



UNIVERSITY
of HAWAII®

January 28, 2022

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty-First State Legislature
Honolulu, Hawai'i 96813

The Honorable Scott Saiki, Speaker
and Members of the House of Representatives
Thirty-First State Legislature
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, the University of Hawai'i is transmitting one copy of the Report to Examine and Assess the University of Hawai'i's Tenure System (Senate Concurrent Resolution 201 SD1 HD1, 2021) as requested by the Legislature.

In accordance with Section 93-16, Hawai'i Revised Statutes, this report may be viewed electronically at: <https://www.hawaii.edu/offices/government-relations/2022-legislative-reports/>.

Should you have any questions about this report, please do not hesitate to contact Stephanie Kim at 956-4250, or via e-mail at scskim@hawaii.edu.

Sincerely,

Handwritten signature of David Lassner.

David Lassner
President
University of Hawai'i

Handwritten signature of Christian Fern.

Christian Fern
Executive Director
University of Hawai'i Professional Assembly

Enclosure

UNIVERSITY OF HAWAI‘I SYSTEM REPORT



REPORT TO THE 2022 LEGISLATURE

Report to Examine and Assess the
University of Hawai'i's Tenure System

SCR 201 SD1 HD1 (2021)

January 2022

Report to the 2022 Hawai'i State Legislature on S.C.R. 201 S.D. 1 H.D. 1

Pursuant to the request made by the Hawai'i State Legislature in S.C.R. 201 S.D. 1 H.D. 1 (2021), the President of the University of Hawai'i (UH) System and the Executive Director of the University of Hawai'i Professional Assembly (UHPA) convened a task force to examine and assess UH's:

- (1) Tenure system for Researchers and other Non-Instructional faculty; and
- (2) 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 propose the best practices to be implemented by UH.

The Task Force convened weekly beginning in October 2021 to discuss the requests made in S.C.R. 201 and formulate recommendations. This report by the task force includes, as requested in S.C.R 201, the following:

- (1) A matrix of UH's Non-Instructional faculty positions, including Researchers, providing:
 - (A) Total number of faculty members categorized as Researchers and each of the other Non-Instructional faculty categories;
 - (B) A breakdown of faculty members in each of the Non-Instructional faculty categories based on faculty category, tenure status (tenured, tenure-track, or non-tenure track) and full- or part-time status, e.g. Researchers, Tenured, Full-Time – number of faculty; and
 - (C) The percentage of tenured and tenure-track faculty members in each of the Non-Instructional categories, including Researchers;

These matrices are provided as Attachment 1

- (2) Assessment of the following items for UH, in comparison to the majority of peer higher education institutions across the United States (unless otherwise stated), including an explanation on the reasonableness, necessity, and feasibility of UH's composition, system, and policies;
 - (A) Composition (percentage) of tenured and tenure-track faculty within each of the Non-Instructional faculty categories, including Researchers;

This information and discussion are provided as Attachment 2

- (B) Composition (percentage) of the source of funding, including extramural funding, for compensation received by tenured and tenure-track faculty within each of the Non-Instructional faculty categories, including Researchers;

This information and discussion are provided as Attachment 3

- (C) Tenure system for Researchers and other Non-Instructional faculty, including policies, practices, standard/benchmark criteria, duration of assessment, and administrative procedures; and

This information and discussion are provided as Attachment 4

(D) Research designation and standing, including explanation of specific merits to the State by UH having a certain research designation or standing; and

This discussion is provided as Attachment 5

- (3) Proposed amendments to UH’s existing tenure system and compensation structure for Researchers and other Non-Instructional faculty, incorporating the best practices implemented at the majority of peer higher education institutions across the United States, while meeting the unique needs and circumstances of this State.

This discussion is provided as Attachment 6

Summary and background

The focus of S.C.R. 201 is on what the S.C.R. called “non-instructional faculty.” These are faculty who, while tenure or tenure-track, are classified under the UH classification system differently from Instructional (I) faculty. Instructional faculty are tenured based upon three categories – teaching, scholarship, and service and for the purposes of this report also include the J (law) and M (medicine) classifications. The tenure process is rigorous and all faculty are held to high standards aligned with their department standards, the campus criteria, and assessments from other scholars in their field of study. Other classifications have a different mix of responsibilities. Research “R” faculty are hired to engage predominantly in research, though they play a critical role in instruction, especially of graduate students. Specialist “S” faculty are hired to do a range of activities that are directly related to student success and/or highly specialized activities where the focus tends to be outside the classroom, but with direct impacts for programs across the system. After extensive discussion and deliberation, the task force’s recommendations, as seen in Attachment 6, are:

- Develop a new classification system that better expresses the range of faculty responsibilities without creating unnecessary division between types of faculty positions.
- Phase out use of the researcher (R) classification.
- Determine most appropriate classifications for Specialists and non-instructional C faculty.
- Develop a process under which those faculty members in classifications being phased out may apply to reclassify their positions.
- **All changes to the classification system must be prospective. There will be no impact on individuals in classifications being phased out. Those individuals will be able to maintain their current classifications and if they are tenure-track but not yet tenured they will be able to continue on their current path to apply for and earn tenure in the manner currently prescribed. Incumbents who are tenured in the classifications being phased out will continue to be tenured and will continue to be subject to periodic review as set forth in university policies and the collective bargaining agreement.**
- The UH administration and UHPA will work together to identify how the mechanics of the current Tenure and Promotion process can be improved, including through improved training of Tenure and Promotion Review Committee (TPRC) members.
- The UH administration and UHPA will work together to develop a common understanding of how to address those rare situations in which a faculty member can no longer fulfill their professional responsibilities outside of the periodic review process.

A legislative resolution can shape the nature of discussions and, ultimately, influence outcomes that will impact the lives of people. In constructing a resolution, the WHEREAS clauses serve as the premises that lead to a conclusion, which is expressed in the THEREFORE BE IT RESOLVED clause at the end of the

resolution. As the foundation of the resolution, the WHEREAS clauses must be well vetted and based on factually accurate statistical data, historical information, and perspectives.

In responding to the resolution, the task force spent considerable time discussing the intent and meaning of each of the WHEREAS clauses and the information that it was intended to uncover. As a result, the task force seeks to clarify several statements we believe could be interpreted as misleading.

WHEREAS, page 1, Line 21-page 2, line 3

Whereas Statement	Task Force Clarification	American Association of University Professors (AAUP)
<p>“WHEREAS, the University of Hawai‘i grants to certain faculty members academic tenure, which is defined by the American Association of University Professors as an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation and from which the modern concept of tenure in United States higher education originated;”</p>	<p>This extremely short statement is not consistent with AAUP’s full definition of tenure as follows:</p> <p>“Academic freedom is the indispensable requisite for unfettered teaching and research in institutions of higher education...institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.”</p>	<p>The AAUP lists five areas of importance to consider with tenure:</p> <ol style="list-style-type: none"> 1. Precise terms and conditions 2. Probationary period, appointment to rank, process and procedures 3. Academic freedom during probationary period 4. Termination for cause or dismissal for cause prior to the expiration of a term appointment process and procedures 5. Termination of continuous appointment due to financial exigency

Discussion:

This particular WHEREAS clause could lead the reader to surmise that the AAUP held that tenure was permanent employment; this is NOT the position of the AAUP. The AAUP reviews tenure and academic freedom policies on an ongoing basis to ensure that they continue to value and uphold the integrity of academic freedom and tenure.

