



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
Thursday, February 5, 2015 at 2:00pm

By
Robert Bley-Vroman, Chancellor
University of Hawai'i at Mānoa

HB 96 – RELATING TO THE UNIVERSITY OF HAWAII

Chair Choy, Vice Chair Ichiyama, and members of the committee:

The University of Hawai'i supports the intent of this measure provided that its passage does not replace or adversely impact priorities as indicated in our BOR Approved Budget. This measure will establish an office of the ombudsman at the University of Hawai'i at Mānoa and appropriates funds for the operating cost of the office.

It should be noted that the Office of the Ombudsperson already exists on the UH Mānoa organizational chart. What is required is funding for the Ombudsperson position, rather than establishment of the unit.

During the two years that the UH Mānoa had funding for the Ombudsperon office, of the nearly 700 visitors per year, an estimated 300-350 were faculty and staff and roughly 350 were students.

A former ombuds officer at MIT estimates that the savings from prevented lawsuits and prevented formal grievances, along with value of the retention of valuable employees who would have left the University due to conflicts and hostile workplace environments, are at least equal to the costs of operating the ombuds office.

Researchers have discovered that active administrators and manages typically can spend between an average of 40 percent of their time dealing with workplace conflicts.

Thank you for your time and consideration.



Date: February 5, 2015
Time: 2:00 PM
Place: Conference Room 309

To: House Committee on Higher Education
Representative Isaac W. Choy, Chair
Representative Linda Ichiyama, Vice Chair

Re: Support of HB 96 Relating to the University of Hawai'i

My name is Michelle Tigchelaar, and I am writing on behalf and as the President of the University of Hawai'i at Mānoa (UHM) Graduate Student Organization (GSO). The GSO represents the approximately 5,000 graduate students at the UH Mānoa campus. I am writing in strong support of HB 96, which establishes the office of the ombuds at UHM.

Graduate students are often in a vulnerable position, both as students and as employees of the university. When problems arise, it can be hard to identify a person they can turn to for advice or to file a complaint. An ombuds office is an independent, impartial, confidential space, where students, faculty, and staff can go with issues ranging from harassment and discrimination to conflicts of interest and workplace disputes. The ombuds office can offer information and advice, and may facilitate communication and mediation. Universities that have an ombuds office often see a significant drop in the number of formal grievances and lawsuits filed against them. Having a well-functioning ombuds office can thus save the university a lot of money and time that is currently spent on conflict management.

GSO is concerned however about the longterm financial sustainability of the UHM office of the ombuds in the current version of HB 96. Until 2009, UHM had an ombuds office that handled 300-350 cases each year. It was then shut down, presumably for budgetary reasons. HB 96 only funds the UHM office of the ombuds through fiscal year 2016-2017, and does not stipulate how it would be funded thereafter. GSO would suggest HB 96 get amended to include funding beyond 2017.

Aside from the financial reservations, GSO strongly supports the opening of an office of the ombuds at UHM, and therefore HB 96. We thank you for the opportunity to testify.

Michelle Tigchelaar
UH Mānoa Graduate Student Organization, President

Email: mtigch@hawaii.edu
Phone: (808) 724-1392

Graduate Student Organization • University of Hawai'i at Mānoa
Hemenway Hall 212 • 2445 Campus Road • Honolulu, HI 96822

ichiyama2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 1:06 AM
To: HEDtestimony
Cc: makahababy@aol.com
Subject: Submitted testimony for HB96 on Feb 5, 2015 14:00PM

HB96

Submitted on: 2/4/2015

Testimony for HED on Feb 5, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Perry	UH Student Caucus	Support	No

Comments: An office of the Ombudsman is a critical point of contact for University students in their path of problem solving for a crisis. The Ombuds officer helps students to make the proper connections, points them in the right direction, and can offer intermediary services to help guide students to obtaining the proper help in a variety of situations. The UH Student Caucus finds that this position is a critical one and should be reinstated by the Legislature. It will save students and administration countless hours of tracking down the appropriate person/office in a crisis, and help students by giving them a clear and concise path of communication from point A to point B. Mahalo for your consideration of this testimony, Sara E. Perry UH Student Caucus, Chair

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HAWAI'I EDUCATIONAL POLICY CENTER TESTIMONY

Presented by Jim Shon, Director
Hawai'i Educational Policy Center
February 5, 2015

COMMITTEE ON HIGHER EDUCATION

Rep. Isaac W. Choy, Chair

Thursday February 5, 2015 2:00 pm, Room 309

RE HB 96 RELATING TO THE UNIVERSITY OF HAWAI'I

HEPC SUPPORTS PUBLIC POLICY EFFORTS TO IMPROVE TRANSPARENCY, COMMUNICATION, AND THOUGHTFUL CONFLICT RESOLUTION. OMBUDSMAN OFFICES ARE USEFUL MECHANISMS FOR THESE GOALS.

The purpose of this bill is to re-establish and expand the duties of the UH Manoa Ombudsman Office. The last UH Ombudsman was Dr. Neal Millner. Such an office does not replace or undercut the efforts of existing administrators, but rather complements their efforts. Busy UH officials cannot possibly devote enough time to the typical functions of an Ombudsman.

