funding. One aspect is the longevity and constancy of the faculty to carry out grant funded research over grant terms that can run over five or ten years, for example.

On a day-to-day basis I do not see any existing huge issues, data, or evidence that supports making such wholesale tenure changes across an entire University system. This approach seems less than optimal, and to be honest, very unclear in the rationale, intention, or foundation for such action. I would like to see us all examine this together with aloha for everyone instead.

Again, I respectfully and urgently request that you vote against and do not support SB 3269, relating to academic tenure at the University of Hawai'i.

Aloha nui,

Kristin Bacon

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Didier Lenglare 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill's vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as "C," are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who "shall be classified as 'L' faculty" (p. 7). Yet in this delineation of duties, the bill notes that "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" (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours sincerely,

Didier Lenglaré
Leeward CC

Re: opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Michael Scully 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill's vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as "C," are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who "shall be classified as 'L' faculty" (p. 7). Yet in this delineation of duties, the bill notes that "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" (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

Michael Scully

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is John Signor, and I am writing in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill.

While the bill has been amended, SB 3269 SD1 is vague, inconsistent, and contains confusing definitions and requirements, and still promises to do great harm to the University of Hawai'i, its students, and the citizens of Hawai'i.

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.

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. UH faculty have acquired their jobs after much personal and professional sacrifice. I myself have attended college as a student for a total of 16 years, earning two Masters and a Doctoral degree along the way. Few of us, 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 of Hawai'i.

For these reasons, please vote against SB 3269 SD1 .

Yours Sincerely,



Dr. John Signor
Associate Professor of Music
Leeward Community College

RE: RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

Members of the Higher Education Committee,

My name is Sarah Gray and I **oppose** SB 3269 SD1.

The Legislature's attempts to insert itself into the classification of UH employees is in violation of the State Constitution. Per Article X, Section 6, "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, then proceeds to classify and reclassify members of the faculty in violation of the statute. The Legislature does not have the authority to classify members of the UH faculty.

SB 3269 SD1 is half-baked, much like the Board of Regents Tenure Task Group report from which it borrows language. As a reminder, the Tenure Task Group included just a small subset of UH Regents. At its October 21, 2021 meeting, the full Board of Regents opted **not** to adopt Resolution 21-06 in support of the Task Group's recommendations.

While a classification for community college instructional faculty ("C") has been added in this revision, it is evident this was done as an afterthought. For all other faculty classifications proposed in SB 3269 SD1, tenure eligibility/ineligibility is explicitly stated, yet it is missing from the "C" classification. Does the Higher Education Committee believe that academic freedom should be safeguarded only for 4-year instructional faculty and not community college instructional faculty?

Further, SB 3269 SD1 lumps community college librarians and 4-year librarians into the same classification. However, the duties and responsibilities, expectations for service and scholarship, and requirements for tenure and promotion differ substantially between these two groups. If signed into law, SB 3269 SD1 will negatively impact community college librarians' ability to serve students and to further the UHCC mission.

The ramifications of this bill have not been carefully considered. I urge you to oppose SB 3269 SD1.

Respectfully,
Sarah Gray

SB-3269

Submitted on: 2/9/2022 1:55:37 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brook Chapman	Individual	Oppose	No

Comments:

I am writing to oppose SB3269. Even in this introductory phase, SB3269 is interfering in the critical work of the University. As a result of this proposed bill, the State is developing a reputation across colleges and universities as not supporting its faculty, causing problems with recruiting and retaining faculty with the required expertise. Faculty spend significant time and effort going through professional reviews and being held accountable for their work under the current system. The proposed bill is not an improvement on the current system and is harming the University and the State.

SB-3269

Submitted on: 2/9/2022 1:56:29 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emilie Kirk	Individual	Oppose	No

Comments:

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 there are already mechanisms and policies regarding regular review of faculty and staff performance within the university, 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 extension.

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 seriously 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.

SB-3269

Submitted on: 2/9/2022 1:58:01 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara DeBaryshe	Individual	Oppose	No

Comments:

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

My name is Barbara DeBaryshe and I am writing in **strong opposition to SB 3269** *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.

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 task 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 32**

SB-3269

Submitted on: 2/9/2022 2:08:56 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rosanna ?Anolani Alegado	Individual	Oppose	No

Comments:

Aloha Chair Mercado Kim, Vice-Chair Kidani, and members of the Higher Education 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. While I stand on the testimony submitted by the Kualī Council in opposition to SB3269, I wanted to also share my personal experiences as a member of the faculty.

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 and was the first Native Hawaiian 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 even fewer! The Maile Program now serves as the strongest recruit 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 important 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.

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. I can't even imagine 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.

Please do NOT let this legislation move forward.

Me ka ha'aha'a,

Rosie 'Anolani Alegado

SB-3269

Submitted on: 2/9/2022 2:10:24 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Iris Iwami	Individual	Oppose	No

Comments:

I don't think the criteria for tenure faculty should be heavily based on teaching. Research including getting grants adds to any University's standing and reputation. I also object to the classification proposed and the exclusion of support faculty to tenure.

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

I am writing in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill as it would do immense harm to Hawai'i's higher education system.

One of the 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.

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 fulfill their job duties.

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 for the betterment of our Hawai'i communities. Few, if any, enter academia for the pay. 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.

UH contracts already require a detailed and regular review process for continued employment. I have gone through the process and earned tenure myself, and have also had the privilege of serving on tenure and promotion review committees. I can therefore attest that the process is rigorous and designed in such a way that faculty are required to pass multiple reviews and

demonstrate on-going value to the UH-System – including service to the college, UH System, and Hawai‘i community. When these policies are not consistently followed, this is a management and enforcement issue, rather than a policy issue.

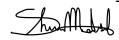
Exacerbating the situation, the repeated challenge to tenure comes at a time when many in education are already being overburdened, tasked with transitioning to digital environments (without necessary support or resources to do so successfully), dealing with the ongoing COVID-19 pandemic, and experiencing burnout at record numbers. For us in Hawai‘i, this also comes on top of austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered UH Maui College’s and the UH System’s ability to deliver high-quality education to the citizens of Hawai‘i.

Finally, as a librarian, I am very seriously concerned that 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 UH Maui College. Additionally, I oppose the elimination of tenure for support faculty. Among other duties, faculty in these areas manage legislative-backed initiatives that work toward equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians’ success.

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 Hawai‘i’s commitment to educational excellence in Hawai‘i.

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

Sincerely,



Shavonn-Haevyn Matsuda

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is **Anna Pi'ikea Hardy-Kahaleoumi**, 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.

Although the bill has been amended, [SB 3269 SD1](#) would still be detrimental to the University of Hawai'i, its students, and the citizens of Hawai'i. Many portions 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. Unfortunately, it appears [SB 3269 SD1](#) seeks something different from what it claims. This legislation seems to be 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. 8). This would exclude “support faculty”. While their primary duties are not instruction many of them do teach college courses, particularly for Early College. Many of these courses help students transition to and be successful in the college environment. These support faculty include employees 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. 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.

In addition, 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 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.

The work done in the UH system to offer high quality educational opportunities for our students offers equity and access. It is well known that many of our students are first generation, low-income students, many from historically marginalized populations. Education is the great equalizer for these individuals and allows us as a state to build happy, productive, healthy citizens throughout these islands.

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 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, to enable them to do the work that they have a deep sense of kuleana to offer. 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 of Hawai'i.

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

Me ka ha'aha'a,

Anna Pi'ikea Hardy-Kahaleoumi

SB-3269

Submitted on: 2/9/2022 2:20:55 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benjamin Lukey	Individual	Oppose	No

Comments:

To: The Hawaii State Senate Committee on Higher Education

My name is Benjamin Lukey, 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.

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. 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. To create a bill that treats these different campuses under one law severely undermines the ability of each campus to serve the needs of its unique community. This bill undercuts the ability and authority of faculty and administration, who are in the best position to identify and respond to those needs, to carry out the mission of their campus. The fact that UH Board of Regents did not adopt Resolution 21-06 based on the findings of the PIG is further evidence of legislative overreach that would actually harm the ability of UH to carry out its mission on its different campuses with a complementary and cohesive diversity of faculty and administrators.

Additionally, I oppose the elimination of tenure for support faculty and extension agents. These faculty are critical for UH campuses to carry out the purposes of a land-grant public university. They allow UH to directly contribute to the public good of Hawaii residents and communities. To treat these faculty as a "sub-class" of UH faculty and suggest that they are not essential for "engaging in research and scholarship that advances innovation, creating new knowledge and knowledge practices, and benefiting students and

the broader community” is an insult to their role and demonstrates a deep misunderstanding of how UH actually serves P-20 communities across Hawaii. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, and their departure will negatively impact the educational opportunities for Hawaii’s citizens. 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.