The University of Hawai‘i provides several defining statements in their documents on tenure that includes an expectation of ongoing professional and academic performance throughout a faculty member’s career. Specifically, the process includes that in the granting of tenure at the University, “you are and will continue to be a productive and valuable member of your department, school/college, and campus, that your pattern of continuing professional growth is positive, and that the University anticipates a long-term need for your professional specialty and services. This is a matter of judgment, and there may be honest differences of opinion based on fair and thorough consideration of evidence.” The language of UH tenure policy continues by stating that, “[b]ecause the granting of tenure involves a long-term commitment of the University’s resources, the review process is essentially conservative. Unless there is a clear case for tenure, the practice is **NOT TO RECOMMEND TENURE** (emphasis added). The president must approve all tenure recommendations.”

Thus, it is critical to note that the tenure process at UH is both rigorous, exacting, and does not assume that faculty are provided lifetime appointments without rigorous evaluation and periodic review throughout their careers.

Page 2, Lines 30-34

Whereas Statement	Task Force Clarification
WHEREAS, the University of Hawai‘i currently grants academic tenure to not only Instructional faculty members who teach and provide instruction to students, but also to Non-Instructional faculty including Researchers, Specialists, and Extension Agents, who are not employed in a teaching capacity;	While it is true that UH grants tenure to researchers, specialists and extension agents, it is not true that all individuals in these classifications do not teach. It would be accurate to say that UH grants tenure “also to Non-Instructional faculty including Researchers, Specialists, and Extension Agents, some of whom are not employed in a teaching capacity.”

Attachment 1

Matrix of UH Non-Instructional faculty, including researchers.

The UH system includes three different types of higher education institutions with four different peer groups: UH Mānoa (research-intensive), UH Hilo (primarily baccalaureate with masters and doctorate programs), UH West O‘ahu (baccalaureate) and the Community Colleges. This matrix provides the information requested for each UH campus. We also include the instructional faculty (including faculty in the law and medical schools) for context. The tenured and tenure-track-but-not-yet-tenured numbers are combined because there is no classification difference between these two types of faculty and to keep the tables relatively uncluttered. Tenured and tenure-track-but-not-yet-tenured numbers are disaggregated in the table on page 6. Data are for fall 2020.*

A. Tenure and Non-Tenure Track Faculty

UH Mānoa

Classification	Tenured and tenure track		Non-tenure track		Total
	F/T	P/T	F/T	P/T	
Instructional - I	917	3	214	245	1379
Researcher – R	106	3	61	33	203
Specialist – S	182	3	129	35	349
Librarian – B	49	0	3	1	53
Extension agent - A	26	0	20	0	46
Graduate assistant				1353	1353
Lecturer	0	0	0	0	0
Total	1280	9	427	1667	3383

UH Hilo (does not have researchers, extension agents or lecturers)

Classification	Tenured and tenure-track		Non-tenure track		Total
	F/T	P/T	F/T	P/T	
Instructional – I	166	0	25	0	191
Specialist – S	20	0	6	0	26
Librarian – B	6	0	0	0	6
Graduate assistant				12	12
Total	192	0	31	12	235

UH West O‘ahu (does not have researchers, extension agents or graduate assistants)

Classification	Tenured and tenure-track		Non-tenure track		Total
	F/T	P/T	F/T	P/T	
Instructional – I	77	0	9	0	86
Specialist – S	21	0	8	3	32
Librarian – B	4	0	1	0	5
Lecturer	0	1	2	1	4
Total	102	1	20	4	127

UH Community Colleges (does not identify researchers, specialists, librarians or extension agents)

Classification	Tenured and tenure-track		Non-tenure track		Total
	F/T	P/T	F/T	P/T	
Instructional – C	638	0	40	11	689
Non-instructional (only UH-CCs have this classification; others use S)	191	0	26	3	220
Graduate assistant				1	
Lecturer	0	1	0	2	3
Total	829	1	66	17	912

B. Percentage of Tenure and Non-Tenure Faculty

In the matrices below, the percentages in each classification include only full-time faculty; very few part-time faculty are tenured or on a tenure track:

UH Mānoa

Classification	Tenured and tenure-track		Not on tenure track		Total	
	Number	%	Number	%	Number	%
Instructional – I	917	54%	214	12%	1131	66%
Researcher – R	106	6%	61	4%	167	10%
Specialist – S	182	10%	129	8%	311	18%
Librarian – B	49	3%	3	0%	52	3%
Extension agent - A	26	2%	20	1%	46	3%
Graduate assistant	0	0%	0	0%	0	0%
Lecturer	0	0%	0	0%	0	0%
Total	1280	75%	427	25%	1707	100%

UH Hilo

Classification	Tenured and tenure-track		Not on tenure track		Total	
	Number	%	Number	%	Number	%
Instructional – I	166	73%	25	11%	191	84%
Specialist – S	20	9%	8	3%	28	12%
Librarian – B	6	2%	1	1%	7	3%
Lecturer	0		2	1%	2	1%
Total	192	84%	36	16%	228	100%

UH West O'ahu

Classification	Tenured and tenure-track		Not on tenure track		Total	
	Number	%	Number	%	Number	%
Instructional – I	77	63%	9	7%	86	70%
Specialist – S	21	17%	8	7%	29	24%
Librarian – B	4	3%	1	1%	5	4%
Lecturer	0		2	2%	2	2%
Total	102	83%	20	17%	122	100%

UH Community Colleges:

Faculty classification	Tenured and tenure-track		Not on tenure track		Total	
	Number	%	Number	%	Number	%
Instructional – C	638	71%	40	5%	678	76%
Non-instructional faculty	191	21%	26	3%	217	24%
Total	829	92%	66	8%	895	100%

The tenure status of the faculty, full-time and part-time, for all ten campuses combined is:

	Tenured	Tenure track	Not on tenure track	Subtotal faculty	Graduate assistants	Total including Grad Assistants
UH System	1	0	1	2		2
UH Mānoa	995	294	741	2030	1353	3383
UH Hilo	150	42	31	223	12	235
UH West O‘ahu	66	36	21	123		123
UH CCs	572	237	80	889	1	890
Total	1784	609	874	3267	1366	4633

*The distribution of UH faculty by campus, classification and rank came from the UH System Institutional Research and Analysis Office’s Fall 2020 Faculty and Staff Report, Number of Personnel and FTE series: 1. Any Tenure Type; 2. Tenure/Tenure Track; and 3. Not on Tenure Track.

Attachment 2

Assessment of percentages of tenured and tenure-track faculty in comparison to their peer higher education institutions, including an explanation on the reasonableness, necessity, and feasibility of UH’s composition, system, and policies.