The bill lists several areas of appropriate activities:

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

- (1) Communicating the views and voices of students, faculty, and staff to decision makers;
- (2) Harassment or discrimination;
- (3) Violations of University of Hawai'i at Manoa policy;
- (4) Professional and organizational disputes;
- (5) Ethical dilemmas;
- (6) Cultural misunderstandings;
- (7) Conflicts of interest;
- (8) Student employment issues and disputes;
- (9) Assistance to administrators and regents in analyzing and framing difficult issues;
- (10) Disputes between the university and the community at large;
- (11) Health and safety concerns;
- (12) Availability and transparency of public information regarding university policies, finances, decisions, and programs;
- (13) Academic freedom; and
- (14) Threats or retaliation.”

HAWAI'I EDUCATIONAL POLICY CENTER
1776 University Avenue, Castle Memorial Hall 133 • Honolulu, Hawai'i 96822
Dr. Jim Shon, Director Phone (808) 282-1509 • jshon@hawaii.edu
<http://manoa.hawaii.edu/hepc/>

HEPC finds that all of these have been or are areas of concern for various stakeholders. Of particular note are items *#1 Communicating the views and voices of students, faculty, and staff to decision makers; #8 Student employment issues and disputes; and #12 Availability and transparency of public information regarding university policies, finances, decisions, and programs*. These three particularly address ongoing frustrations and criticisms. HEPC is especially interested in the possibilities of item #1. Current technology now allows us to survey students and faculty through web based methods at little to no cost. Recently HEPC conducted an informal poll of student in this manner. (see <http://web41.its.hawaii.edu/manoa.hawaii.edu/hepc/wp-content/uploads/Analysis-of-HEPC-Student-Survey.pdf>)

Background and Information on Similar Offices

Currently Hawai'i has a state level Ombudsman (<http://ombudsman.hawaii.gov/>), and a Long Term Care Ombudsman (<http://health.hawaii.gov/eoa/home/long-term-care-ombudsman-program/>). At the Federal level, several agencies have established this function, including the U.S. Department of Education, the Environmental Protection Agency, the Food and Drug Administration, and the United State Navy.

Since 1967 at least five state legislatures and one territorial legislature have established and continued to employ a full-time ombudsman. These states are Hawai'i, Nebraska, Alaska, Iowa and Arizona, and the U.S. territory of Puerto Rico. Many other states have ombudsmen appointed by, and located within the office of, the governor.

WHAT is an Ombudsman?

The job description for state offices of ombudsmen invariably involve the trouble-shooting function of investigating citizen complaints concerning specific acts by government agencies. For example, in Nebraska the ombudsman's duties are as follows:

“To receive complaints from the public and from persons working in government; to investigate; and where appropriate to negotiate remedial action with the agencies involved. A secondary duty is to answer questions and assist people with problems relating to government.”

HAWAII'S LONG TERM CARE OMBUDSMAN PROGRAM

The Long-Term Care Ombudsman Program (LTCO) was established by federal and state statutes. The LTCO identifies, investigates, and resolves complaints that are made by, or on

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behalf of residents, and related to action, inaction, or decisions that may adversely affect the health, safety, welfare, and rights of residents of long term care facilities such as nursing homes, adult residential care homes, assisted living facilities, and other long-term care facilities.

LONG-TERM CARE OMBUDSMAN PROGRAM SERVICES

If you need information or assistance in the following areas, please call the LTCO at 586-7268 (Oahu).

- ***Investigate and resolve problems or complaints*** about the care or services provided in a long term care facilities;
- Alternatives to nursing home placement;
- Options for paying for long term care;
- Choosing a nursing home;
- ***Help*** with initiating a power of attorney or guardianship;
- When can long term care residents refuse treatment;
- What rights nursing home residents have;
- ***Information, referral, and consultation on any long term care issues.***

WHAT CAN THE HAWAI'I STATE OMBUDSMAN DO?

* ***Independently and impartially investigate*** your complaint against state and county agencies.

1. If our investigation reveals that the complaint is substantiated, we can attempt to resolve the problem with the agency.
2. determine whether a complaint is substantiated by comparing an agency's actions against what the law requires as well as the principles of sound, fair, and reasonable administrative practice. We do not have the power to compel or reverse administrative actions but instead try to resolve substantiated complaints through recommendations and reasoned persuasion.
3. In addition to the resolution of individual complaints, if the office find possible areas for improvement to make government work better, it will make recommendations for changes to the law, administrative rules, or operating procedures.

WHAT IS THE OMBUDSMAN'S JURISDICTION?

By law, the Ombudsman is authorized to investigate the administrative actions of state and county agencies. We cannot investigate complaints about the governor and lieutenant governor and their staffs; the legislature and its staff; the judiciary and its staff; the various county mayors and councils; the federal government; a multistate governmental entity; or a nongovernmental entity. We also cannot investigate public employee grievances covered by collective bargaining agreements.

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The Office of the Ombudsman is established by Chapter 96 of the Hawai'i Revised Statutes. To view the law, please click [chapter 96](#).