Sincerely,

Benjamin Lukey

Dr. Luke Flynn
94-1115 Hahana Street
Waipahu, HI 96797

Dear Members of the 31st Hawai'i State Legislature:

I am writing to express my strong **OPPOSITION** for **SB3269 – Academic Tenure at the University of Hawai'i**.

In 1992, I graduated from the University of Hawai'i at Manoa with a PhD in Geology & Geophysics. I have lived in Hawai'i for 35.5 years and raised two children here who also graduated from UH. I am now a professor in the Hawai'i Institute of Geophysics and Planetology (HIGP). Throughout my research career, I have managed 28 external grants and contracts worth approximately \$60M or an average of \$2M/year since graduation. A very high proportion of these funds are used to support faculty co-Investigators, staff, and students that have all supported the State economy. Since 2002, I have been the Director of the NASA Hawai'i Space Grant Consortium (HSGC) and the NASA Hawai'i EPSCoR Programs. The function of HSGC is to provide STEM education and NASA workforce development opportunities in Hawai'i. The function of NASA Hawaii EPSCoR is to expand aerospace research infrastructure within the State. Finally, since 2007, I have been the Director of the Hawai'i Space Flight Laboratory (HSFL). HSFL's objective is to design, build, test, launch, and operate small spacecraft from the Hawaiian Islands. On November 3, 2015, HSFL's first launch from the Pacific Missile Range Facility did not achieve orbit. However, there were a lot of successes. The rail launch system worked perfectly. The world took notice that Hawaii can become a space-faring State, and the world took notice that our local students built a satellite that passed all tests for space flight. Since that time HSFL and HSGC have provided hands-on satellite-building experiences for about 450 UH undergraduates of which 52% are underrepresented students.

Having spent my entire faculty career devoted to the students of the University of Hawai'i, I am proud of my accomplishments as an S-faculty (Specialist). Since 2002, the HSGC has been offering University Research Internships (URI) to undergraduate students seeking hands-on NASA-related research experiences. URI pair undergraduate students with UH RESEARCH faculty to accomplish a project that has been funded by NASA. It is no coincidence that over 90% of the ~1600 URI students since 2002 have stayed in hi-tech STEM careers. Add to this number the hundreds of Community College students from across the State that have been funded by the HSGC to participate in NASA student challenge projects. I am especially proud to list Arthur and Rene Kimura as collaborators who helped to foster 6th-12th grade robotics in the State. We now have over 300 VEX-IQ teams in the State! With my S-faculty position as Director of HSGC and HSFL, I have been able to reach across the State from K-12 to the Community Colleges to undergraduates and now graduate school students. S- and R-faculty have a very important role in the hands-on education of our undergraduate and graduate students. I want to voice my strong opposition to this bill that would destroy the tenure process for some of our most productive faculty. This bill will greatly retard economic growth in our State by eliminating University research that serves as catalysts for new ideas.

Thank you for your time and consideration,
Dr. Luke Flynn

SB-3269

Submitted on: 2/9/2022 2:24:12 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mimi Yen	Individual	Oppose	No

Comments:

Higher Education Committee

Hawaii State Senate

415 S. Beretania Street

Honolulu, HI 96813

Re: opposition to SB 3269 SD1

February 10, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Mimi Yen, 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, Hawaii 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, Hawaii Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawaii 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. 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.

Adding to the concerns identified above is the bill’s vague, inconsistent, and confusing definitions and requirements. According to this amended bill, UHCC faculty, reclassified as “C,” are not extended the benefits of tenure—and this despite the earlier redefinition of faculty as those individuals who engage in instruction (p. 8). Tenure is ostensibly afforded to librarians, who “shall be classified as ‘L’ faculty” (p. 7). Yet in this delineation of duties, the bill notes that “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” (my emphasis, p. 7). Yet most librarians are not expected to conduct research. If research will be required of librarians, release time will need to be provided to them to give them the opportunity to conduct this work. If this was not the intent of the bill, more accurate language should have been employed, which lends support to the view that this bill has not been sufficiently thought through or vetted before being introduced.

Furthermore, 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, 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 of Hawai'i.

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

Yours Sincerely,

Mimi Yen

SB-3269

Submitted on: 2/9/2022 2:26:04 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sara Maaria Saastamoinen	Individual	Oppose	No

Comments:

Aloha kākou. My name is Sara Maaria Saastamoinen. I am a PhD Student in the Department of Political Science, and I work as a Graduate Research Assistant for Oceans and Human Health within Native Hawaiian and Indigenous Health at the Office of Public Health Studies at the University of Hawai‘i at Mānoa (“UHM”). I also serve as the elected Academic Affairs Chair of the Graduate Student Organization at UHM.

I **strongly oppose** Senate Bill 3269 relating to academic tenure at the University of Hawai‘i, and I urge you to oppose this bill.

Our research ability as graduate students relies on staff, including librarians whose tenure this bill would eliminate, having the protections of tenure. One of librarians’ many crucial services to the university is through their collection acquisition efforts, in particular when they procure and manage books and materials that some may seek to ban at higher education institutions for political reasons. Academic freedom is crucial for librarians to serve as researchers and educators.

Denying tenure—and the academic freedom it grants to one respective group of scholars, researchers, teachers, thinkers, and staff—inherently and necessarily undermines the academic freedom of all other faculty, staff, students, and workers at the university. The research we do as graduate students—from our published journal articles to our dissertations—relies upon the ability of our committee chair or advisor to supervise us and not be worried about losing their job because they supported our work.

Furthermore, the United Nations Declaration on the Rights of Indigenous Peoples articulates the rights of Indigenous peoples to their own cultural traditions, customs, education systems, histories, knowledges, languages, literatures, oral traditions, philosophies, sciences, technologies, and writing systems. By international resolution, the State of Hawai‘i must not only recognize but also protect the ability of Kānaka Maoli to exercise these rights as the Indigenous peoples of Hawai‘i. For Kānaka ‘Ōiwi scholars across all university roles—whether they be students, tenured faculty, or librarians—to continue exercising this right to learn, conduct, publish, collect, and disseminate exemplary research at UHM as they have for decades, tenure and academic freedom are crucial.

Do not threaten the ability of graduate students to complete crucial research and to enrich the State of Hawai'i through our intellectual contributions that will serve generations to come across the islands and around the world. Please vote to oppose SB-3269.

Mahalo nui.

TESTIMONY RE: SB 3269 Relating to the University of Hawai'i

My name is **Allyson Ota**, and I am currently a librarian at Kapi'olani Community College. **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 harm the University of Hawai'i 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 (if 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. UHCC 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
- UH System, community, and campus 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

I also oppose the elimination of tenure for librarians (p. 7). Librarians 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 support and education on 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.

In [SB 3269 S.D. 1 Proposed](#), UHCC faculty who hold the faculty "C" designation were added and it states they will not be required to conduct research, but it is not clear that UHCC faculty would be eligible for tenure, as seen on page 8, lines 18 - 21. No language exists in the same way it does for faculty at the 4-year institutions, which acknowledges there are tenured and tenure-track faculty with the "F" designation (page 7, lines 20 - 21). Additionally, librarians and other non-instructional support faculty at the UHCC level are also currently classified as "C" faculty, but the description on page 8, lines 18 - 21, says, "Community college faculty shall be faculty who teach courses and shall not be required to conduct research and shall be classified as "C". This leaves out UHCC librarians and other non-instructional support faculty who are not teaching courses.

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

Sincerely,

Allyson Ota

Higher Education Committee
The Hawaii State Senate
415 S Beretania Street
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 **Thanh Truc T. Nguyen**, and I am writing in strong opposition to [SB 3269 SD 1](#), RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII'.

Thank you for your concern and care of our State's resources and recognition that our University plays a pivotal role in preparing its students for productive employment in the State's workforce and to become engaged citizens of our community. Because the University of Hawai'i also has students from the continental US as well as many international students, I also like to think that our University system has a strong influence on our students' national and international contributions to their respective communities wherever they may go in the future.

I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications in the University of Hawai'i (UH). Faculty classification and tenure should not be tied only to instruction and direct connection to our State's workforce. I do not see what exactly the problem is that the legislature is trying to solve with this SB 3269 SD 1 since policies already exist at UH governed by the UH Board of Regents (BOR) and union contracts. I believe that legislative action to try to codify faculty tenure, classification, and review into law is not the purview of the legislature. The bill attempts to set up rigid structures that bypass the shared governance structures within the University between the BOR, the UH administration, and faculty.