The variability in mission and national classification of each of the UH System campuses means that for the reasons explained in Attachment 1, the task force separated the data for UH Mānoa, UH Hilo, UH West O’ahu, and the UH Community Colleges. Data for peer institutions are for 2016 as reported by the American Association of University Professors.

It should be noted that there is a significant difference between how UH and its peers classify their faculty. In most other R-1 universities (research-intensive, including UH Mānoa) the research faculty designation is used for research personnel whose salaries are usually paid through limited term research grants. Such employees are not eligible for tenure. At UHM, research faculty (R) are engaged primarily, but not exclusively, in research and are mostly, but not exclusively, paid with general funds. This is a historic practice we are advised originated when the State of Hawai‘i decided it wanted UH Mānoa to become a world-class research university. At UHM, faculty whose salaries are funded by research grants are not eligible for tenure.

Similarly, the Specialist (S) faculty classification used at UH is not common at other institutions. All UHM instructional (I, M, J) faculty are expected to engage in instruction, research, and service. Thus, the data in the tables below comparing UHM with its peers are not apples-to-apples comparisons, but these data are the only ones that provide a “reasonable” comparison.

UH Mānoa*

	UH Mānoa	All R-1 universities
Tenured/tenure track faculty	35%	30%
Non-tenured faculty	20%	27%
Part-time faculty (lecturers, etc.)	8%	15%
Graduate employees (grad assistants)	37%	28%
Total	100%	100%

UH Hilo

	UH Hilo	All baccalaureate institutions
Tenured/tenure track faculty	67%	36%
Non-tenured faculty	11%	21%
Part-time faculty (lecturers, etc.)	18%	43%
Graduate employees (grad assistants)	4%	0%
Total	100%	100%

UH West O‘ahu

	UH West O‘ahu	All baccalaureate institutions
Tenured/tenure track faculty	45%	36%
Non-tenured faculty	10%	21%
Part-time faculty (lecturers, etc.)	45%	43%
Graduate employees (grad assistants)	0%	0%
Total	100%	100%

UH Community Colleges

	UH Community Colleges	All associate degree institutions
Tenured/tenure track faculty	56%	16%
Non-tenured faculty	6%	17%
Part-time faculty (lecturers, etc.)	38%	67%
Graduate employees (grad assistants)	0%	0%
Total	100%	100%

*The national distribution of the faculty workforce by appointment and institution type data is drawn from the American Association of University Professors Information Brief, *Data Snapshot: Contingent Faculty in US Higher Ed* (AAUP 2018).

Discussion:

UH Mānoa’s breakdown is roughly similar to its peer group, which is Carnegie R1 – Very high research activity. While the differences are not extraordinary, UHM appears to have slightly higher percentages of tenured/tenure track faculty and graduate assistants and slightly lower percentages of non-tenure track and part-time faculty. This may in part be due to the UH Mānoa’s R and S classifications, which as noted, are not common at other institutions.

The percentages of UH Hilo, UH West O‘ahu and the community colleges tenured/tenure track faculty appear much higher than their peer groups, reflecting the strong support provided to these campuses by the state legislature, both in general funds and in general-funded positions. The relatively high percentage of tenured/tenure track faculty is a significant benefit to students who are served by a stable faculty accessible to students and able to maintain long-term connections with their students.

Furthermore, in addition to the importance of tenure to higher education and academic freedom, the relatively small pool of potentially qualified contingent faculty in Hawai‘i, particularly on the neighbor islands, dictates higher-than-average percentages of tenured/tenure track faculty. While mainland institutions can draw contingent faculty from wider geographic areas, Hawai‘i needs to be committed to developing its local talent and stable pools of professional educators.

In making sense of the data provided in this appendix and the variability in faculty classifications in the UH System, it is useful to recap how UH’s current faculty structure came to be. Hawai‘i Public Employee Relations Board (HPERB) Decision No. 200 (November 13, 1984) states:

“According to BOR witness Tokura, the Board of Regents (BOR) in the 1960’s was empowered by law to control and direct only faculty positions. Many positions not engaged in instructional activities were thus classified as faculty so that the BOR rather than the State Department of Personnel Services would have jurisdiction over them. Thus the Researcher and Specialist categories were created within the faculty unit. Another category, the “X” category, was created

within the faculty, for non-instructor, non-researcher professionals such as engineers. Again, the motive was to enable the BOR to make appointments outside the civil service. In 1965, the civil service law was amended to give the BOR jurisdiction over administrative, personnel and technical personnel [APT – which replaced X]. A 1967 [Public Administration Service (PAS)] study recommended the abolishment of the Researcher and Specialist categories by placement of subject position in either the faculty or APT categories. This recommendation was not accepted in order to protect incumbents from a loss of benefits.” The HPERB said that “Viewed from this historical perspective, it becomes apparent that some bargaining unit misclassifications at the University of Hawaii have occurred as a result of political and administrative maneuvering rather than indecision as to the proper grouping of personnel. Position No. 84092 as previously described is in the faculty group only because of political and administrative expediency rather than an administrative decision as to the proper grouping of personnel.”

It is important to note that “The [1967] PAS study recommended abolishing the researcher and specialist categories by placing the affected positions in either the Administrative, Professional and Technical (APT) or faculty group, the latter with no distinction as to instruction or research.” Thus, a researcher does not necessarily need to teach to be a faculty member and be eligible for tenure and there can be Specialists who engage in neither classroom instruction nor peer-reviewed research.

It was also recommended at that time that Specialists who did not substantively teach in the classroom should be classified as APTs rather than faculty. HPERB noted

“Under the PAS scheme, professional personnel in student services were retained in the faculty group. This was due to a policy under which student services personnel were required to teach for one-quarter of the time. PAS recommended, however, that if all incumbents were not instructing for one-quarter of the time within “2 to 3” years, such positions should be reclassified into the APT group.”

HPERB Decision No. 200 ordered that the BOR could reclassify an educational specialist position (84092) from faculty to APT because the subject position did not teach or perform other faculty duties (e.g., curriculum development).

A further complication is that after Decision No. 200, when the Collective Bargaining in Public Employment law was enacted in 1970, the APTs were placed in a different bargaining unit (unit 8) from the faculty (unit 7) based on the then-existing classification plans.

In the end, there are some positions that can reasonably be classified as either Specialist faculty or APT. For example, there are academic advisors in both classifications. Both classifications offer employment security to these public employees, although through different processes. Faculty earn it through the tenure process and APTs through their performance during a 3-year probationary period. The task force finds nothing inherently wrong with either the tenure process or the job security process offered under civil service. As we outline in our recommendations, reclassifying S faculty positions and clarifying how the duties and responsibilities taken on by employees in this classification constitute the work of faculty members is important. Regardless of classification, UH must continue to honor the employment security as provided for in their respective collective bargaining agreements.

Attachment 3

Assessment of percentages of the source of funding, including extramural funding, for compensation received by tenured and tenure-track faculty within each of the non-instructional faculty classifications, including Researchers, in comparison to their peer higher education institutions, including an explanation on the reasonableness, necessity, and feasibility of UH’s composition, system, and policies.

For the reasons explained in Attachment 1, the task force believes this discussion should be separate for UH Mānoa, UH Hilo, UH West O’ahu, and the UH Community Colleges.