§96-8 Appropriate subjects for investigation. An appropriate subject for investigation is an administrative act of an agency which might be:

- (1) Contrary to law;
- (2) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law;
- (3) Based on a mistake of fact;
- (4) Based on improper or irrelevant grounds;
- (5) Unaccompanied by an adequate statement of reasons;
- (6) Performed in an inefficient manner; or
- (7) Otherwise erroneous.

The ombudsman may investigate to find an appropriate remedy. [L 1967, c 306, §9; HRS §96-8]

On final thought. Notwithstanding the desire to be politically correct, the normal term is Ombudsman, understood to mean any gender. *Ombuds* sounds very strange and probably would confuse the public.

Mahalo for your thoughtful consideration of this testimony.

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Here are links to Ombudsman organizations, Ombudsman offices, and other State Government agency sites.

OMBUDSMAN ORGANIZATIONS

USOA – The United States Ombudsman Association

The United States Ombudsman Association serves public sector ombudsman offices across the United States, and member offices in Canada, Central America, and other parts of the world.

www.usombudsman.org

IOI – International Ombudsman Institute

The International Ombudsman Institute is a worldwide organization of public sector ombudsman offices. The University of Alberta, Edmonton, Canada, and its Faculty of Law support the IOI. The web page has links to member offices from around the world and other references.

<http://www.theioi.org/>

ALASKA OFFICE OF THE OMBUDSMAN

WWW.STATE.AK.US/LOCAL/AKPAGES/LEGISLATURE/OMBUD/HOME.HTM

ANCHORAGE (AK) OFFICE OF THE OMBUDSMAN

[HTTP://WWW.MUNI.ORG/DEPARTMENTS/ASSEMBLY/OMBUDSMAN/PAGES/DEFAULT.ASPX](http://WWW.MUNI.ORG/DEPARTMENTS/ASSEMBLY/OMBUDSMAN/PAGES/DEFAULT.ASPX)

ARIZONA OFFICE OF THE OMBUDSMAN / CITIZENS' AIDE

[HTTP://WWW.AZLEG.STATE.AZ.US/OMBUDSMAN/DEFAULT.HTM](http://WWW.AZLEG.STATE.AZ.US/OMBUDSMAN/DEFAULT.HTM)

DETROIT (MI) OFFICE OF THE OMBUDSMAN

[HTTP://WWW.DETROITMI.GOV/CITYCOUNCIL/LEGISLATIVEAGENCIES/OMBUDSMAN/TABID/2528/DEFAULT.ASPX](http://WWW.DETROITMI.GOV/CITYCOUNCIL/LEGISLATIVEAGENCIES/OMBUDSMAN/TABID/2528/DEFAULT.ASPX)

IOWA OFFICE OF CITIZEN'S AIDE/OMBUDSMAN

[HTTPS://WWW.LEGIS.IOWA.GOV/OMBUDSMAN/](https://WWW.LEGIS.IOWA.GOV/OMBUDSMAN/)

JOINT OFFICE OF THE OMBUDSMAN (DAYTON, OH)

WWW.DAYTON-OMBUDSMAN.ORG

KING COUNTY (WA) OFFICE OF CITIZEN COMPLAINTS

WWW.METROKC.GOV/OMBUDS

NEBRASKA OFFICE OF THE OMBUDSMAN (PUBLIC COUNSEL)

[HTTP://NEBRASKALEGISLATURE.GOV/DIVISIONS/OMBUD.PHP](http://NEBRASKALEGISLATURE.GOV/DIVISIONS/OMBUD.PHP)

PORTLAND (OR) OFFICE OF THE OMBUDSMAN

[HTTP://WWW.PORTLANDONLINE.COM/AUDITOR/INDEX.CFM?C=26647&](http://WWW.PORTLANDONLINE.COM/AUDITOR/INDEX.CFM?C=26647&)

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Dr. Jim Shon, Director Phone (808) 282-1509 • jshon@hawaii.edu

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Testimony of Bruce E Barnes on HB No. 96: Re: University of Hawai'i
Regarding Univ. Hawaii at Manoa : Office of the Ombuds.
Hearing date

1/5/2015

I am testifying as an individual in favor of HB: No. 96.

Please note that I am an employee of the University of Hawai'i and that the "University of Hawai'i supports the intent of this measure provided that its passage does not replace or adversely impact priorities as indicated in our BOR APPROVED BUDGET." My testimony here does not imply that UHM has reviewed and approved any of the recommendations and suggestions provided here. My testimony is based on the research of an ad hoc task force comprised of graduate students, faculty in the field of conflict resolution, ombuds offices from other campuses and myself.

1) TYPE OF OMBUDS OFFICES: The field of ombudstry in American Universities has undergone considerable change in the last couple of decades. The original model emanating from Europe is now referred to as the "Classical Model"— refers to an "independent governmental official " and "conducts **investigations** on matters of public interest to remedy injustice." The office of the State Ombudsman in Hawai'i is an example of the classical model. It is important for legislators and the public to understand that the classical model ombuds may conduct **formal investigations**, as one example where that model differs from the "Organizational Ombuds Model" which we believe is the desirable model for the University of Hawai'i.