I strongly disagree with the statement that "the commitment of public resources to support the grant of tenure is a matter of statewide concern." I do agree that the commitment of public resources to support the University of Hawaii is a matter of statewide concern, but specifically reaching in and trying to restructure tenure is an overreach by the legislature. The Western Association of Schools and Colleges (WASC) Handbook of Accreditation 2013, Criteria for Review 1.5 says: "The institution does not experience interference in substantive decision or education functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution." The Accrediting Commission for Community and Junior Colleges (ACCJC) standard [IV.C.4](#) also calls for protection of institutional integrity and educational mission of the UH from undue influence or political pressure. Further, the permitted interaction group referenced in the bill, established *before* not after the adoption of SCR 201, HD 1, SD 1, suggested policy revisions, not codifying action by the legislature. Again, SB 3269 SD 1 is an overreach. If the legislature supports a vibrant University, this act will hinder the flexibility and

adaptability of the University's ability to attract, retain, and celebrate bright and innovative scholars and instructors.

Tenure for faculty is attractive because of academic freedom, not because of permanent continuous service. Academic freedom allows faculty to express varied thought and research from multiple perspectives, where freedom of inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. 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. 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. 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. 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.

I question the blanket designation of "F" for those previously classified as instructional under I, R, M, and J classifications. The bill would force faculty at University of Hawai'i Hilo (UHH) and University of Hawai'i West O'ahu (UHWO) to perform research in addition to their instructional and/or other work with students, faculty, and staff. The University of Hawai'i at Mānoa (UHM) is designated as a Doctoral Universities: Very High Research Activity, more commonly known as an R1 institution. Both UHH and UHWO, though 4-year campuses, are not classified as research universities. UHH has a Doctoral/Professional Universities classification and UHWO has a Baccalaureate Colleges: Diverse Fields classification. Though some faculty may have research elements in specific job descriptions, requiring all UHH and UHWO faculty to conduct research 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.

I oppose the elimination of tenure for support faculty and extension agents. Support faculty is a misnomer since many of our current S or specialist faculty do much more than support. Among other things, specialist and extension agent 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.

I support tenure for community college faculty. In SB 3269 SD 1, there is no mention of whether UH Community College (UHCC) faculty are eligible for tenure. Our UHCC faculty are strongly connected to the local communities and continually update curricula and experiences that respond to the immediate needs of the societal shifts and changes in the workforce. 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.

Again, I thank the legislature for their care of State resources. However, this bill does not clearly address a problem that should be resolved by codifying into law University of Hawai'i faculty classifications, eligibility for tenure, and performance review. SB 3269 SD 1 is an overreach.

I urge you to vote against SB 3269 SD 1.

Yours Sincerely,

Thanh Truc T. Nguyen

SB-3269

Submitted on: 2/9/2022 2:47:47 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Community colleges prepare students for transfer to the 4-year colleges and also to fulfill important positions in the workforce. Community colleges are the main driver of social mobility in our state, allowing students from a variety of backgrounds, including low-income and underrepresented groups, to earn their degree and contribute to the state's economy. The faculty working with these students are highly educated, dedicated professionals who continually engage in professional development to improve their craft. If the clear pathway to a tenured position is not built into the legislation, our best and brightest candidates for community college faculty positions will choose to teach elsewhere, specifically states where tenure track positions are available. Who will be hurt by this? In the short term, our community college students who are precisely those who need high quality and passionate instructors who know how to reach a variety of students. Over the long term, this will affect the quality of education, the social mobility of underserved students, and the economy overall. This is one reason I strongly oppose SB3269.

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Jennifer D. S. Griswold, and I am a resident of Palolo Valley, and an Associate Professor at the University of Hawaii at Manoa. 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.

The tenure-track R and S positions the SB3269 recommends eliminating are clustered in our most productive and highly regarded units at UHM (e.g., CTAHR, Astronomy, SOEST, and the Cancer Center), and therefore, they will have very serious unintended consequences to the University and the local economy. Substantial Federal research grants will be put in jeopardy, and it is likely that we would lose WASC accreditation.

An unintended consequence could be that the University will lose its reputation and status as a Research-1 University. Without R-1 status we will not be able to attract excellent faculty or excellent students (that tend to pay the higher out-of-state tuition). We would be stripping these resources from our own Hawaiian and local students as well. Do we want our local students to have to go to the mainland for an excellent R-1 level education? Do we want to further encourage the "brain drain" here in Hawaii and lose talented young people to institutions on the mainland? Clearly, a vote in favor of SB3269 would be dangerous not only for UH but for the state as a whole. UH is a main driver for Hawaii's economy, if our research capacity UHM is reduced, minimized, and marginalized Hawaii's future is dim at best. It is clear that education and research expenditures through UHM are an investment in Hawaii's future.

UHM stood up to the challenge of the COVID pandemic and fared much better than the tourism industry. UHM was able to successfully teach students here in Hawaii and anywhere they were trapped due to the lockdowns.. The skills and abilities that resided in our faculty for UHM to pivot to online teaching has as much to do with the S faculty as the I faculty. Without the support of S faculty many of the successful in-person to online course transitions would not have gone smoothly or happened at all.

Another key point is that Bill SB3269 SD1 represents a serious misunderstanding of what UHM faculty researchers and specialists actually do. They lead large, successful grants that contribute significant overhead used to make the University run and that pay the salaries of technical staff and graduate students. They run successful degree programs that encourage hundreds of students to choose UHM Over other institutions. Looking back over the past decade the tenured researchers in SOEST alone – targeted by SB3269 – have brought nearly \$1 billion (with a B) into the State. That is money into Hawaii's economy, into students' pockets as graduate student researchers, as jobs for various support staff. This exceptional productivity is highly leveraged and dependent on the base State/UH investment, and will not be sustained without prioritized reinvestment in research as well as teaching faculty. The folks (faculty, staff, students, etc) support our local businesses, stores, and restaurants, and pay taxes.

It is important to know several key issues with this Bill in addition to what is mentioned above:

1. First, many of the policies written in this bill are unnecessary and redundant, and are an attempt to codify existing policies into statute. Codifying these policies into statutes would make necessary updates much more difficult and time and resource-laden for all stakeholders.
2. 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.

3. 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.
4. 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.

Please realize that there are already required reviews and contract renewals for continued employment. And, once tenure is granted, there is a similarly rigorous process for faculty seeking promotion. There are also performance reviewers every five years to make sure that the level of excellence we expect continues into the future.

An interesting thought question is: 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.

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.

We ask why some legislators would use their valuable time undercut the productivity of faculty in our strongest research programs without knowing what they actually do and without understanding the rigorous process by which tenure, promotion and continued employment is actually achieved UHM faculty would welcome the chance to inform the legislature of the dedicated and impactful work of UHM faculty and staff in the areas of teaching, scholarship, service, and economic development and the very real benefits of our work each and every day to Hawaii and beyond.

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

Yours Sincerely,



Jennifer D. S. Griswold

SB-3269

Submitted on: 2/9/2022 2:52:04 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leon Florendo	Individual	Oppose	No

Comments:

Aloha e Senators Kim, Fevella, Ihara, Riviere, Wakai, Kidani, and Keith-Agaran

My name is Leon Fuimaono Florendo, and I am writing in opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I also would like to ask that you oppose this bill.

Approval of [SB 3269](#) would do 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 hurt the UH System's ability to deliver 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
- 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 divert time and attention away from faculty members' primary duties of instruction and/or support to our students.

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.

For these reasons I urge you to please vote against [SB 3269](#).

Mahalo nui,

Leon F. Florendo

SB-3269

Submitted on: 2/9/2022 2:53:01 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shaya Honarvar	Individual	Oppose	No

Comments:

The opinions expressed herein are mine and mine alone, they do not represent the opinion of any other organization, affiliate, or individual.

Aloha members of the committee,

I strongly oppose SB 3269, SD1 relating to academic tenure at the University of Hawai'i.

Approval of SB 3269, SD1 would do immense harm to the University of Hawai'i and our community. The university community, faculty, staff, and students have already suffered as a result of austere budget cuts, hiring freezes, and swept faculty positions, which has severely hampered the UH System's ability to function effectively, to deliver high-quality education to the citizens of Hawai'i, to support our students and communities, and to foster innovation and entrepreneurship across the state.