S.C.R. 201 asks for a comparison of UH to its peer higher education institutions. We have not been able to locate comparable data because other institutions do not report the source of financing of faculty salaries. Therefore, this report does not include the sources of financing of faculty salaries at other institutions.

For the same reason, we are not able to respond to the request in S.C.R. 201 for an explanation on the reasonableness, necessity, and feasibility of UH’s composition, system, and policies that relate to the source of financing of faculty salaries. With respect to the funding of salaries for research, we believe UH Mānoa follows practices aligned with most R-1 universities. To the extent any individual extramural grant permits, the faculty investigator’s salary is charged to the grant. Some grants permit up to 10% of the award amount to be used for the principal investigator’s salary, some 15%, some 25%, some provide for summer salary and so on.

The data in the tables in Attachment 3 include overload pay. The salary data used to calculate the average distribution of faculty salary by classification came from a Jaspersoft data warehouse extract dated October 28, 2021. The data came from the Kualii Financial System Labor Ledger for FY 2021.

UH Mānoa: Source of funds percentages for full-time faculty that are tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other**
Instructional - I	87%	4%	1%	7%	1%
Researcher – R	76%	11%		12%	1%
Specialist – S	83%	9%		6%	2%
Librarian – B	97%	3%			
Extension agent – A	100%				
Graduate teaching assistant	No tenurable graduate assistant positions				
Lecturer	No tenurable lecturer positions				

**Other - All other sources of funds such as vocational education, gifts, internal service funds, clearing accounts, other R, and other S funds.

UH Mānoa: Source of funds percentages for full-time faculty that are not tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	41%	27%	1%	30%	1%
Researcher – R	5%	3%	5%	75%	12%
Specialist – S	20%	17%	1%	43%	19%
Librarian – B		76%		24%	
Extension agent – A		11%		88%	1%
Graduate teaching assistant	No full-time graduate assistant positions				
Lecturer	No full-time lecturer positions				

Discussion:

It is not possible to determine the overall percentage of salaries of researchers covered by extramural funds at other institutions. We are able to compare the policies of other R-1 universities with the policies of UH Mānoa with respect to the percentage of a faculty member salary that researchers are expected to generate from extramural funding. UH Mānoa does not have a specific requirement because the percentage varies based on the requirements of the extramural grant. As noted above, some grants permit only 10% of the salary of the principal investigator to be covered by the grant; other grants permit 15%, 25%, and 50%. A number of the 12-month instructional faculty and 9-month researcher salaries are funded by general funds, tuition and fees special funds, and research and training revolving funds. The remaining 1-3 months are then funded by extramural grants.

It is clear from the data that UH Mānoa has two different sets of researchers – those who are primarily funded by state general funds and tuition, and those who are primarily funded by extramural funds. Reiterating a previous point: UH Mānoa peers use the standard faculty (roughly I/M/J at UH Mānoa) classification for faculty who do research and are primarily funded by state and tuition funds and are tenurable, and UH Mānoa peers use a “researcher” classification for researchers who are primarily funded by extramural funds and are not tenurable.

A further complication arises from the Specialist (S) classification, which is unique to UH. UH faculty within the specialist classification primarily engage in academic activities outside the classroom such as advising, student support and curricular development. But some Specialists do engage in classroom instruction and traditional peer-reviewed research. Most specialists spend a majority, but not all of their time, on one of these three activities. *See the recommendation in Attachment 6 to analyze each position currently classified S to determine how the position should be reclassified once it becomes vacant.*

UH Hilo: Source of funds percentages for full-time faculty that are tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	87%	6%		4%	3%
Specialist – S	96%			4%	
Librarian – B	100%				
Graduate teaching assistant	No tenurable graduate assistants				

UH Hilo: Source of funds percentages for full-time faculty that are not tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	86%	6%		4%	4%
Specialist – S	16%	18%		19%	47%
Graduate teaching assistant	No full-time graduate assistants				

UH West O‘ahu: Source of funds percentages for full-time faculty that are tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	59%	37%		4%	
Specialist – S	94%	6%			
Librarian – B	100%				
Graduate teaching assistant	No tenurable graduate assistants				
Lecturer	No tenurable lecturers				

UH West O‘ahu: Source of funds percentages for full-time faculty that are not tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	63%	37%			
Specialist – S		3%		88%	9%
Librarian – B	100%				
Graduate teaching assistant	No full-time graduate assistants				
Lecturer	No full-time lecturers				

UH Community Colleges: Source of funds percentages for full-time faculty that are tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	94%	1%		1%	4%
Non-instructional faculty	98%			1%	1%
Graduate teaching assistant	No tenurable graduate assistants				
Lecturer	No tenurable lecturers				

UH Community Colleges: Source of funds percentages for full-time faculty that are not tenured or on a tenure track:

	State general funds	Tuition & fees special fund	Research & training revolving fund	Extramural	Other
Instructional – I	79%	1%	1%	15%	4%
Non-instructional faculty	37%	9%		54%	
Graduate teaching assistant	No tenurable graduate assistants				
Lecturer	No tenurable lecturers				

Discussion:

S.C.R. 201 asks for an explanation on the reasonableness, necessity, and feasibility of UH’s composition, system, and policies, on the source of funds for faculty salaries. Because comparable data are not available on the source of funds, we are not able to make a comparison of UH with its peers.

In addition to using funding from grants to pay faculty salaries during the 1-3 months faculty are currently unfunded, many UH Mānoa peers and benchmarks have what are called course buy-out policies that provide a procedure for how faculty can buy out additional teaching to focus their efforts on research funded by grants. UH also has college specific policies that describe the process of buying out teaching, but there are no University or System-wide policies. A review of peer institutions with publicly available buy-out policies found that they tend to share the following characteristics:

- Peers and benchmarks have College (not University) level policies.
- Most policies include assessment of department needs, etc. when making a determination of what courses might be bought out.
- Buy-out rate varies by campus but are generally around 9-12% of 9-month salary for each class that is bought out.
- No faculty member can buy out all teaching, meaning that some minimum teaching will always be required.

Attachment 4

Tenure system for Researchers and other Non-Instructional faculty, including policies, practices, standard/benchmark criteria, duration of assessment, and administrative procedures, in comparison to their peer higher education institutions, including an explanation on the reasonableness, necessity, and feasibility of UH's composition, system, and policies.

Discussion:

S.C.R. 201 requests information for tenure as it relates to Researchers (R) and "other Non-Instructional" faculty. Tenure information is provided for each UH System 4-year campus and the UH Community Colleges, but primary data is from the Tenure guidelines for UH Mānoa because Mānoa has the vast majority of R and S faculty. There is no difference in the tenure process between the Instructional (I) faculty, Research (R) and Specialist (S) faculty, however the criteria for different faculty classifications may be different.

I. The Tenure/Promotion Review Process. The procedure for tenure is the same no matter the faculty classification.

While procedures vary slightly at each campus, the following materials are taken directly from the current UH Mānoa procedures and are provided to all faculty who are going up for tenure or promotion:

The procedures for review of your application for tenure/promotion are given in detail in Article XII and Article XIV of the *2021-2023 UHPA/UH Agreement*. In summary, you should complete your application in accordance with the guidelines in Section VII as described below and submit it by October 1, 2021.