The Organizational Ombuds model emerged after a number of years of evolution in 2005 as the dominant ombuds operational model for both organizations (businesses, both national and multinational) and universities. Since 2005 until today, among Research 1 Universities (including the University of Hawai'i) the majority of all US Universities with ombuds offices join the IOA (International Ombuds Association). An important difference between the Classical Ombuds , such as the State of Hawai'i Ombuds and the proposed UHM Ombuds is that the proposed Ombuds office may not conduct formal investigations. Thus, in HB No. 96 Section 1 part b the terms "investigation and reporting" should be removed since they may be confusing to the public, as well as SOH administrators and academic entities. We will address other possible changes to the bill in this testimony.

2) SCOPE OF THE SERVICES rendered by the Ombuds office: the proposed scope of services includes the items listed in HB 96 as presented for hearings on Feb. 5, 2015. After consulting the College of Social Sciences legislative liaison and the former head ombuds officer Neal Milner, we also recommend removing in its entirety section "c" on the second page titled "issues that may be brought to the attention of the office of the ombuds" points 1 through 14. Although it is true that many of these items are indeed issues that "may be brought to the ombuds office's attention" we feel that this particular listing is too specific and narrow.

Section d on pages 2 and 3 (“May” and “May not”) appear to be accurate statement of current IOA policies, as do sections (e) and (f) on page 3 subject to further review as necessary. We recommend that language from the International Organization of Ombuds (I.O.A) Best Practices, IOA Standards of Practice, Neutrality and Impartiality, Confidentiality, Informality and other standards be added to the bill if more specific descriptions of the Ombuds role are desired in the legislation. Again, we believe the model for this University Ombuds office is the Organizational Ombuds model.

3) NUMBER OF VISITORS SERVED PER ANNUM from the initial 2+ years experience of the UHM ombuds office: approximately 300-350 visitors per year, with roughly half of the visitors in the staff and faculty categories, and half in the student category. The experience of the initial ombuds office was that they were very busy from day 1, and that the second year they were open was just as busy, with close to the same numbers in both categories in year 2.

4) STAFFING PATTERN: the staffing pattern for the initial ombuds office could be: a head ombuds officer Neal Milner) who was funded at the (Ombuds Administrator level and one Associate Ombuds officers, plus one administrative specialist full time managing office. The previous UHM ombuds office had one Head Ombuds and two Associate ombuds officers, plus an office manager (APT). Our recommendation would eliminate one of the Associate positions resulting in 3 personnel at a rough estimate of 4344, 740 including fringe (45.46 per cent).

5) BUDGETING AND COST SAVINGS BY OMBUDS OFFICES: ROI: working with the above numbers, experts such as Mary Rowe (M.I.T. ombuds person) have calculated that the savings from prevented lawsuits and prevented formal grievances, along with value of the retention of valuable employees who would have left the University due to conflicts and unbearable hostile workplace environments, and the **savings** of endless hours of testimony and workplace litigation process obligations by faculty and staff **are at least equal to the costs of operating an office of the size** we are proposing based on our staffing pattern above. These savings have been noted with University ombuds offices. Since the evolution of organizational ombuds offices in corporate organizations and universities have been shown to closely parallel each other in the modern context, the following should not be surprising. “A consultant on ombuds program performance metrics, John Zisser of Pacfica Human Communications, LLC has calculated that the average return on investment (ROI) for **each dollar** invested in an ombuds program was **\$14 dollars**, without including any potential cost savings from legal fees if an employee resorted to litigation to address his or her issue. “

Related to the cost savings above, another measure of the crucial importance to the existence of an ombuds office is provided from our study of a comparable R-1 University, the U. of California San Diego. Their university is approximately the same size as UHM. Their Ombuds officer, Marit Besses reported in 2014 that

her office has an exit interview conducted with visitors to the ombuds office upon completion of their interaction there. Question # 15 on that exit questionnaire states “Without the assistance of the Ombuds office, would you have possibly sought legal assistance outside of the university for your complaint?” Besses estimated that, on average 90% of those completing the exit survey answered “Yes” to question number 15. We at our University have been, and are now experiencing a rise in the influx of lawsuits at great cost to our institution and to our faculty, staff and students.

6) SAVINGS TO UHM FROM AN OPERATIONAL OMBUDS

The Star Advertiser in the June 14, 2011 edition article entitled “Legal Fees Spike at UH” noted that the “University of Hawaii’s monthly spending on outside attorneys more than doubled over the past year, exceeding the combined expenses that most other state agencies paid for private legal help.” Workplace conflicts alone for one particular lawsuit in that period amounted to over \$600,000 paid to outside counsel. Not only was the party who brought the litigation ultimately fired, but another result of this ugly litigation was that the academic department that was affected lost its accreditation, and to this day this department has been unable to reopen. It is possible that if the ombuds offices were up and running at the onset of cases like this, the damage could be headed off, “nipped in the bud” or at least greatly mitigated.