This appears to be an attempt to apply a one-size-fits-all management approach (which has questionable efficacy in the first place) to a broad range of highly trained, experienced, and credentialed professionals, who serve in an incredibly broad range of roles with widely varying responsibilities.

I specifically oppose the following:

1. The elimination of tenure for support faculty, extension agents, and other specialist faculty (p. 7). This would cripple or eliminate a wide variety of faculty with very specific and specialized training, credentials, and experience, who may not be part of a traditional paradigm of instructional faculty, but whose expertise and work are critically important to supporting and creating educational and training opportunities, research, innovation, entrepreneurship, environmental conservation and resources management, and sustainable economic growth across the state.

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 shows the state’s abiding commitment to our students and to educational excellence in Hawai’i—goals we all seek to realize.

2. 3-year or 5-year performance reviews for faculty. One of the points of tenure is that it allows researchers and academics a limited level of protection so that they are able report on scientific or academic findings without fear of reprisal or job loss, even if the scientific results are unpopular or have serious implications (think climate change or environmental toxicology findings). Faculty seeking promotion or raises (regardless of tenure status) are already required to present extremely thorough summaries (which may exceed 100 pages) of their activities and accomplishments to justify a request for promotion or raise. Mandatory performance reviews would also place significant undue burden on the faculty member, the reviewer, or both. This would likely necessitate the hiring of many additional personnel (highly trained, credentialed, and highly paid personnel) or create even more work to be placed onto the shoulders of existing university faculty and administrators who are already stretched thin and overworked.

3. The requirement to search internally across the entire university system prior to recruitment for tenured track positions. In addition to representing nepotism at its most fundamental level, this approach has no upside but has many downsides. If UH is to continue being competitive at an international level, then we must recruit from the most competitive individuals on the world stage. Current UH employees are free to apply to any open job recruitment and should be encouraged to develop professionally, including apply for jobs that they want. But limiting recruitment only to people that are already in the UH system (even if they are technically qualified) does not make those individuals more competitive, it just makes them the best option in a severely limited applicant pool. Not only do you lose the opportunity to recruit from truly internationally competitive applicants, but you risk draining the most competitive and highly competent personnel in the system away from other units within the university system, where they are already serving in important roles that support the unit they are working in and the university community at large.

Please do not move this bill forward.

Thank you for the opportunity to offer testimony on this measure.

SB-3269

Submitted on: 2/9/2022 2:53:58 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Winona Lee	Individual	Oppose	No

Comments:

Re: SB3269 (SD1) Relating to academic tenure

Dear Chair Mercado Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am submitting this testimony in opposition to SB3269 (SD1). I believe this legislation would eliminate tenure opportunities for support faculty and extension agents at the University of Hawai‘i. Within academia, all faculty classifications were created to meet the overall mission and vision of the institution. These individual faculty classifications also fulfill specific and unique roles that in many units encompass teaching, research, and service (similar to I, M, R, and J faculty). The limitations being placed on specific faculty related to tenure creates inequity for academic freedom, career advancement, and stability for departments and units on the UHM campus. For these reasons, I am submitting this written testimony in opposition to SB 3269 (SD1).

To: Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

KŪ'Ē IĀ SB 3269 SD1

February 9, 2022

Aloha nui kākou, e Kenekoa Kim, Kenekoa Kidani, a me nā lālā hanohano ho'ona'auao pae kulanui, 'O wau nō kēia 'o J. Hau'oli Lorenzo-Elarco, kekahi kumu a'ō 'ōlelo Hawai'i ma ke Kulanui Kaiaulu 'o Honouliuli, i ka poli mahana o Kapālama, i ka pā ahehe o ka makani 'Ōlauniu, kahi i hānai 'ia e ka wai Niuhelewai. He kū'ē piha wau i ka pila [SB 3269 SD1](#), pili ho'i i ka tenua ma ke Kulanui o Hawai'i. Paipai ha'aha'a aku wau iā 'oukou pākahi e kū'ē like aku i ia pila ho'okahuli kūlana/kuleana.

Ua ho'omaka mai nō wau i ke a'ō 'ana i ka 'ōlelo Hawai'i ma kēia kula nei i ka M.H. 2019. Mai ia wā mai nō, ua ku'upau aku nei wau i ia mea he a'ō i mua o nā haumāna, nā limahana, a me ke kaiaulu o kākou—no ka pono ho'i o nā haumāna, a no ka pono ho'i o kā kākou 'ōlelo Kanaka i aloha nui 'ia. 'O ke kuleana a'ō haumāna, 'a'ole ia he hana ma'alahi, he koina nō ka hā'awi pau a hā'awi piha ma kēia kūlana kumu. Lilo mau akula nā hola he nui i ka ho'omākaukau 'ana i nā mea e pono ai ka holomua maika'i o nā haumāna, 'oiai no lākou ana ke kuleana e ho'oikaika a ikaika ho'i ka pono o ko kākou ola.

'O ka tenua, 'a'ole ia 'o ka melomelo e 'ume mai ai iā kākou, nā kumu e hana pono, a e ho'okō pono i nā kuleana. 'A'ole! No ke kulanui nō ia mea he tenua, 'o ia ho'i, ma ka 'ae 'ana aku i ka tenua, pēlā nō e hō'ike ai ke kulanui i ka 'ī'ini e mālama maoli i ia pilina me nā kumu i hiki i nā kumu ke ho'omau i ka ho'okō kuleana a hi'i hanauna hou ho'i. Inā kāpae 'ia ka tenua, he hō'ailona maoli nō ia o ka nānā 'ole o ke kulanui i nā kumu. No laila, he aha lā ana ka mea e ho'opa'a 'ia ai ia pilina? He aha ana kā mea e hō'oia 'ia ai ka mālama pono 'ia o ko kākou 'ohana?

'O ka tenua ē, 'o ia ka mea e ho'opa'a ai a pa'a ka pilina o ke kulanui me nā kumu, 'o ia ho'i ka mea e ho'oikaika ai a ikaika nā haumāna, nā 'ohana, a me ke kaiaulu. Mai nō a pōina ē, 'o nā kumu nō nā mea e hānai pono nei i nā haunauna hou. No laila, me ia mau kumu nō wau e kū'ē mau ai i ia pila [SB 3269 SD1](#). Mahalo nui i ke kalelei 'ana mai!

My name is J. Hau'oli Lorenzo-Elarco, instructor of Hawaiian language, 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 strongly urge you to also oppose this damaging bill.

I began formally teaching the Hawaiian language in Fall 2019. I can honestly admit that teaching is the hardest job I have ever done but the most rewarding. Countless hours are spent in creating innovative curriculums that inspire students to learn 'ōlelo and encourage them to join the Hawaiian language revitalization movement. No matter the subject, faculty working in the UH System dedicate their careers to teaching and supporting the future generations preparing to their place in society. This genealogy of hard work and excellence by UH faculty is threatened by removing the ability to be awarded tenure.

Tenure is indeed important for faculty as it provides job and financial security, but it also allows us to continue to operate at a high-level capacity. Removing tenure makes me question if all this work is worth it? I ask myself, "Why should I invest so much into an institution if the institution does not want to invest in me?" Tenure indeed does not make a good teacher, however, for the University system and our society, awarding tenure means that we are keeping and appropriately caring for the best talent in the largest educational institution in Hawai'i to educate, shape, mold, and inspire the minds of the future. Tenure helps to continue to drive standards of excellence upwards. If tenure is gone, these standards of Hawai'i's higher education will tumble. The University of Hawai'i will fall well behind our comrade institutions.

The Hawaiian language-related work that I do on campus is important and sacred for our entire society. However, I can certainly not do what I do if it were not for the kumu who educated me. Because many of these kumu attained tenure, this allowed them to continue to invest in me. Removing tenure fractures this tradition of excellence in investment, perhaps making it unmendable. This will have irreparable damages on education in Hawai'i, dimming our enlightened future. For these reasons detailed above, I implore you to oppose [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. Mahalo nui for your time and consideration in this matter, and for allowing me to share my voice. Mahalo!

I pono nā mamo,

A handwritten signature in black ink, reading "J. Hau'oli Lorenzo-Elarco". The signature is written in a cursive, flowing style.

