

JAN 27 2021

---

---

# A BILL FOR AN ACT

RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

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

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

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



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

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

16       The purpose of this Act is to ensure that public resources  
17 are targeted to support academic tenure for faculty positions  
18 whose primary duties and responsibilities are to provide  
19 instruction to educate and promote the success of students  
20 enrolled at the university.



1 SECTION 2. Section 304A-1002, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~§304A-1002~~ Faculty; classification schedule. The  
4 board of regents shall classify all members of the faculty of  
5 the university including research workers, extension agents, and  
6 all personnel engaged in instructional work as referenced in  
7 section 76-16, and adopt a classification schedule and  
8 compensation plan for these employees. Academic tenure shall be  
9 limited to faculty positions of which the primary duties are  
10 instructional in nature with a commitment to student achievement  
11 and success. Notwithstanding the provisions of this section,  
12 nothing contained in this section shall affect the rights and  
13 duties that matured, penalties that were incurred, and  
14 proceedings that were begun before July 1, 2021.

15 Annual increases of compensation shall be allowable for  
16 efficient service, and the board of regents shall adopt a fair  
17 and reasonable plan for rating the efficiency of individual  
18 employees affected by this section."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



# S.B. NO. 1328

1           SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 5. This Act shall take effect on July 1, 2021.

5

INTRODUCED BY: *Alena Mercedes R.*



# S.B. NO. 1328

**Report Title:**

University of Hawaii; Academic Tenure

**Description:**

Limits the award of academic tenure to positions whose primary duties are instructional.

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

