
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 grant of
14 tenure is a matter of statewide concern.

15 In 2021, the senate passed Senate Concurrent Resolution
16 No. 201, S.D. 1, H.D. 1, Regular Session of 2021, to urge the
17 University of Hawaii to convene a task force to examine and
18 assess the University of Hawaii tenure system. Following the
19 adoption of S.C.R. No. 201, S.D. 1, H.D. 1, the board of regents
20 of the University of Hawaii created a permitted interaction
21 group to review the issue of tenure with a focus on the history



1 and evolution of tenure and current criteria used for decision-
2 making on tenure. The permitted interaction group found that,
3 while tenure is still a critical component to academic freedom
4 and retention of faculty, in recent years, the University of
5 Hawaii has been reducing the number of tenured faculty. The
6 permitted interaction group further found that to "establish
7 policy direction in conducting promotion and tenure to ensure
8 that university priorities and mission are met", revisions to
9 classification plans and incorporation of revisions regarding
10 periodic review of university employees should be considered.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Add a new section in chapter 304A, Hawaii Revised
13 Statutes, addressing tenure, criteria for tenure, and
14 periodic reviews for tenured or tenure-track faculty,
15 and non-tenured employees; and
- 16 (2) Amend section 304A-1002, Hawaii Revised Statutes, to
17 outline the faculty classification system and
18 authorize the president of the University of Hawaii to
19 create, administer, and amend the categorization plan
20 to comply with board of regents policies.



SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"§304A- Tenure. (a) The president shall have the authority to grant promotion and tenure to members of the faculty.

(b) Before the recruitment for tenure-track positions, and before the award of tenure, the administration shall ensure that:

(1) The position fulfills current enrollment requirements and strategic objectives, priorities for a long-term vision of the university, and the State;

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

(3) The balance of tenure-track and other faculty is appropriate given enrollment, mission, and accreditation standards; and

(4) The unit contributes to the institutional mission and goals.



1 (c) The administration shall ensure that tenure criteria
2 are clear and that they prioritize the necessity for faculty to
3 be adaptable in meeting the changing needs of students and the
4 university, including changes in the delivery of higher
5 education that may occur over time.

6 (d) Tenured faculty hired after June 30, 2022, shall
7 participate in a periodic review at least once every five years;
8 provided that:

9 (1) It shall be the responsibility of deans, chancellors,
10 provost, vice chancellors, vice provosts, and other
11 appropriate academic administrators to additionally
12 ensure that all periodic reviews are conducted in a
13 manner that will minimize conflicts of interest within
14 units, and ensure balanced, diverse, and relevant
15 input including that of faculty peers and management
16 roles; and

17 (2) Guidelines and procedures for periodic review,
18 including the use of performance improvement plans as
19 necessary, shall be developed by each major academic
20 unit and submitted for approval by the president, and



1 an annual report on the outcomes of the reviews shall
2 be provided to the board.

3 (e) Administrative, professional, and technical (APT)
4 employees and non-tenurable academic personnel hired after
5 June 30, 2022, shall be evaluated at least once every three
6 years according to procedures approved by the president."

7 SECTION 3. Section 304A-1002, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~[+]§304A-1002[+]~~ **Faculty; classification schedule.** (a)
10 The board of regents shall classify all members of the faculty
11 of the university including research workers, extension agents,
12 and all personnel engaged in instructional work as referenced in
13 section 76-16, and adopt a classification schedule and
14 compensation plan for these employees.

15 (b) The faculty classification system for all campuses at
16 the university shall be as follows:

17 (1) Tenured and tenure-track faculty: Tenured and tenure-
18 track faculty shall be engaged in direct instruction
19 consisting of active engagement with students in the
20 classroom or applied venues, and/or oversight and
21 supervision of internships, clinical work, applied



1 learning, theses, and dissertations. Tenured and
2 tenure-track faculty shall be classified as "F". This
3 classification shall include those previously
4 classified as "R", "I", "M", and "J"; provided that:

5 (A) "F" faculty shall engage in research and
6 scholarship that advances innovation, creates new
7 knowledge and knowledge practices, and benefits
8 students and the broader community; and

9 (B) "F" faculty shall also engage in service inside
10 the university and the community.

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



- 1 (3) Support faculty and extension agents: Support faculty
2 and extension agents shall be faculty that are not
3 primarily engaged in direct instruction, but are
4 engaged in academic support, including student
5 research and academic program support, or are engaged
6 in agricultural extension activities. Support faculty
7 and extension agents shall be classified as "FSE".
8 FSE faculty shall not be eligible for tenure but may
9 be eligible for employment security characteristic of
10 other public employees; provided that the exclusion
11 from eligibility for tenure shall apply only to "FSE"
12 faculty hired after June 30, 2022. This
13 classification shall include those previously
14 classified as "S" and "A";
- 15 (4) Renewable term faculty: Renewable term faculty shall
16 be faculty that are retained through non-permanent,
17 non-tenure track appointments and shall be classified
18 as "FR";
- 19 (5) Non-compensated faculty: Non-compensated faculty
20 shall be non-compensated, non-tenure track faculty



1 that may teach and perform research and shall be
2 classified as "FNC"; and

3 (6) Community college faculty: Community college faculty
4 shall be faculty who teach courses, shall not be
5 required to conduct research, shall be eligible for
6 tenure, and shall be classified as "C".

7 (c) The president shall have the authority to establish,
8 administer, and make amendments to a detailed faculty
9 classification plan; provided that the plan complies with
10 relevant board policies. Any changes to classification
11 categories shall apply prospectively; provided that existing
12 faculty shall have the option of applying to be classified in
13 the new categories.

14 The plan shall include, at minimum, the following faculty
15 categories: tenured and tenure-track faculty (F), librarians
16 (L), support faculty and extension agents (FSE), renewable term
17 faculty (FR), non-compensated faculty (FNC), and community
18 college faculty (C).

19 Annual increases of compensation shall be allowable for
20 efficient service, and the board of regents shall adopt a fair



1 and reasonable plan for rating the efficiency of individual
2 employees affected by this section."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.



Report Title:

University of Hawaii; Tenure; Faculty Classification System

Description:

Outlines tenure requirements and criteria for tenure-track faculty. Requires a minimum of at least one performance review every five years for tenured and tenure-track faculty. Requires a minimum of at least one performance review every three years for administrative, professional, and technical and non-tenurable employees. Requires periodic reviews for tenured and tenure-track faculty and administrative, professional, and technical and non-tenurable employees hired after 6/30/2022. Retains current Regents Policies 9.201, 9.202, and 9.213 for current personnel regarding periodic reviews. Establishes minimum faculty categories for all campuses. Provides that librarians shall be eligible for tenure. Provides that periodic review for tenured and tenure-track faculty, APT, and non-tenurable employees shall only apply to new employees following enactment. Establishes a "C" classification for faculty at the community colleges and retains eligibility for tenure. (SD1)

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