J. Hau'oli Lorenzo-Elarco

SB-3269

Submitted on: 2/9/2022 2:57:20 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kyle B Hart	Individual	Oppose	No

Comments:

Aloha mai. My name is Kyle Hart and I am a Graduate Student in the Hawaiian Studies program at UH Mānoa. I am a non-traditional student that only successfully attempted college after leaving the Air Force in 2018, at the age of 34. I always had trouble in school due to antiquated methods of traditional academic evaluations that contained watered-down material that was deemed "safe" by the powers that be. Now, for the first time in my life, I have a passion for my education. I attribute this to the ability of my professors and the security they have in teaching me in a way that doesn't leave me behind. I wouldn't be where I am today if it wasn't for their sense of job security when discussing subjects that are sensitive in nature. That academic freedom is what mākeā learning exciting. Please oppose SB 3269 in support of our amazing professors and also in the education of Hawai'i's future leaders. Mahalo.

SB-3269

Submitted on: 2/9/2022 2:57:43 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jon Magnussen	Individual	Oppose	No

Comments:

Aloha kākou,

My name is Jon Magnussen and I write to as a private citizen who is also a faculty member at UH West O‘ahu. I want to express my appreciation to you, our legislators, for trying to make our state a better place to live and work. I appreciate it because I can only imagine the intense pressure you must feel to protect our state against waste.

I am writing because a bill that has been proposed — [SB 3269](#) and its revised version [SB 3269 SD1](#)— will frankly do very little to counter state waste. In fact, it is wasting state resources by creating panic among those of us on the ground who are now being taken away from our work as educators to defend our state institution from a misinformed bill. It is for this reason that I strongly encourage you to oppose this bill and any measure to eliminate or restructure faculty tenure or any faculty classifications which will put at risk the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

In this bill, we see a disregard for the tenure system that is the foundation of our work. The tenure system gives all university faculty the freedom to express thoughts and pursue research questions from our own perspective, without fear of losing our job because of an unpopular truth or point of view expressed. Without this, our University cannot truly fulfill its mission of benefiting our community. All faculty — including Librarians, Specialists, and “Extension Agents” — depend on the benefits of the tenure system’s academic freedom to improve our communities through our work. This bill, if it moves forward, could have disastrous effects on our beloved university and on our students.

Those of us on the ground in our University System are seeing a legislature that increasingly micro-manages our state’s only public institution of higher education, a major motor of our state economy. This intense oversight makes our University System weaker. It disregards the expertise of those of us who have spend many years becoming experts in our fields. And it also threatens our accreditation which will have disastrous results as we try to attract quality faculty, and when we try to attract higher student enrollments for our programs.

In short, this SB 3629 should be stopped. Please do the right thing and stop this bill.

I appreciate your time, consideration, and your efforts on behalf of our beloved state. Please feel free to reach out if you have any questions.

Sincerely,

Dr. Jon Magnussen

SB-3269

Submitted on: 2/9/2022 2:57:58 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susanne Still	Individual	Oppose	No

Comments:

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813
Re: opposition to SB 3269 SD1

February 9, 2022

Aloha members of the Higher Education Committee,

My name is Susanne Still, and I am writing in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I urge you to oppose the bill.

While the bill has been amended, SB 3269 SD1 still erodes the tenure system in place at the University of Hawai'i. Any weakening of tenure promises to do great harm to the University of Hawai'i, its students, and consequently to the citizens of Hawai'i, especially our children and future generations born the state of Hawai'i.

As a mother and as a faculty member of the University of Hawai'i at Manoa, I care very much about the opportunities available to young people who are born in the state of Hawai'i, especially those young people with great talent, who are not born into privilege and means. I have had the pleasure to meet and work with such people, and it pains me to see how much talent is already lost due to the economically harsh situation faced by too many families in the state. Talent does not discriminate by race or means. It shows up in all strata of society, and in all cultures. I feel that it is an imperative for a civilized and humane society to give all young people with great abilities an equal chance to develop their talents and to use them for the greater good of humanity. Currently, for many talented young people in our state whose families are not rich, the University of Hawai'i at Manoa is the only chance they have to fulfill their dreams. We must not take that away from them. We must not weaken the University, we must strengthen it!

Why does this bill go towards weakening the University? Because any erosion of solid tenure does, and this bill constitutes a step in this direction.

UH Manoa is an R1 University. This means that faculty at UH Manoa are top experts in their respective areas. Any research University is as good as its faculty. The job of faculty at Manoa is to create new knowledge. Hand in hand with this noble endeavor, they train the younger generation in those skills required for creating new knowledge. While not all students will be able to contribute to science and scholarship in the future, because it is an extremely competitive business, all will have learned such a high level of skills and knowledge that they will be important assets for the workforce, and those who don't end up in academia will contribute to industry or other sectors of society. This is a natural side effect of University education, but not its primary goal. If the primary goal is only work force development, and not the creation of new knowledge, then we may not speak of a University.

You see immediately that Community Colleges thus have a different mandate from Universities, and this is indeed reflected in the preparation and level of achievement of the faculty. Hawai'i's community colleges provide basic education for underprivileged students and are thus very valuable to the state. However, without Manoa, we would not have a University of Hawai'i system.

Faculty at a functioning, healthy University always have other employment options. Those faculty are extremely competitive individuals, usually well known internationally in their area of expertise. The University of Hawai'i at Manoa indeed requires for promotion to Professor evidence that the individual is a leader in their field. Those leaders can easily find employment elsewhere. Why do they stay, then? They stay at the University, because they believe in the creation of knowledge and publicly available higher education. A University's structure is designed in such a way that faculty can do research work effectively. Tenure is an integral part of that. A functioning support system (competent staff, adequate facilities, etc.) is another integral part. The pay, however, is not usually comparable to what industry would pay. Whenever those things that make research possible erode, then faculty leaves. The most successful faculty leave first. And no successful young person in their right mind will take a job at a University that does not offer solid tenure.

So, think about it from the point of view of a highly competitive expert, someone who spent many years learning knowledge and skills, who showed evidence that they can use those skills not only to create new things, but even to create new knowledge, which is the highest form of human achievement: why would this accomplished individual work at the University of Hawaii, if the University of Hawaii were not to offer solid tenure? I can think of only one reason: a salary competitive with industry. If your goal is to abolish the solid tenure, as evidenced in the bill at hand, then you must be ready to substantially increase salaries at the University of Hawaii at Manoa to retain existing faculty and to recruit new faculty.

Please keep our University strong and vote in OPPOSITION to SB 3269 SD1.

Yours Sincerely,

Susanne Still

SB-3269

Submitted on: 2/9/2022 2:59:32 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Wright	Individual	Oppose	No

Comments:

Dear Members of the 31 st Hawai'i State Legislature:

My name is **Robert Wright**, and I am writing in strong opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i.

It is not clear to me what problem this bill is trying to fix. As of today, the University of Hawaii at Manoa, is consistently ranked highly for both the quality of its research, its academic programs, value for money, and diversity. Some of its academic programs are world-leading. The State of Hawaii, a state of only 1.4 million residents, has an R1 Research University, which brings into the state economy literally hundreds of millions of dollars in grants and contracts, which would otherwise go instead to states on the mainland. This research improves the quality of the lives of our residents, as well as bringing prestige to the State, via UH's involvement in major national and international scientific projects. One of its research units (Hawaii Institute of Marine Biology) recently received an award of \$50M to better understand the health of our ocean.

The university has achieved this historically, and (may?) continue to be able to maintain this level of performance in the future, in no small part because of the mix of faculty who execute all of the tasks that, together, allow the University to satisfy its mission: invent new knowledge – pass it on to the next generation – impact the lives of the people who support it.

So, what is the aim of restructuring the way the university hires (and retains) its (demonstrably successful) mixture of faculty? Is it to improve the university? Or is it to harm it? Many of the faculty in the aforementioned HIMB would have been denied tenure by this bill. They would have instead gone to work for universities on the mainland. Which would have been Hawaii's loss.

Respectfully, I strongly oppose SB 3269.

Robert Wright

LATE

SB-3269

Submitted on: 2/9/2022 3:00:11 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard M Manshardt	Individual	Oppose	No

Comments:

I am a recently retired UH Manoa faculty member (R), having served 40 years in the College of Tropical Agriculture and Human Resources (CTAHR), where many faculty are classified as "S" (Specialist) or "A" (Extension Agent). Specialists often have an "I" (Instruction) component in their split appointments (A, I, and/or R), and are thus engaged in formal classroom teaching. Extension agents are also engaged in teaching agricultural clients in workshops, conferences, and one-on-one in the field. Consequently, to differentiate S or A faculty from I or R faculty on the basis of the presence or absence of an instructional component in their respective jobs is a nonsensical and unrealistic idea. I think this distinction is flawed and the proposal to remove the tenure track status of S and A positions will be unproductive for the UH and the State.