- A. The application for tenure/promotion must be submitted to the Department Chair. He/she and the Department Personnel Committee will make written assessments of your strengths and weaknesses, append recommendations if they so desire, and transmit the dossier to the Dean/Director.
- B. The Dean/Director will make his or her independent assessment and recommendation and transmit the dossier to a Tenure and Promotion Review Committee (TPRC) which has been appointed to review your case.
- C. The TPRC "shall review the dossier and make a recommendation, then return it to the Dean/Director for consideration and transmission to the Chancellor or Provost."
- D. Faculty Members will be notified of the TPRC's recommendation after it has been received by the campus administration.
- E. If, after the TPRC review, the dossier contains only positive recommendations, the dossier will be transmitted to the Chancellor or Provost for review. If the Chancellor/Provost's assessment is positive, a recommendation for tenure/promotion will be made to the President.

- F. If, after the TPRC review, the dossier contains a negative recommendation, you will be permitted to examine the dossier and to submit written comments and additional materials. If the negative recommendation occurred at the TPRC, the dossier will be returned to the same TPRC for a second review. The dossier will then be forwarded to the Chancellor/Provost who will make an independent assessment of the application, reviewing all materials, including any additional materials that may have been submitted in accordance with the procedure described. If the negative review did not occur at the TPRC, then the additional materials will be forwarded directly to the Chancellor/Provost, who will then decide to either recommend tenure/promotion or deny tenure/promotion. If the latter, you will be so notified and permitted to examine the dossier and meet with the Chancellor/Provost, if you desire.
- G. If you are denied tenure, the options available to you are explained in Article XII.H of the *2021-2023 UHPA/UH Agreement*.
- H. If you are denied promotion, under certain circumstances, as specified in Article XIV.D of the *2021-2023 UHPA/UH Agreement*, you may request a further review.

II. Tenure Policies for each campus

Campus	Criteria for Tenure	Notes
UH Mānoa	<p>Overview: Granting tenure based upon the candidate being a productive and valuable member of your department, school/college, and campus, that your pattern of continuing professional growth is positive, and that the University anticipates a long-term need for your professional specialty and services.</p> <p>Tenure Criteria for I faculty:</p> <ul style="list-style-type: none"> • The University must have a present and long-term need for a faculty member with the particular combination of qualifications, expertise, and abilities possessed by the applicant for tenure (Tenure Guidelines, p. 6). • Must demonstrate a high level of competence as a teacher during the probationary period (Tenure Guidelines, p. 6). • Must demonstrate a level of scholarly achievement appropriate to the rank at which tenure is sought in comparison with peers active in the same discipline. • Should participate in the academic affairs of the University, such as through service on appropriate faculty committees, and have shown a willingness to use professional competence in the service of the profession and the general community. <p>Tenure Criteria for R faculty:</p> <ul style="list-style-type: none"> • The University must have a present and long-term need for a faculty member with the particular combination of qualifications, expertise, and abilities possessed by the applicant for tenure (Tenure Guidelines, p. 6). • Must demonstrate a level of research achievement and productivity 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 research community active at major research centers (Tenure Guidelines, p. 7-8). • Should participate in the academic affairs of the University, such as through service on appropriate faculty committees, and have shown a willingness to use professional competence in the service of the profession and the general community (Tenure Guidelines, p. 8). • The Associate Researcher seeking tenure should be an established researcher whose productivity during the probationary period reflects this stature. 	<p>“Review process is essentially conservative. Unless there is a clear case for tenure, the practice is not to recommend tenure (Tenure Guidelines p. 6).”</p> <p>The tenure policy, practices, and criteria for R and S faculty at UHM can be found on the VCAA website: https://manoa.hawaii.edu/ovcaa/academic-personnel/tenure-and-promotion/.</p>

Campus	Criteria for Tenure	Notes
	<ul style="list-style-type: none"> ● In general, publication of research results in a form that involves review by independent referees is of first importance in establishing research competence and productivity. Collaborative research and joint and shared publications may be the norm in some fields or disciplines. The significance of such work within the discipline or field should be described to assist the review. Both 1) the proportion of time among given tasks and functions in research and/or writing, and 2) the total proportion of time and effort in the research or publication should be described to aid the review process. Co-author or researcher concurrence or an independent report on such contributions is needed to aid in review. <p>Tenure Criteria for S and Librarian Faculty</p> <ul style="list-style-type: none"> ● The University must have a present and long-term need for a faculty member with the particular combination of qualifications, expertise, and abilities possessed by the applicant for tenure. ● Must demonstrate 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 Associate Specialist and Librarian IV seeking tenure should be an established contributor to the standards, techniques, and methodology of the profession (Tenure Criteria, p. 8). ● The faculty member should have participated in the academic affairs of the University, such as through service on appropriate faculty committees, have shown a willingness to use professional competence in the service of the profession and the general community, and have demonstrated the ability to work effectively with faculty, staff, and administrators as necessary. ● 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. ● The Associate Specialist and Librarian IV seeking tenure should be an established contributor to the standards, techniques, and methodology of the profession. <p>Tenure Criteria for Extension Agent Faculty</p> <ul style="list-style-type: none"> ● The University must have a present and long-term need for a faculty member with the particular combination of qualifications, expertise, and abilities possessed by the applicant for tenure. ● The faculty member must have demonstrated a level of professional achievement and productivity in extension service appropriate to the rank at which tenure is sought in comparison with peers active in extension. ● The comparison peer group consists not only of local colleagues but also of the whole of the community of extension professionals active in major extension service programs nationwide. ● At the ranks of Junior and Assistant Extension Agent, the applicant should demonstrate clear evidence of professional growth. ● The Associate Extension Agent seeking tenure should provide evidence of interaction with the nationwide extension profession and of contributions to extension as a profession. ● The faculty member should have participated in the academic affairs of the University, such as through service on appropriate faculty committees, and have shown a willingness to use professional competence in the service of the profession and the general community. ● The faculty member should have rendered other services to the community as appropriate and have shown an ability to work effectively in an integrated extension program. 	
UH Hilo	<p>Tenure Criteria for Teaching Faculty</p> <ul style="list-style-type: none"> ● High quality teaching and a combination of high-quality contributions in scholarly/creative activities, and Demonstrated competence in service OR high quality contributions in service, and demonstrated competence in scholarly/creative activities OR a balance of contributions in scholarly/creative 	https://hilo.hawaii.edu/uh/vcaa/PersonnelPoliciesandProcedures/deadlines-and-procedures-for-

