Dr. David McClain, President
University of Hawaii
2444 Dole Street, Bachman 202
Honolulu, HI 96822

Dear David:

Early last fall UHPA had conversations with the UH-Manoa Vice Chancellor for Academic Affairs regarding the status of foreign faculty appointed to tenure track positions but classified as temporary because they do not hold a green card. In recent years the time it takes to get a green card has become unpredictable and can take up to six years, or even longer. This leaves foreign faculty members unable to see themselves as making progress toward tenure and departments with the possibility that some faculty may have the right to a very extended probationary status because their tenure clock did not start ticking for five years. To remedy this we proposed that all faculty appointed to tenure track positions be given the status of tenure track faculty. That foreign faculty be allowed to proceed through the tenure process, be promoted if appropriate, and, if they still lack a green card, be awarded conditional tenure. The Vice Chancellor was receptive to the idea but asked us to make sure that the UH-Manoa Faculty Senate was supportive.

UHPA worked with the Vice Chancellor's office and the UH-Manoa Faculty Senate on the language of a resolution that was passed in February 2006. The language is reproduced below. I am writing to ask that moves now be taken to amend the relevant policies, request approval from the Board of Regents (BOR) as necessary and amend the faculty contract by the signing of a suitable memorandum of understanding. We note that the BOR already has awarded conditional tenure to a foreign national (the new dean of TIM) who did not at the time have a green card.

**Resolution on Non-Permanent U.S. Resident Faculty**

WHEREAS current university policy prevents faculty from being put on probationary status prior to the granting of permanent residency; and

WHEREAS there is insufficient technical and administrative assistance to support new faculty in complying with increasingly stringent USCIS regulations and increasingly lengthy processing times; and

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WHEREAS it is in the University's best interest to have faculty members focusing their valuable time and energy on teaching, service and research, and not on needless contract renewals pending an immigration status decision;

BE IT THEREFORE RESOLVED

1. That the UH dedicate additional resources towards securing proper employment status for non-permanent resident faculty, monitoring and assisting faculty in their efforts to obtain permanent resident status;

2. That non-permanent resident faculty be permitted and required to apply for tenure exactly as all other faculty are, and be granted conditional tenure solely on the basis of the usually applicable criteria;

3. That conditional status be lifted when permanent residency is obtained;

4. That conditionally tenured faculty share all the rights and responsibilities of tenured faculty except that any conditionally tenured faculty member who, because of a denial of appropriate immigration status, loses the right to work in the United States, shall be subject to termination of employment and tenure;

5. That the UHPA contract and pertinent university policies be modified in keeping with these measures.

(See www.hawaii.edu/uhmfs/documents/resolutions/20060215_reso_faculty_cpm.html)

We look forward to hearing from you concerning this matter.

Sincerely,

Mary Tiles

Mary E. Tiles, Ph.D.
President

MET:pt

Cc: J. N. Musto, Executive Director, UHPA