LATE

SB-3269

Submitted on: 2/9/2022 3:00:16 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ralph Toyama	Individual	Oppose	No

Comments:

I am a librarian at Leeward Community College. I submit this testimony as an individual citizen.

I oppose S3269, as I believe it creates an additional layer of regulation where it is not needed, and is potentially harmful to the university.

The existing framework of tenure and faculty classification is the result of regular negotiation between the university and the faculty. While they have opposing interests, they share a goal of making the University of Hawaii a respected educational institution where knowledge is imparted and developed through free and open inquiry and discussion, and done so in a sustainable manner.

If passed, this bill will give the impression that the university is subject to political interference, and will not go unnoticed by our accrediting bodies, other institutions, and potential future students and faculty.

Looking at what's going on around the country, with the free exchange of ideas and dissemination of information and knowledge under fierce assault, academic freedom is as important now as it's ever been. Please don't make the protection of academic freedom any harder than it already is.

KIRSTEN K. N. MAWYER



Address | Telephone | Email

February 9, 2022

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 Kirsten Mawyer and I am writing in opposition to SB3269. As a private citizen whose occupation is that of an Associate Profession in the field of Education I firmly believe that this bill undermines the personnel classification systems that are standard within university systems nationally and internationally, especially at R1 universities.

As a private citizen, my occupation is that of an Associate Professor in education. I strongly believe that 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.

Through my work I have dedicated myself to addressing the teacher shortage in Hawai'i by preparing teacher candidates to work in public and charter schools in Hawai'i. I have many colleagues who are Specialists who working toward that same goal through the courses they teach and program's to which they contribute their expertise. They are a vital part of the functioning areas within the UH system. Their jobs can fulfill many of the same teaching, research and service roles of 9-month tenure-track faculty. A department's ability to hire Specialists is critical. Many Specialist positions are filled by people who have the expertise of industry and are leaders in it. The initial ranks of a Specialist position (S3 & S4) do not require that a person holds a doctorate. A Specialist's expertise is experiential with a wide perspective and is necessary to run a well-rounded program that supports the institution and community. Therefore, in order to secure industry leaders and experts into these Specialist positions, job security (tenure, when allowed) and competitive salaries are necessary in order to obtain the best for our students and communities.

Additionally, I oppose this bill because the tenure and promotion process is rigorous and allows UH to retain the brightest and best faculty. The percentage of tenured positions that a university holds affects and increases the probability of stellar accreditation ratings, which in turn increases opportunities for the university to obtain grants, community support, quality faculty, and more importantly, students. Students and their parents seek higher-ranked and accredited institutions/schools/colleges. Recruitment efforts are bolstered, which in turn can and will affect Hawaii's economy.

Furthermore, I oppose "lumping" all tenure lines into "F" classified positions. At the university, many faculty do a variety of jobs, which support the economy. Units have varied personnel criteria because faculty are hired for specific positions in specific units. For example, a Research Faculty should not have to teach, because they are doing specific research (eg. collecting data, innovating, experimentation, etc) that requires focused time and energy on projects that require diligence to the research objectives, especially if funding is extramural. Effective and innovative research will enable UH to continue to bring in more monies and generate funds that feed into Hawaii's economy. If "R"s are forced to teach, this would take away from the time necessary to participate in research activities that are very rigorous. Another example is JABSOM faculty. They engage in mandatory clinical practicum and research, as well. They teach but their faculty activities for promotion are very different from a professor in the Philosophy dept.

I urge you to stop this bill from moving forward.

Sincerely,s

Kirsten K. N. Mawyer

LATE

Written Testimony to the
Committee on Higher Education
Hearing Date: 02/10/22

Hearing Time: 3:00 pm in Conference Room 229 & Videoconference

By
Ron Kekeha Solis,
Kawaihuelani Center for Hawaiian Language
University of Hawai'i at Mānoa

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

Aloha Chair Donna Mercado Kim and Vice-Chair Michelle N. Kidani:

My name is Ron Kekeha Solis, an Associate Professor at Kawaihuelani Center for Hawaiian Language at the University of Hawai'i Mānoa.

I stand in opposition of SB 3269. There is a reason why those positions are tenure-track positions. The people who are hired in those positions are vital to the missions of the University. The tenure and promotion process is extremely rigorous and the ones who succeed deserve tenure. The colleagues that I know here at the university have earned their tenure through hard work and determination, in service to their departments, schools, the university and the greater community of Hawai'i. They have persisted at striving for the summit in their respective positions as well, be it a Faculty position, a Specialist position and Librarian position.

Please throw this bill out. The person or people that has created this people obviously does not know what goes on at the university and has probably never engaged in discussion with the many Specialists, Librarians, and Faculty, tenured/tenure track. And have never witnessed the blood, sweat and tears and joy that they bring to their positions.

I reiterate my stand against SB 3269. Mahalo for your consideration.



Ron Kekeha Solis
Kawaihuelani Center for Hawaiian Language
University of Hawai'i Mānoa

Higher Education Committee
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

LATE

Re: **Opposition to SB 3269 SD1**

February 9, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Victor Lubecke, 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.

This bill proposes to codify into statute many policies which currently exist in a functional form that is governed by the UH Board of Regents and union contracts. As such, these policies currently can be responsibly updated as necessary to best continue to serve students, educators, and the people of the state of Hawaii. The proposed bill would make such this process unnecessarily burdensome in terms of both time and state resources.

Furthermore, this bill appears to be an attempt to take away both faculty and UH autonomy without justification. No rationale has been presented indicating an issue of statewide concern. No data has been produced demonstrating significant employee or student problems or complaints, evidence of systemic mismanagement, or financial burdens.

For these reasons, please vote against SB 3269 SD1.

Yours Sincerely,

Victor Lubecke

LATE

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 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

LATE

February 9, 2022

Aloha Senators,

Before I begin my testimony I would like to note that working around the legislature's public testimony website glitches while being held to testimony submittal deadlines on legislation is problematic and does not create the space for fair engagement in this process.

At approximately 2:40pm on February 9, the text of my testimony was deleted from the text box of the public testimony form upon clicking the save progress tab. In addition, to hold space, I submitted an opposition testimony before 3pm but later the site would not allow me to update the content. The website communicated that testimony from the account was already submitted.

While both acknowledge the public testimony website has been having glitches, neither the public access office or the web team were able to assist me in retrieving what I had attempted to save in progress, a feature offered on the site.

I created another account to submit this written testimony that will likely appear late. For this reason, I will join Zoom on February 10.

Testimony on SB3269

I am in opposition to SB3269 and ask the members of this committee to vote nay or to defer it to allow time to gain a more solid understanding of the issue.

Academic tenure in public higher education allows for *academic freedom* or the ability for those tenured to speak freely (without fear of retaliation) in the area of their professional expertise in a work environment where established knowledge is discussed/taught and new knowledge is created. Job security for public employees theoretically protected by Hawaii Revised Statutes, administrative policies and/or collective bargaining agreements do not provide the same type of protection.

The *academic freedom* provided by tenure benefits society and the education of our citizenry. One important example is it allows the space to help develop critical thinking skills students take with them into their post-collegiate life. These critical thinking skills are partially meant to help students examine the relevancy of current knowledge, issues, policies, and practices. This is not always comfortable or politically correct, but it is necessary. It helps develop individuals who will one day be able to fully engage as informed citizens in their fields of interest as well as in the democratic process.

Without maintaining the *academic freedom* provided for by the current numbers of tenured faculty positions, the future of the professoriate and the quality of public higher education in our state will be diminished. Future non-tenured faculty will likely not be comfortable challenging current knowledge, current practices, and perhaps in creating new knowledge, policies and practices that address the developing needs of our society.

Yesterday, I asked my students, who are elected student leaders on one of the campuses of the public higher education system, whether or not they had gotten input from their fellow students on an issue they are considering. As the faculty advisor it was clear to me if they move forward and pass their "legislation" it will directly impact a portion of the student population. At first I got silence. Later, I received a private email. The writer said in so many words, "*No, we did not. I agree we should. I am willing to do it.*"

Leadership, even elected leadership, comes with great responsibility because decisions made by such leaders impact lives and impact the human experiences that will be lived. SB3269 will impact public higher education and the education of many of the future leaders of this state.

As an educator, there are days when I cannot ask for more from my students than a willingness to stop themselves in motion, think critically about what they are doing and why, and if more information is needed before acting, be humble enough to admit it then take the time to get the additional information.