7) Recommended changes to HB 96 are as follows:

Below are the amendments we’d like to see in the bill:

1) Ombuds offices don’t do investigation as contemplated by the current version of the bill. Instead, an ombuds would facilitate, mediate, use conflict coaching and may refer out visitors to the appropriate office for more advising.

Section 1. ... (b) The office....and the surrounding community through [investigation] facilitation, analysis, mediation and [public]reporting in accordance with subsection (3)(e).

2) The specific issues to be handled by the office as listed in (c) is problematic-too inclusive and not inclusive enough so we should delete and instead leave it more generally open as follows:

c) Any issue[s that] may be brought to the attention of the office of the ombuds. [shall include the following: (1)-(14)]

I would be pleased to take any questions from the committee members at this time.

Mahalo, Bruce Barnes

Date: Thursday, February 5, 2015

Time: 2:00 PM

Place: Conference Room 309

To: House Committee on Higher Education
Representative Isaac W. Choy, Chair
Representative Linda Ichiyama, Vice Chair

Re: Support of HB 96 Relating to the University of Hawaii

My name is Nicholas Chagnon and I am a PhD student at the University of Hawai'i at Mānoa (UHM) in the Sociology Department. I am writing in strong support of HB 96, which appropriates funds to establish and operate an office of the ombudsman at UHM.

UHM once had an ombuds office that addressed student employee grievances. That office adjudicated hundreds of cases each year. In 2009 however, another round of budget cuts gave the administration justification for closing the office. Today, undergraduate students and graduate students have no independent, protected avenue for raising grievances against the university, an administrator, a faculty member, or an advisor. Students have a power imbalance relationship with faculty or and the university in general. Many students are afraid to complain about being mistreated and/or overworked in the case of graduate student employees. Though my supervisors have always treated me well, I know several students who are being mistreated in the GA positions, but are afraid to speak out. Students may need advising, mentoring, research opportunities etc. Students perceive that filing a complaint with a faculty chair or with an administrator could lead to withholding of needed advice, opportunities, or 'slow-walking' paperwork.

Respectfully submitted,

Nicholas Chagnon

chagnon@hawaii.edu

PhD candidate, UHM Sociology

Research Assistant, UHM Women's Studies

Advocacy Committee Co-Chair, UHM Graduate Student Organization

January 29, 2015

Dear Chair Choy and Members of the House Higher Education Committee,

I am writing in strong support of the proposed legislation (HB96) to create an ombudsman position in the Chancellor's office at UH Manoa. I am personally aware of numerous cases of the abusive use of authority by those in high ranking positions at the University toward subordinate staff and faculty at the University of Hawaii at Manoa. Currently many of these individuals have no effective means of fighting this abusive behavior or disclosing fraud, waste, and mismanagement within the UH system. This bill would provide an important mechanism for faculty, staff, and students to voice their concerns over administrative dysfunction and abuse that threatens to undermine the important missions of the University. I urge you to pass this legislation and help UH Manoa get back on track.

Sincerely,

A handwritten signature in dark ink, reading "Robert V. Cooney". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Robert V. Cooney, PhD

Associate Professor

Department of Public Health Sciences

University of Hawaii at Manoa

Date: Thursday, February 5, 2015
Time: 2:00 PM
Place: Conference Room 309

To: House Committee on Higher Education
Representative Isaac W. Choy, Chair
Representative Linda Ichiyama, Vice Chair

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice-Chair

Re: Support of HB 96 Relating to the University of Hawaii

My name is Valerie Puaalanimaole Ho'okano Jeter and I am a Native Hawaiian graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 96 to establish and operate the Ombuds office.

Ombuds Offices typically handle individuals' workplace grievances/complaints, especially in administrative affairs. Manoa had one in the past, but it was cut several years ago for reasons unknown to us. As a result, we do not have a safe and acceptable method for filing and handling grievances for those who wish to do so. Consequently, many students have significant difficulty filing complaints and often choose not to do so.

Furthermore, Graduate assistants at UH perform essential functions, such as teaching and research, yet are paid poorly. In a 2012 survey conducted by the UHM Graduate Student Organization (GSO), 90% of respondents indicated that their wages do not cover the cost of living in Hawai'i. The pay scale for graduate assistants has not been increased since 2003/2004. Furthermore, graduate students have little job security, since they are rehired each year, and sometimes each semester. They also are not afforded sick days or family leave. As a result, sick graduate student employees risk being fired if they choose to stay home in order to avoid spreading illness to students.