Campus	Criteria for Tenure	Notes
	<p>activities and service that substantially exceeds the minimum requirements of demonstrated competence.</p> <ul style="list-style-type: none"> ● Conduct assigned undergraduate and graduate courses and seminars. ● Serve as academic advisor to students; ● Serve on college or university committees; ● Engage in scholarly activities, and/or creative endeavors which contribute to the academic mission of the University. ● Where appropriate, participate in curriculum development activities; supervise laboratories, independent study activities, and off-campus learning such as practica and internships; and to render service to the professional or lay community which is relevant to the individual's academic specialty. ● Perform such other related tasks and duties as assigned. <p>Tenure for Specialists:</p> <ul style="list-style-type: none"> ● Under general direction and with latitude for independent judgment in the field of specialization, to perform assigned functions and to carry out routine duties competently; to supervise clerical help. ● The primary areas of responsibility for specialist faculty employed in Academic Affairs can be broadly described as 1) professional activities, 2) professional development and 3) service activities. 	<p>contract-renewal-tenure-and-promotion.php</p>
UH West O'ahu	<p>General: Expectations in teaching, discovery and creativity, and service may be met in one of the following ways:</p> <ul style="list-style-type: none"> ● High quality teaching, and high-quality contributions in scholarly/creative activities, and Demonstrated competence in service. ● High quality teaching, and high-quality contributions in service, and Demonstrated competence in scholarly/creative activities. ● High quality teaching and a balance of contributions in scholarly/creative activities and service that substantially exceeds the minimum requirements of demonstrated competence. 	
UHCC	<p>UHCCs</p> <p>The general reasons for granting tenure are that the University has concluded a) that you are, and will continue to be, an efficient and productive member of your discipline and college; and b) that it anticipates a long-term need for the services you have proven yourself capable of rendering. Applicants are reminded that although reviews are guided by specific criteria and all reviews involve a fair and thorough consideration of the evidence, the final tenure decision involves judgment, and may include honest differences of opinions. It should also be noted that because the granting of tenure involves a long-term commitment of the resources of the University, the review process is essentially conservative. Unless there is a clear case for tenure, the practice is not to recommend tenure to the President.</p>	<p>https://programs.honolulu.hawaii.edu/intranet/sites/programs.honolulu.hawaii.edu/intranet/files/tenure-promotion-guidelines.pdf</p>

III. The duration of assessment

For the purposes of responding to S.C.R. 201, the duration of assessment is interpreted to mean the length of time prior to the grant of tenure. The standard periods are shown below. A shortened or extended probationary period can be requested working with the respective College Human Resource department. Alternate periods may also be specified in offer letters.

Faculty Classification	Rank 2- Junior	Rank 3- Assistant	Rank 4- Associate	Rank 5- Full
Instructional (I)	Not eligible	5 years	3 years	2 years
Medical (M)	Not eligible	5 years	3 years	2 years
Law (J)	Not eligible	5 years	3 years	2 years
Researchers (R)	Not eligible	5 years	3 years	2 years
Specialist (S)	5 years	5 years	3 years	2 years
Librarian (B)	5 years	5 years	3 years	2 years
Agent (A)	5 years	5 years	3 years	2 years

Alternatively, if what is meant by duration of assessment is the length of time between the submission of a tenure application and being granted tenure, please see procedures above.

Of note, the decision that a tenure track faculty member will not be granted tenure is most often made through non-renewal of the contract prior to submission of the dossier as described above. So most tenure track faculty who do not meet the criteria for tenure are separated before the actual tenure application process.

IV. Tenure at Peer Institutions

UH Mānoa Peer Institutions

Campus	Criteria for Tenure	Notes
Colorado State University Fort Collins CO	https://faculty council.colostate.edu/faculty-manual-section-e/	<ul style="list-style-type: none"> • A tenure-track faculty member may be either full-time or part-time. The six (6) year time limit for acquisition of tenure applies for both full-time and part-time appointments (see Section E.10.4.c). • Considered based upon evidence of capability for significant professional contributions. • Will have a terminal degree in their field with some flexibility. • General probationary period is six years but length is dependent upon other factors as well. The time frame for the tenure application process shall all be stated unambiguously in the appointment letter.
Oregon State University	https://facultyaffairs.oregonstate.edu/faculty-handbook/promotion-and-tenure-guidelines#criteria	<ul style="list-style-type: none"> • Criteria subdivided into the categories of teaching and advising, research, extension, service, and other duties as assigned. • Faculty are expected to produce scholarly outcomes, as described in their position description. • The position description is where more specific expectations are enumerated and form the basis for evaluation (see the University's Guidelines for Position Descriptions for Academic Employees). • Tenure ensures the academic freedom that is essential to an atmosphere conducive to the free

Campus	Criteria for Tenure	Notes
		<p>search for knowledge and the attainment of excellence in the University.</p> <ul style="list-style-type: none"> ● Tenure reflects and recognizes a candidate's potential long-term value to the institution. ● Tenure sets universities apart from other institutions. Faculty are not merely employed by the University but are integral to the educational and research programs of the University; tenured faculty are the community of educators who create institutional stability and an ongoing commitment to excellence. Tenure, therefore, will be granted to faculty members whose character, achievements in serving the University's missions, and potential for effective long-term performance warrant the institution's reciprocal long-term commitment. The granting of tenure is more significant than promotion in academic rank.
University of Arizona Tucson	https://policy.arizona.edu/employment-human-resources/promotion-and-tenure	<ul style="list-style-type: none"> ● Promotion and tenure require excellent performance and the promise of continued excellence in (1) teaching, (2) service, and (3) research, creative work, and scholarship. ● The University values an inclusive view of scholarship in the recognition that knowledge is acquired and advanced through discovery, integration, application, and teaching. ● Criteria of individual departments and colleges govern the process. ● Consider the assigned workload duties of candidates in making assessments of contributions in the areas of teaching, research, and service. ● The University values collaboration among colleagues, both externally and internally, and the candidate's contributions to such collaborations will be considered in promotion and tenure reviews. ● Expectation that faculty will be inclusive and respectful, demonstrate integrity and follow established standards, and maintain intellectual honesty. ● Promotion and tenure criteria are to be developed by the faculty members and the administrative head in each unit and approved by and filed with the dean and Provost. ● Each unit will review promotion and tenure criteria annually, and current copies of those criteria will be maintained in the offices of the administrative head, college dean, and Provost.
University of Kentucky Lexington	https://www.uky.edu/ofa/node/11 https://www.uky.edu/ofa/sites/www.uky.edu.ofa/files/uploads/ar2-1-1_0.pdf	<ul style="list-style-type: none"> ● Considerable deference in tenure cases shall be shown by the Provost to the judgments emanating from the college. <p>[From the Provost's memo on tenure procedures: https://www.uky.edu/ofa/sites/www.uky.edu.ofa/files/uploads/2021-22_Promotion.and_Tenure.Memo_.pdf]</p> <ul style="list-style-type: none"> ● Discipline-specific expectations are often articulated quantitatively and qualitatively (e.g., a scholarly book published by a reputable press, articles in top-tier journals, creative products, professional recognition through grants, invited presentations or performances, evidence of teaching excellence, named inventor on patents).