Ironically, the topics of tenure and faculty classification in public higher education in Hawaii have been informally thrown around in board rooms and meetings for over a decade. Yet no one in actual authority... no UH Regent (including the PIG), no UH Executive, no State Legislator have actually set-up an open meeting to discuss these topics. No one has said let us publicly define what we perceive as the problem(s) and the questions we should answer related to the perceived problem(s).

State Senators have *grilled* UH executives in hearings on numerous topics. Some UH executives have not answered questions or played dumb. This has become an annual sport while those of us on the frontline doing the daily work attempt to stay focused on our deliverables. This being said, I offer you the former UH Vice President of Academic Affairs as an example (I apologize but executive titles change so much in the organization that I cannot keep up with the exact titles but this one should suffice). When asked by a State Senator in a public grilling, I mean hearing, what Specialist faculty do 11 months a year, the six-figure salaried executive who should know close to everything about the faculty could not answer the question. It left the room and public record to assume that Specialist Faculty at UH do nothing over the summer and perhaps do little in general. I have found in 21+ years of public service (some of those as a staff member and most of those as a tenured faculty member) that authority figures not answering questions or playing dumb is usually a passive aggressive tactic of advancing an agenda.

After that hearing, no UH Regent (including the PIG), no UH Executive, and no State Legislator made any attempt to inquire of the Specialists across the system as to the diversity of the functions Specialists fulfill or what Specialists actually do in the areas of teaching, research, and service to sustain and advance the mission of the institution. No UH Regent (including the PIG), no UH Executive, and no State Legislator asked us how we teach, do research, and/or provide service to our students to contribute to them gaining productive employment post-graduation or to them becoming engaged citizens of our community.

Until the law or policy strips me of the tenure I followed policy to earn, I am a proud tenured UH Specialist faculty member. I teach. The verbiage in SB3269 assumes that those in my faculty classification do not teach. The assumptions and verbiage of SB3269 is factually inaccurate. SB3269 is ill-informed and if passed "as is" will diminish the quality of public higher education provided to UH graduates.

Please vote nay or defer SB3269 so that further information can be gathered to make an informed decision related to faculty tenure and faculty classification in public higher education.

Sincerely,
Bonnyjean Manini



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** 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**

Thank you for considering my comments,

Ruby Pap
Ruby Pap

LATE

SB-3269

Submitted on: 2/9/2022 9:34:35 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I oppose **SB3269**. This bill is an attack on academic freedom and political freedom at the University of Hawaii.

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

LATE

Re: Opposition to SB 3269 SD1

February 8, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Sania Fa'amaile Betty Ickes and 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. 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.

The recent case from Florida exemplifies the dangerous influence of the State on silencing faculty voices from offering their professional opinion on, for example, voting rights legislation.¹

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, 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.

¹ Stripling, Jack and Emma Pettit. “I Swore an Oath: Behind a U. of Florida Professor’s Plea to Testify Against the State” Chronicle of Higher Education. FEBRUARY 8, 2022. <https://www.chronicle.com/article/i-swore-an-oath-behind-a-u-of-florida-professors-plea-to-testify-against-the-state>

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. In March 2020, when the State of Hawai'i "locked down" to avoid widespread infections from the Covid 19 virus, all in-person classes ceased. It was support faculty from our Education Media and Technology (EMT) who led the training to pivot from in-person classes to on-line platforms. Leeward's EMT colleagues planned and executed training for instructional faculty to provide on-line access to all in-person courses. This required significant investment of time and energies from both faculty and our support EMT colleagues. As a result of this collegial collaboration, our students were able to complete their course of study for the Spring semester of 2020. No compensation was awarded to UH instructional and support faculty for the combined thousands of additional hours they contributed to this major undertaking.

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,
 Sania Fa‘amaile Betty P Ickes, PhD

Malama pono.

LATE

Written Statement of
JAN N. SULLIVAN

Before the
SENATE COMMITTEE ON HIGHER EDUCATION

Thursday, February 10, 2022
3:00 p.m.
State Capitol, Conference Room 229 & Videoconference

In Support of
SB 3269, SD1
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Honorable Chair, Vice-Chair and Committee Members:

Introduction and Background

My name is Jan Sullivan. I served for 10 years as a volunteer member of the UH Board of Regents. It was an honor to serve as I believe that there is no institution that is more important and that will have a greater influence on the future of Hawaii, than our University.

I am submitting this testimony as an individual as my tenure on the Board ended in June 2021. One of the last projects I agreed to take on was to Chair the Task Group that the Board had formed to evaluate tenure.

During my time on the Board, one of my highest priorities was ensuring that higher education would remain accessible and affordable to residents of this State. 10 years ago the nation entered a serious recession and State funding to Universities throughout the nation was cut. It was clear that policy decisions on prioritization and dealing budget constraints has direct long-term impacts to affordability and accessibility. You can look at much of the UC system today as an example of an institution that over time has priced out its own residents.

When this Task Group was formed, I was the Chair of the Board's Budget and Finance Committee. I agreed to take on what I knew would be an extremely unpopular topic because I know that affordability for our residents tomorrow, will be impacted by decisions we make today.

The State budget and funding to the university may go up and down, depending on many factors. But the truth remains that today, about half of the university's budget comes from student tuition – primarily undergraduate tuition.

How we choose to spend our dollars matters – and will matter to the future of higher education for the residents of this State.

The Board's Tenure Task Group Recommendations

Most of SB 3269 has incorporated the recommendations that came out of our Task Group. As such, a summary of those recommendations are provided below, in the context of this Bill.

Contrary to the sensational headlines and loud objections you may have heard, the recommendations from our Task Group proposed to **maintain tenure classifications for faculty that instruct, faculty that conduct research, as well as faculty that are Librarians.**

Our Task Group started by looking at the original purpose of tenure. We found that tenure appeared around 1915 and was developed for the primary purpose of protecting academic freedom. Tenure was not an assurance of lifetime employment, but rather an assurance of academic due process and protection against arbitrary retribution.

In the modern university, the right to academic freedom remains critical. But it is clear that the concept of tenure has evolved in academic communities to serve as a recruiting tool that is evaluated along with salary and other perks.

During my second 5-year term on the board I objected to the Board being tasked with approving hundreds of tenure and promotion decisions. We would be presented with a list of names and positions and would be expected to take action on these decisions en masse. We didn't know what we were approving and had no idea what criteria were being used to evaluate and make these decisions. After that objection was raised, the administration was quick to push revisions to delegate all of these decisions to the President.

A significant gap now exists because there is a lack of high level policy direction on how these decisions should be made – how to prioritize our precious resources when making these significant long term decisions.

With this in mind, our Task Group made three specific recommendations:

- To add policy direction that would require the tenure process to consider high level priorities including enrollment requirements, strategic priorities of the university, availability of faculty outside of the hiring unit, that the balance of tenure track faculty and other faculty is appropriate given enrollment, mission and accreditation standards, and that the unit is successful and relevant in contributing to the institutional mission and goals of the university. It also added language that tenure criteria should be clear and should prioritize the necessity for faculty to be adaptable in meeting the changing needs of students and the

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

- To add language that would clarify that a periodic review of tenured faculty should occur at least once every five years, that the periodic review is a responsibility of administration, and that reviews should be conducted in a manner that will minimize conflicts of interest within units and ensure balanced, diverse and relevant input including that of faculty peers. The recommendation required guidelines and procedures for periodic review to be established and approved by the president. It also established a requirement that an annual report on the outcomes of reviews be provided to the Board.
- To modernize tenure classifications – the University and Manoa in particular have over time grown a complex alphabet soup of faculty classifications. This system is an outlier and is out of sync with other modern universities. The recommendation was to consolidate classifications to be more in line with peer institutions, and to establish an institutional classification system for all campuses which included 2 tenure classifications: “F” for instructional and research faculty (currently classified as “R”, “I”, “M”, “J”) and “L” for librarians (currently classified as “B”). It was also recommended that Support Faculty/Specialists and Extension Agents be classified as “FSE” in a non-tenured classification but with eligibility for employment security characteristic of other public employees (currently classified as “S” and “A”). Renewable term faculty and non-compensated faculty would remain as non-tenure track appointments. It was recommended that these changes in classification occur prospectively moving forward.

Background on the Board’s Task Group

At my request, the Task Group was formed to intentionally reflect a cross-section of the Board as well as administrators and management at the University.