I was hired as a GA upon my arrival into the graduate program at the University of Hawaii. Once the semester began, my job became available to other applicants without my knowledge. To my dismay, I apparently no longer held my GA position. I pleaded for my GA position out of the necessity that I was a non-traditional, and single parent student returning to school needing employment to provide for my large family. I was reinstated into my position and assumed my responsibilities accordingly. As the semester progressed, I experienced difficulties with my employer/Professor. Concerning my work duties and requirements, I maintained correspondence, fulfilling every obligation, timeline, and request. My duties fluctuated according to my employer's personal agenda as I worked on my employer's other (personal) projects not within my hiring grant description. Disparaging remarks were made about myself personally (based on my ethnicity, income status, and marital circumstance), academically, and as an employee. Consequently, my treatment in class was/is biased in comparison to other students, my grades in my employer/ Professors' course suffers, and what I believe to be further retaliation academically continues today. This situation has caused me to fear for my grades, my KSBE scholarship status, and employment status, financially making it difficult for me to provide for my children. The continued treatment has persuaded my to leave the University of Hawaii to rid myself of such abuse as the retaliation and repercussions for complaining my affect the livelihood of my family. To file a grievance, there are departmentally and personally conflicts of interest concerning particular faculty, this prevents me from filing any grievance.

Graduate students are an integral part of the UH system. We constitute a committed learning community, do important research, and perform a substantial proportion of the teaching duties.

However, we are not afforded the same labor protections that faculty and staff are. We deserve to be treated equally, not abused and exploited. I therefore support HB 96.

Respectfully submitted,
Valerie P. H. Jeter
vjeter@hawaii.edu

ichiyama2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 31, 2015 10:03 AM
To: HEDtestimony
Cc: puilam808@gmail.com
Subject: *Submitted testimony for HB96 on Feb 5, 2015 14:00PM*

HB96

Submitted on: 1/31/2015

Testimony for HED on Feb 5, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Pui Lam	Individual	Support	No

Comments:

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Cc: unheelim@gmail.com
Subject: *Submitted testimony for HB96 on Feb 5, 2015 14:00PM*

HB96

Submitted on: 2/1/2015

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Unhee Lim	Individual	Support	No

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Sent: Friday, January 30, 2015 9:36 PM
To: HEDtestimony
Cc: taradale44@gmail.com
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HB96

Submitted on: 1/30/2015

Testimony for HED on Feb 5, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Maaka	Individual	Support	No

Comments: Dear Chair Choy and Members of the House Higher Education Committee, I am writing in strong support of the proposed legislation (HB96) to create an ombudsman position in the Chancellor's office at UH Manoa. I am personally aware of numerous cases of the abusive use of authority by those in high ranking positions at the University toward subordinate staff and faculty at the University of Hawaii at Manoa. Currently many of these individuals have no effective means of fighting this abusive behavior or disclosing fraud, waste, and mismanagement within the UH system. This bill would provide an important mechanism for faculty, staff, and students to voice their concerns over administrative dysfunction and abuse that threatens to undermine the important missions of the University. I urge you to pass this legislation and help UH Manoa get back on track.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 2, 2015

Re: Support for, and Suggestions to Improve HB 96: the office of the ombudsman

Aloha,

Thank you for taking up the issue of establishing an ombudsman at the University. It is a much-needed office to exert effective oversight over an organization that has seen a never-ending series of public scandals (and many others that are never brought up because there is no real process to address problems that haven't reached the level of scandal). The amount of low-level abuse and corruption would probably horrify everyone if they found out. An ombudsman office is an important step towards changing the university's culture to make it open and fairer by given people an independent venue for raising concerns.

I would urge you, however, to extend the jurisdiction of the office beyond UH Mānoa to include the other university campuses and the community colleges. There are a lot of problems at the other campuses that should be addressed and there is no office to respond effectively.

Another issue with limiting the ombudsman office to Mānoa is that the office will be unable to respond to issues that occur between campuses or at the system level. And there are plenty of both.

People are simply left to raise issues to those in power, whether administrators, senior faculty, or bureaucrats, some of whom are indifferent to, and in fact are sometimes part of the problem. As a result, many people feel powerless to raise issues in the first place because the political culture intimidates, and often punishes, anyone who expresses legitimate concerns. The overall morale and effectiveness of the institution suffers. Having an office of the ombudsman available throughout the system to help address this problem would thus be extremely valuable to the entire system.

Thus, I applaud you for attempting to create such an office. I urge you to make the office more effective by extending the jurisdiction to the entire UH system.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Richardson", with a long horizontal flourish extending to the right.

Dr. Brian Richardson

ichiyama2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 4:57 PM
To: HEDtestimony
Cc: kealiig@hotmail.com
Subject: *Submitted testimony for HB96 on Feb 5, 2015 14:00PM*

LATE

HB96

Submitted on: 2/4/2015

Testimony for HED on Feb 5, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Keali'i Gora	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

February 4, 2015

To: Rep. Isaac W. Choy, Chair
Rep. Linda Ichiyama, Vice Chair
HIGHER EDUCATION COMMITTEE

From: Amy Hubbard
Professor and Graduate Chair, Department of Communicology
Affiliate Faculty, Spark M. Matsunaga Institute for Peace & Conflict Resolution
University of Hawai'i at Mānoa

Re: Testimony in Support of HB96 for February 5, 2015 Hearing at 2:00PM
RELATING TO THE UNIVERSITY OF HAWAII
University of Hawai'i at Mānoa; Office of the Ombuds (\$)
Description: *Establishes the office of the ombuds at the University of Hawai'i at Mānoa.*
Appropriates funds to establish and operate the office.