Campus	Criteria for Tenure	Notes
		<ul style="list-style-type: none"> • All educational units have established statements for use in guiding evaluations for promotion and tenure, describing the evidences of activity in instruction, research and service that are appropriate to the field(s) represented in the unit. • Sole reliance on the evidences in a formulaic manner is inadequate. • Colleges and departments are advised to periodically review and revise their Statements on Evidences, with special considerations for the value of accomplishments in collaborative team science, as well as products of intellectual property (e.g., copyrights, patents, discoveries, films, works of art, tangible research property). • A faculty member's Distribution of Effort (DOE) has been assigned in a manner commensurate with promotion/tenure requirements. For faculty in Special Title Series, the source of evidences for the evaluation ought to be the position description and criteria for ranks that were reviewed by the appropriate academic area committee and approved by the Provost. For faculty in Research Title Series, the position description and criteria for ranks were reviewed and approved by the Dean of the Graduate School, Vice President for Research, and Provost. For faculty in Clinical Title Series, these were approved by the Provost. • The impact of an individual's work during the period in question is paramount.

UH Mānoa Benchmark Institutions

Campus	Criteria for Tenure	Notes
University of Washington - Seattle	http://www.washington.edu/admin/rules/policies/FCG/FCCH24.html	<ul style="list-style-type: none"> • Includes a statement on academic freedom. • Tenure: Appointment to the rank of associate professor requires a record of substantial success in teaching and/or research. • Includes a category of "Faculty without Tenure by Reason of Funding" (WOT) – renewable terms of 1-5 years in categories of Teaching Professor, Research Professor, Professor of Practice. • Faculty appointed WOT do not hold tenure because all or part of his or her annual University-administered salary is derived from sources other than regularly appropriated state funds. Except for this distinction, WOT faculty members have the same rights, responsibilities, and obligations as tenure-track and tenured faculty members at those ranks. • Part-time Professors may be appointed as well.
University of California – Davis	FAQ: https://academicaffairs.ucdavis.edu/academic-senate-faq Tenure: https://aadocs.ucdavis.edu/policies/apm/apm-130.pdf Security of Employment: https://aadocs.ucdavis.edu/policies/apm/apm-135.pdf	<ul style="list-style-type: none"> • Security of employment protects those non-tenured based upon qualifications (rather than time in position). • Termination is for extreme cases only. • Tenure must be granted by the end of seventh year or will receive a terminal contract.

Campus	Criteria for Tenure	Notes
	Termination for Incompetent Performance: https://aadocs.ucdavis.edu/policies/apm/apm-075.pdf Appointment and Promotion: https://academicaffairs.ucdavis.edu/apm/apm-toc#II	
University of Colorado Boulder	Tenure Procedure: https://www.colorado.edu/facultyaffairs/career-milestones/reappointment-promotion-and-tenure/reappointment-tenure-and-promotion Standards for Tenure: https://www.cu.edu/ope/aps/1022 Tenure Accountability: https://www.cu.edu/ope/aps/1020 Research Professor hiring and promotion: https://www.colorado.edu/researchinnovation/hr/research-professor-series Research Professor appointments: https://www.colorado.edu/researchinnovation/hr/research-professor-series/procedures-policy-implementation-research-professor-series Post-tenure Review: https://www.cu.edu/ope/aps/1022	<ul style="list-style-type: none"> • Tenure review occurs in 7th year. • Review procedures every 10 years. • Research professors must have funding, not generally funded from University funds. • Research Professors are on limited term contracts but otherwise treated like tenured full-time faculty.
University of North Carolina at Chapel Hill	General Tenure Guidelines: https://facultyhandbook.unc.edu/policies-and-procedures/faculty-personnel-policies-and-procedures/appointment-promotion-and-tenure-guidelines/	

V. Explanation of reasonableness, necessity, and feasibility of UH’s composition, system, and policies.

UH’s policies are similar in scope, quality, and process to both peer and benchmark institutions. The focus on the areas assessed for tenure (teaching, scholarship, and service) are defined in the Collective Bargaining Agreement and align with national standards for faculty assessment for the purposes of tenure. UH across the system provides rigorous and detailed tenure policies, processes, and procedures. These procedures align with similar procedures found on peer and benchmark campuses.

The working group also considered the non-instructional faculty classified as librarians and extension agents. At UH, the processes for tenure and promotion and periodic review of librarians and extension agents in tenurable positions are the same as the process for other tenurable faculty.

Nationally, the practice of granting tenure by R1 universities for extension agents and librarians varies: in some R1 universities these positions are tenurable and in others they are not. As a land grant institution with a mandate to provide extension services it is important that extension agents engage in highly controversial topics such as genetically modified organisms, pesticides, herbicides, and importation of pest control species. UH believes it is appropriate that extension agents be eligible for tenure and the academic freedom it provides so they can approach these areas with scientific rigor and objectivity. Librarians also deal with potentially controversial topics around selection of materials and scholarship, so likewise should be eligible for the protections of academic freedom provided by tenure.

Overall, it is apparent that UH’s classification system is more complicated than at other institutions and lacks clarity both for faculty and staff as well as those outside the University. There are a number of issues the current UH classification system raises:

- Confusion regarding job requirements for faculty in different classifications and blurring between classifications including between some “S” faculty and APT staff positions.
- Pay disparities between “S” faculty and “I” / “R” faculty, when the “S” faculty believe they are doing the same work.
- Lack of clarity regarding teaching responsibilities for faculty outside I/M/J classifications.
- Lack of clarity regarding what constitutes research and scholarship deserving of tenure for different faculty classifications.
- Lack of clarity regarding the differences in job requirements distinguishing 9-month and 11-month faculty appointments.
- Use in some colleges of split appointments, e.g., .50 I and .50 R or other combinations include partial Extension Agent (A) appointments.

Please see Attachment 6 for our recommendations.

Attachment 5

Research designation and standing, including explanation of specific merits to the State by UH having a certain research designation or standing, in comparison to their peer higher education institutions, including an explanation on the reasonableness, necessity, and feasibility of UH's composition, system, and policies.

Discussion:

The purpose of a university is not only to disseminate knowledge, but also to create new knowledge, methods, or applications. To accomplish this, a university must have the intellectual capital in order to identify problems, make new discoveries, and search for solutions.

UH Mānoa is one of only 131 U.S. colleges and universities designated as a Carnegie R1 institution, which indicates a very high level of research activity. This highly prestigious designation signals to prospective new faculty, postdoctoral fellows, and graduate students that the institution is committed to research and scholarly pursuit. Carnegie R1 institutions collectively receive the vast majority of federal research and development funding as well as philanthropic support.

UH Mānoa researchers are actively engaged in leading roles in research of local concern and global impact. The state relies on the expertise of UH faculty in almost every area of concern. UH economists are called on for forecasts and advice on economic policies. UH provides the entire state with its understanding of climate change impacts such as sea-level rise, ocean acidification, and coastal erosion mitigation. UH provides the state's primary expertise on alternative energy and our unique island grid considerations. UH experts are called on to address invasive species and biosecurity threats to Hawai'i's agriculture and ecosystems. UH researchers help the entire state understand and address the unique health disparities of our unique population. UH faculty expertise has been critical in addressing COVID-19 across the state in areas from rapid development of training for contact tracers to modeling case counts and hospitalizations. At the time of this writing, UH is being called on for its objective analytic capacity and expertise to support solutions to the Red Hill water challenges, cybersecurity workforce development, food security, and broadband deployment.