The Task Group was comprised of the following members (Board positions that are listed were positions held during the time work was conducted by the Task Group):

Jan Sullivan, Budget and Finance Committee Chair and Task Group Chair

Ben Kudo, Board Chair

Robert Westerman, Personnel Affairs and Board Governance Committee Chair

Ernest Wilson, Academic and Student Affairs Committee Chair

Christian Fern, Executive Director of the University of Hawaii Professional Assembly, faculty union representative

Bonnie Irwin, UH Hilo Chancellor, 4-year campus representative

Velma Kameoka, UH Manoa Vice Chancellor for Research, research representative

Erika Lacro, Vice President for Community Colleges, community college representative

Brennon Morioka, Dean of UH Manoa College of Engineering, college dean representative

President Lassner did not formally sit on the Task Group but was invited to meetings. He actively participated in many of the meetings to provide his input and comments.

The Task Group held 11 meetings and met on March 10, 2021; April 7, 2021; April 23, 2021; April 28, 2021; May 12, 2021; May 25, 2021; June 2, 2021; June 24, 2021; July 22, 2021; August 12, 2021; and September 3, 2021.

The Task Group's report and recommendations were issued on September 10, 2021. All members of the Task Group with the exception of Christian Fern (who provided written objections that were incorporated into the report transmittal) - were in agreement with the recommendations that are contained in this report.

I presented this report and recommendations to the Board of Regents at its September 16, 2021 meeting. At that meeting, the Board voted to refer this matter to the Committee of the Whole to review the recommendations at a later date. To date, the recommendations have not been discussed by the Board.

In summary, SB 3269, SD1 is consistent for the most part, with our task group recommendations. For these reasons, I support the language that is being proposed in this bill.

Thank you for providing me with the opportunity to provide testimony on this matter.

LATE

My testimony will address the fallacies inherent in SB 3269 whose intention is to erode the success of the community colleges as well as to dismantle the relationship between the community colleges and the university. The bill also threatens to sever the bonds forged by the relationships among the faculty and the invaluable support staff, including but not limited to librarians, distance education specialists, counselors, and liasions between our college and the high schools and other stake holders. The ultimate victims of this bill, should it pass, will be the very demographic who is capable of providing a strong economic future of our state: our students and community who comprise our work force.

The reclassification of faculty, specifically community college (cc) faculty, is problematic if not insulting. Under the proposed classification, tenure will not be available for cc faculty, which is discriminatory and pits a rivalry between the four year and two year institutions. CC students generally plan to the workforce, transfer to a four year institution, or else want to explore other meaningful avenues. Community college faculty support the four year institutions when their students transfer to a university. Indeed, in some instances, students at four year institutions take cc classes because of a paucity of open sections at the university. Therefore, taking away tenure from faculty whose teaching benefits university students is inequitable.

The courseload for the community college faculty is not the same as for university faculty. For instance, one community college's full time teaching load is five courses in the fall, four in the spring. One course could have as many as 20-35 students. Factor in committee and community work, as well as taking home miscellaneous assignments, drafts, papers, and exams to grade, and the sum total of working hours easily hits 70 hours/week. Tenure will not take away the onus of a heavy workload but it makes it more bearable. When recruiting, a tenure-track position is more attractive, thereby inviting a high caliber of applicants.

The reclassification of support faculty such as librarians, distance education support staff, counselors, and liasions between our college and other stakeholders is also problematic and ill founded. These support staff have worked even harder than before because of the pandemic. Our librarians are not only in charge of books but they are in charge of providing laptops for students who do not have computers. Our cc library has remained open (offering wi-fi to our students) during the soaring cases of Covid when normally businesses would have closed due to safety concerns. The librarians that I am familiar with work throughout the weekends. I am able to teach online due to the generosity of the distance education support staff. Our students, as with many affected by quarantine, mask mandates, and the threat of Covid, benefit from the compassionate support offered by our counselors. Some of the counselors are assigned specific demographics such as veterans, single parents. High school students are another demographic that thrives due to liasions between the cc's and the public. Eligible high school students are able to take cc classes due to these relationships. Denying tenure to these support staff sends a misguided, chilling message that they are tertiary to our students' success. Students benefit and are able to navigate the current college terrain during Covid because of the Herculean effort of this support staff. The student who receives a cc education and uses these resources is nurtured holistically. Without these support staff, some students would not be able to succeed in their classes. Denying them these invaluable resources denies students the chance to succeed. Again, tenure will not ease the workload of these support staff, but it validates and recognizes the merits of their challenging work.

The students succeed when their faculty and support staff can focus on what they do best: nurturing, guiding, inspiring, and teaching the future workforce. Worrying about their employment security prevents faculty and support staff from achieving excellence in themselves and by extension their students.

Ultimately, this effort to erode tenure at the community college could be the beginning of a larger, misguided, and ambitious effort. If the community college faculty and support staff are first in the line of attack, who will be the next group, the public school teachers?

LATE

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 **Juli Patao**, 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.

Yours Sincerely,

Juli Patao

February 9, 2022

LATE

Testimony to the Committee on Higher Education

Re: SB 3269

Chair Donna Mercado Kim, Vice Chair Michelle Kidani, and members of the Senate Committee on Higher Education:

My name is Jeanne Batallones and **I submit this testimony in opposition to SB 3269**, a measure which would adversely impact the future of faculty positions within the UH system through a proposed reclassification system that would remove tenure eligibility for non-instructional faculty within the University system. **I am urging you to oppose this bill.**

I am a Counselor at Hawai'i Community College in Hilo, a member of UHPA and a member of the UH Pamantasan Council. As a Counselor, I am classified as a counseling faculty member in a tenure-track position. I have worked as a counselor within the UH system for the last seven years, and as a community college counselor for the last 14 years. I provide my testimony in order to provide a "face" for those who would be adversely impacted by SB 3269 and to elucidate on the critical role that faculty, like myself, play in contributing to student knowledge construction and student learning as student development professionals.

In 2020, I earned my Doctorate in Educational Professional Practice from UH Mānoa and completed my dissertation which focused on my work with Filipino students and examined the influence of decolonizing practices on student identity, engagement and agency. The primary findings of my research suggested that decolonizing student activities can serve as a mental health intervention for Filipino students who experience shame of ethnic identity, lack of peer support, and family pressures to succeed.

As a counselor and student affairs practitioner, I fill a critical role in contributing to student knowledge construction and learning that occurs outside of the classroom. I am the faculty advisor to the Filipino student organization and ensure that students have access to culturally relevant content that they would not otherwise be exposed to, since there are few opportunities for UH community college students to learn about Filipino history and culture in the curriculum.

As a counseling faculty, I am filling curricular gaps and fostering student identity development through student activities that occur outside of the classroom. These extra-curricular activities are valued forms of knowledge construction and should be granted the same protections of academic freedom and tenure of instructional faculty.

The pandemic has shown that now more than ever, counseling faculty play a crucial role in addressing the holistic needs of our students who experience greater non-academic related challenges, which must be addressed through high quality student development methodologies, of which the tenure system guarantees. **I urge you to honor, respect and uphold the tenure rights and protections of counseling and student development faculty like myself, by voting against SB 3260.**

Respectfully submitted,
Jeanne Batallones Ed.D

LATE

SB-3269

Submitted on: 2/10/2022 1:42:06 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ronald Taniguchi, Pharm.D.	Individual	Oppose	No

Comments:

Do not support legislative overreach. Mahalo

LATE

SB-3269

Submitted on: 2/10/2022 11:20:14 AM
Testimony for HRE on 2/10/2022 3:00:00 PM

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

Comments:

Dear Senators:

What a horrible bill. This bill would do tremendous harm to our university. We already have trouble attracting good faculty, librarians and specialists. The legislature would make a terrible mistake even considering this bill. Please vote it down. UH is not perfect, but this bill would create horrible problems that might never be undone.

Sincerely

Dr. Paul M Chandler, Makiki

LATE

SB-3269

Submitted on: 2/10/2022 3:29:15 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Douglas L. Vincent	Individual	Oppose	No

Comments:

Senate Bill 3269 to change tenure at the University of Hawaii is just wrong. Please defeat this bill. I spent 35 years on the faculty at UH Manoa as an Animal Scientist and Professor in the College of Tropical Agriculture and Human Resources. I worked my entire career working with farmers and ranchers and importantly, extension agents and specialists. These faculty were my colleagues and deserve tenure in the same way that I was awarded tenure. They are critical to the success of Hawaii Agriculture yet require the protection of tenure as awarded to other UH faculty. Faculty duties can go beyond the classroom. Please defeat SB3269.

LATE

SB-3269

Submitted on: 2/10/2022 6:08:29 PM

Testimony for HRE on 2/10/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tara Rojas	Individual	Oppose	No

Comments:

I oppose this bill SB3269.

LATE

Subject: SB3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

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 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