Thank you Representative Choy, Chair, and Vice Chair Ichiyama of the HIGHER EDUCATION COMMITTEE as well as other distinguished members of the committee for considering House Bill 96.

I support HB96, a bill for an act that will appropriate funds to establish and operate the Office of the Ombuds at the University of Hawai'i. As a faculty member at the University of Hawai'i at Mānoa for 20 years, I believe that such an office is an essential service to the University community.

Conflicts are ever present in the daily lives of students, faculty, administrators, and staff at the University of Hawai'i. This is an inevitable occurrence because we live interdependent lives and are humans who sometimes think and behave differently than others. However, the resources to manage conflicts at the University of Hawai'i are scattered and hidden among different pockets in the system and on our campus at Mānoa. If someone is not savvy to figure out which resource, if any, is available, then conflicts can quickly escalate to better known avenues of address (e.g., the court system).

For example, last semester, I taught a senior-level undergraduate course in conflict management with an enrollment of 47 students. One of the assignments I gave to students was to find and report on a conflict management resource that is available to a large group of people throughout Oahu. Many students wanted to discover resources on campus, but they struggled and felt frustrated when they attempted to find and identify such resources. With a central Ombuds Office on our campus, students and the rest of our university community can readily and quickly access a more comprehensive resource that can address disputes and conflicts at the University or can direct people to other appropriate resources.

We did have an Ombuds Office on our campus for a couple of years and it quickly became the "go to" place to seek help in dealing with disputes and conflicts. I even served as a neutral third party to assist in some of the cases that the Ombuds Office handled. I also referred students and faculty to this office. Consistently, people reported back to me that it was very helpful to have a central place to begin to address issues of conflict in our University community and many were disappointed when the Office of Ombuds disappeared from our campus.

I am also an affiliate faculty member with the Matsunaga Institute for Peace and Conflict Resolution. They offer mediation services to the University community and I have served as a mediator for disputes within the University of Hawai'i system. I believe that an Ombuds office would be a good complement to the services already offered and can serve as a clearinghouse and a catalyst for positive and optimistic change at the University.

I urge your support of HB96 to establish and operate the Office of the Ombuds.

Thank you for considering funding for the Office of the Ombuds, an important and proven program that addresses and showcases the importance of productive methods for managing disputes and conflicts at the University of Hawai'i.

LATE

808-586-6221

**In re: HR96 February 5.
TESTIMONY**

**Barbara G. Melamed, Ph.D. ABPP
Graduate Certificate UH Matsunaga Center for
Peace & Conflict Resolution, Clinical Affiliate,
Clinical Studies Program, Department of
Psychology, UH Manoa
CEO: Behavior Medicine Associates, Honolulu
Licensed Psychologist #1105 Hawaii**

DR. Barbara G. Melamed1

- **Testifier's name with position/title and organization;**
 - Dr. Barbara G. Melamed, Ph.D. ABPP
 - Clinical Affiliate, Dept. of Psychology, Clinical Studies Program, UH Manoa
 - ,CEO Behavior Medicine Associates, Honolulu Business Licensed Psychologist#1105 Hawaii
- Recent Graduate of the Certificate Program of the UH Matsunaga Center for Peace and (December 2014)
-
- **HR 96 Ombuds** office for UH.
-
- **- The Committee(s) to which the comments are directed;** House Committee
-
- **The date and time of the hearing; and**
- **Measure number.**

Feb 05, 2015

DR. Barbara G. Melamed2

Point 1- In support of an Ombuds

Other Universities of outstanding reputation have this in place. When UH had this Ombuds over 350-500 disputes were settled without litigation.

Point 2- Reputation of Univ of Hawaii

Given this years unfortunate events involving our renowned Cancer Center and even with the threat of Hawaii losing this important Research and Teaching Institution, it is likely that an Ombudsman office could have been consulted by 1)dissatisfied faculty;2)disatisfied staff;3)Director Michele Carbone and a reasonable effort to establish a feasible working budget and define role responsibilities for management, fiscal , and academic matters would have been possible.

Point 3- LEADERSHIP PROBLEMS

It is a national shame on us to have lost our President, our Chancellor and now our excellent director of the Cancer Center without appropriate and available resources of the university to have been brought in to play. Our UH Matsunaga Center for Peace & Conflict Resolution has successful mediators and our Richardson School of Law is active. In fact the main Professional Dr. Kenneth Cloke is due to lecture 2/25 at 3:30 at Richardson School and is sponsored by a number

DR. Barbara G. Melamed

of organizations including The Hawai'i State Bar Association-ADR Section; Matsunaga Institute for Peace and Conflict Resolution; and Mediation Center of the Pacific

Special thanks to partners: The Association for Conflict Resolution-Hawai'i Chapter, Accord3.0, and the William S. Richardson School of Law

Thanks also to University of Hawai'i, Hilo College of Arts and Sciences for initiating Mr. Cloke's Hawai'i visit.

It is free and the UH Board of Regents should have a seat at that event. Peter Adler, ACCORD 3.0 CEO and an excellent candidate for the Board will be interacting with him during this event in a meaningful way and relate it to our University of Hawaii issue.