Other benefits to the state of having an R1 institution include the attraction of high-quality students, high-quality faculty, and research dollars. High-quality students from Hawai'i have a reason to stay in Hawai'i for their education. High-quality students from the continental U.S. and abroad expose Hawai'i students to a greater range of perspectives than if the student body were comprised only of Hawai'i residents. High-quality faculty benefit the students they teach and the community they enrich through their research and community service.

UH educational programs help address state workforce needs in nursing, teaching, engineering, law, and medicine with professionals who understand the latest practices and have developed critical thinking and innovation skills so they can creatively solve problems collaboratively in their chosen fields. UH programs educate students who go on to be engaged in the myriad non-profit organizations, government agencies, and civil society and service groups throughout Hawai'i. UH programs play a critical role in protecting, preserving, and generating Native Hawaiian knowledge, language, and culture, a critical endeavor given the UH role as an indigenous-serving institution. In addition to imparting knowledge to students, faculty also teach students how to be the next generation of researchers and problem-solvers, to the benefit of the community. Extramurally-funded research brings money and creates high-quality jobs

for the community; a recent UHERO study noted that UH is a significant economic sector for the state. As noted above, University researchers are generally focused on issues of importance to Hawai'i, and their work contributes to solutions that benefit the people of Hawai'i.

With respect to the reasonableness, necessity, and feasibility of UH's composition, system, and policies, please see the preceding section and our recommendations in Attachment 6.

Otherwise, we did not find anything unreasonable, unnecessary, or infeasible in the composition, system or policies of UH.

Attachment 6

Proposed amendments to UH’s existing tenure system and compensation structure for Researchers and other Non-Instructional faculty, incorporating the best practices implemented at the majority of peer higher education institutions across the United States, while meeting the unique needs and circumstances of this State.

Discussion:

To respond to this item, we first asked the question: what about the UH tenure system ought to concern the faculty, the administration, the regents, and/or the general public and legislature? The matrix below identifies some of the more common issues raised when looking at tenure and our commentary on them.

	Issue	Task force finding
1	Tenure guarantees lifetime employment and, once earned, enables faculty members to “cruise.”	Not so. Both the UH-UHPA contract and UH Regent and Executive policies set forth the conditions under which underperforming faculty can be encouraged to become more productive and, if they continue to underperform, can be terminated. Tenure protects faculty from termination for researching, teaching or advocating unpopular ideas (“academic freedom”) not from failing to perform their job responsibilities.
2	Tenure restricts the ability of the University to realign faculty competencies with current student and community needs and available resources.	True to some extent. The University can manage changing needs by centrally controlling hiring. As faculty in a discipline for which there is declining demand retire, they can be replaced by new hires in disciplines for which there is increasing demand. Additionally, faculty teaching duties may be changed within the boundaries of their academic competencies. If the University faces a “financial exigency” – meaning it has insufficient resources to continue to employ all its tenured faculty and there are no realistic alternatives to reducing the size of the tenured faculty, the Board of Regents can declare a financial exigency and lay off tenured faculty, as provided in the UH-UHPA contract. Such restrictions are not unique to UH but are a condition existing in all higher education.
3	Some UH non-instructional faculty positions are tenure/tenure track even though the incumbents are not in danger of being terminated for unpopular beliefs, specifically extension agents, librarians, and those specialists who neither teach nor conduct research so do not need the protection of tenure.	Partly true. Extension agents and librarians are tenurable at many R-1 universities, so UH is certainly not an anomaly in this regard. Extension agents deal with controversial subjects including genetically modified organisms, pesticides, herbicides, and importation of pest control species. Librarians may also deal with controversial matters of selection of materials and scholarship. UH specialists and CC non-instructional faculty have a diversity of responsibilities. Most are primarily responsible for areas of student support, advising, or academic support. Some also engage in research and classroom instruction. Specialists whose primary responsibility is advising students

	Issue	Task force finding
		argue that while not classroom instruction, their work is teaching students and they should be afforded academic freedom in providing advice. The argument for tenure for specialists who are primarily administrators is less clear. One strategy going forward would be to change such positions from tenurable to not eligible for tenure when the position becomes vacant. Another strategy would be to reclassify such positions as APT when they become vacant. There is a blurry line between APT positions and some specialist positions. There have been historic reasons why some employees were hired with an S classification and others doing similar work were hired as APTs, but offering tenure was not a primary reason. Notably, APT employees receive job security after three years, versus five to six years for a tenure track faculty member to earn tenure. APTs also have seniority and resulting transfer rights in the event of a reduction in force. Faculty have fewer transfer rights.
4	UH Mānoa has a higher percentage of its faculty classified as R (researcher) than its peers. [There are no R faculty at other UH campuses.]	True. UH peers generally classify their tenurable researchers as I (instruction) and have a separate class of non-tenurable extramurally funded researchers.

Our Recommendations

Our recommendations for changes to tenure policies in response to S.C.R. 201, given that the UH tenure system and processes are consistent with those of peer institutions (those with which UH compares) as discussed in Attachment 4, are:

1. To make no changes in the way tenure is earned and granted or the way tenured faculty are reviewed.
2. To make no changes to the tenurability of extension agents.
3. To make no changes to the tenurability of librarians.
4. While not a change in policy, we identified a need for more robust training for University personnel charged with the responsibility for implementing tenure and promotion policies and periodic review policies including both faculty and administrators.

Our recommendations for changes to the classification practices in response to S.C.R. 201, which would better align UH with its benchmark institutions (those with which UH aspires to compare) as discussed in Attachments 2 and 3, are:

5. To phase out the researcher (R), law faculty (J) and medical faculty (M) classifications and moving forward, reclassify them as they become vacant along with

current instructional (I) faculty positions, to a more general faculty classification (perhaps F) consistent with other institutions where faculty are also responsible for instruction, research, and service.

6. To phase out the specialist (S) position classification and reclassify all S positions to some other classification, as described below, as they become vacant.
7. At this time no changes are recommended to the “C” classification used at the Community Colleges.

Our Next Steps

1. Develop written processes for addressing the few instances when the productivity of a tenured faculty member has declined and s/he is unable to perform faculty duties satisfactorily, including following a periodic review and professional development plan.
2. Clearly define “faculty.”
 - a. Develop (a process involving the administration, the faculty, and the University of Hawai‘i Professional Assembly) a classification system for the faculty more aligned with its benchmark institutions.
 - b. Determine criteria for reclassifying positions currently classified specialist (S) to a tenurable general faculty position, a non-tenurable faculty position, a non-instructional faculty position, or a non-faculty staff position.
 - c. Examine each specialist (S) position and determine once the position becomes vacant how it should be classified.
 - d. Develop a process whereunder an incumbent in a researcher (R) or specialist (S) position could apply to have that position reclassified while the incumbent is still in it.
3. Develop policy relating to job security and periodic evaluation for specialist (S) positions that upon becoming vacant are reclassified as non-instructional faculty.
4. Develop guidelines for general faculty “buy-out” of teaching assignments with extramural or other sources of funding in a manner that is consistent with the new work assignment template for faculty.