LATE

February 3, 2015

Dear Chair Choy and members of the Higher Education Committee,

I am writing in support of HB 96 to create an Office of the Ombudsman at UH-Mānoa; however, I strongly urge you to expand the jurisdiction to include the other campuses in the University of Hawai'i system. While the abuse of power, unethical behavior, and questionable terminations at the flagship campus often make the news, the same injustices quietly occur at some of the community colleges.

As a faculty member at Windward Community College, I watched with interest as the news of Tom Apple exploded in the headlines last fall; meanwhile, on my own campus, Brian Richardson, a truly remarkable and multi-talented dean, was issued a termination notice and then whisked off campus for the remainder of his contract. I question the integrity of this termination and can't help but wonder if it is related to alleged misconduct and unethical behavior on campus that Richardson was working to correct. Some concerned faculty members tried to work through the existing channel of the Faculty Senate to bring these concerns to light, but nothing has resulted from our efforts. Faculty members, particularly on a small campus, may find it difficult to speak out in these cases, and there may even be pressure from other faculty to keep quiet and not risk future consequences.

This termination appears to be part of a systemic problem in the University of Hawai'i system. Ironically, Richardson was one of the biggest advocates of improved transparency on campus, and now it is precisely the lack of transparency in his termination that has left some faculty on campus feeling powerless and demoralized. This termination is not an isolated event; I have heard of questionable hiring and firing practices at every level across the system—from the janitors to administration. It is unfortunate that the only recourse for many is private litigation. The entire system needs an Office of the Ombudsman to investigate misconduct, facilitate improved communication, and restore faith in the University of Hawai'i system.

Thank you for the opportunity to testify.

Sincerely,



Janine Oshiro
Assistant Professor of English
Windward Community College

LATE

Date: Thursday, February 5, 2015

Time: 2:00 PM

Place: Conference Room 309

To: House Committee on Higher Education
Representative Isaac W. Choy, Chair
Representative Linda Ichiyama, Vice Chair

Re: Support of HB 96 Relating to the University of Hawaii

My name is Bret Polopolus-Meredith and I am a graduate student at the University of Hawai'i at Mānoa (UHM). I am writing in strong support of HB 96, which appropriates funds to establish and operate an office of the ombudsman at UHM.

UHM once had an ombudsman office that addressed student employee grievances. That office adjudicated hundreds of cases each year. In 2009 however, another round of budget cuts gave the administration justification for closing the office. Today, undergraduate students and graduate students have no independent, protected avenue for raising grievances against the university, an administrator, a faculty member, or an advisor. Many students are afraid to complain about being mistreated. Furthermore, graduate student employees are afraid to complain about working conditions, overwork, or being assigned duties outside of their job description. Students may need advising, mentoring, research opportunities etc. Students perceive that currently filing a complaint with a faculty department chair or with an administrator could lead to withholding of needed advice, opportunities, and thesis or dissertation disapproval.

I've heard grievances from other graduate student employees. I've encouraged those students to file a complaint with UH administration. Sometimes the student does file a complaint but sometimes the student refuses citing concern over losing employment, losing a research opportunity or having graduation prevented.

I have not had a personal experience that I would file as a complaint. However, the lack of an ombudsman office lowers my morale. Though I have no current complaint, the thought of 'what if I will in the future and have no safe independent place to turn', worries me.

Thank you for the opportunity to testify.

Respectfully submitted,
Bret Polopolus-Meredith
bp32@hawaii.edu
808-304-9334

WINDWARD COMMUNITY COLLEGE

February 4, 2015

The House Committee on Higher Education
Thursday, February 5, 2015
2:00 PM

LATE

HB 96 RELATING TO THE UNIVERSITY OF HAWAII. Establishes the office of the ombuds at the University of Hawaii at Manoa. Appropriates funds to establish and operate the office.

To Chairperson Choy and members of the committee on higher education:

The proposed bill should be revised 1) to establish an ombuds office for the University of Hawaii system as a whole, and 2) to conspicuously label ombuds services as informal.

System-wide Needs

Students, faculty, and staff on every campus in the system would benefit from having access to ombuds services. It will most likely never be possible for smaller campuses such as Windward Community College to each establish an ombuds office; this funding measure presents a meaningful opportunity to establish a system-wide, Mānoa-based office that provides distance services to the other campuses. A new ombuds office that is system-wide from the outset will have better data collection than it otherwise could, and its plans for expansion will be well informed.

Informal Services

For the UH ombuds office to be in accord with International Ombudsman Association (IOA) standards of practice, it should conspicuously identify its services as "informal." These standards define the ombuds officer as "an informal and off-the record resource" who "functions on an informal basis," using such techniques as "listening, providing and receiving and information, identifying and reframing issues, developing a range of responsible options, ... and engaging in informal third-party intervention."¹ The fact that ombuds services' value is tied to their informality should be widely recognized and clearly stated.

Respectfully submitted,



Lance Uyeda
English assistant professor

¹ *IOA Standards of Practice*. Issue brief. International Ombudsman Association. Accessed February 4, 2015.
http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf