MEMORANDUM OF AGREEMENT
ARTICLE X, DEPARTMENT OR DIVISION PROCEDURES GOVERNING TENURE, PROMOTION, AND CONTRACT RENEWAL

This Memorandum of Agreement is entered into, and effective as of the date shown below, between the University of Hawaii Professional Assembly (hereinafter “UHPA”), the State of Hawaii (hereinafter “State”), and the Board of Regents of the University of Hawaii (hereinafter “BOR”). UHPA, the State and BOR are hereinafter sometimes referred to collectively as the “Parties.”

WHEREAS, in the University of Hawaii’s John A. Burns School of Medicine (hereinafter “JABSOM”), there are few tenure-track positions in the clinical departments that are able to comprise there Department or Division Personnel Committee (DPC) to comply with the requirements of Article X, Section B.;

WHEREAS, on March 27, 1998 and October 19, 2006, the parties entered into Memorandum of Agreements (MOA) providing an exemption to the requirements of Article IX, Department or Division Procedures Governing Tenure, Promotion, and Contract Renewal, under the 1995-1999 Unit 7 Agreement, and Article X, Department or Division Procedures Governing Tenure, Promotion, and Contract Renewal, under the 2003-2009 Unit 7 Agreement, for JABSOM to allow senior, non-tenure track faculty to serve on the personnel committees of the clinical departments and to vote on the promotion applications of non-tenure track faculty when there rank is equal to or higher than the rank sought by the applicant;

WHEREAS, on January 16, 2010, the parties entered into a successor collective bargaining agreement governing members of bargaining unit 7 faculty members of the University of Hawaii effective for the period of July 1, 2009 through June 30, 2015 (hereinafter “2009 CBA”); and

WHEREAS, pursuant to §89-10(a), HRS, the parties have agreed to amend Article X, Department or Division Procedures Governing Tenure, Promotion, and Contract Renewal of the 2009 CBA; as well as amend all applicable JABSOM department procedures to allow more flexibility.

NOW, THEREFORE, in consideration of the mutual promises contained herein the parties agree as follows:

1. Article X, Department or Division Procedures Governing Tenure, Promotion, and Contract Renewal, Section B. of the 2009 CBA is amended as follows:

B. MINIMUM REQUIREMENTS FOR DEPARTMENT PROCEDURES

Written Department or Division Personnel Committee (DPC) procedures shall at a minimum provide for (a) secret ballot voting at all final votes, (b) strict exclusion from voting of any individual who is not a tenured Bargaining Unit 07 member over the tenure or contract renewal of another Faculty Member,
(c) allowing only Faculty Members of equal or higher rank of the applicant to vote on applications for promotions, (d) procedures for the orderly review of dossiers at the Department or Division level, and (e) that the determination of the Department's or Division's recommendation for DC to the Dean or Director, or other appropriate administrator, shall be based on a majority vote of all bargaining unit Faculty Members in the Department or Division.

For the John A. Burns School of Medicine Departments that have fewer than five (5) eligible tenured Faculty Members, the Union and the Employer agree to allow non-tenure track bargaining unit members to serve on the Department personnel committees and to vote on the promotion applications of non-tenure track faculty when their equivalent rank (Associate or Full Professor) is equal to or higher than the rank sought by the applicant.

Non-tenure track bargaining unit members may participate in the establishment of DPC policies and procedures and they may also take part in the discussions of the Personnel Committee if the Department or Division has voted to include these Faculty Members in such deliberations.

The DPC policies and procedures may include provisions for an individual candidate to exclude participation by other department members where the candidate believes that a conflict exists that would prevent the Faculty Member's fair evaluation of a tenure or promotion application made by the candidate.

Department or Division Chairs, and other bargaining unit members serving in similar capacities such as those with the title Director, shall not participate by voice, vote, presence, or in any other form of communication in the deliberations of the DPC over individual tenure and promotion applications.

The Library Personnel Committee for the University of Hawaii at Manoa Library Services shall operate under the policies and procedures approved on September 12, 1997 and function as a DPC. All tenured Librarians are eligible for election to the Library Personnel Committee, including tenure, promotion, and reappointment applications. Librarians holding the title of Department Head shall be eligible to serve on the Library Personnel Committee, provided that they will be excused from deliberation and voting in cases involving candidates for whom they serve as Intermediate Supervisor or Department Head.

2. The parties shall recognize Exhibit A is the current language contained in Article X of the 2009 CBA.

3. This memorandum of Agreement shall be effective July 1, 2009 and shall continue in effect until the Parties agree otherwise.

IN WITNESS WHEREOF, the parties hereto, by their authorized representative, have executed this Memorandum of Agreement.
STATE OF HAWAII
UNIVERSITY OF HAWAII

Chairperson, Board of Regents

Vice Chairperson, Board of Regents

President, University of Hawaii

Chief Negotiator, State of Hawaii

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

Its Executive Director

On behalf of Edward Volante
Its President
ARTICLE X, DEPARTMENT OR DIVISION PROCEDURES GOVERNING TENURE, PROMOTION, AND CONTRACT RENEWAL

A. DEPARTMENT PROCEDURES

Each Department or Division, or comparable unit within the University, shall put in writing, and approve through a majority vote of the bargaining unit Faculty Members, procedures or policies that will include, but are not limited to, tenure, promotion, and contract renewal evaluations and recommendations, and recommendation of the Department or Division Chair (DC). If such procedures have not been written and approved within six (6) months of the execution of this Agreement, the Employer and Union shall develop such procedures for the Department or Division.

B. MINIMUM REQUIREMENTS FOR DEPARTMENT PROCEDURES

Written Department or Division Personnel Committee (DPC) procedures shall at a minimum provide for (a) secret ballot voting at all final votes, (b) strict exclusion from voting of any individual who is not a tenured Bargaining Unit 07 member over the tenure or contract renewal of another Faculty Member, (c) allowing only Faculty Members of equal or higher rank of the applicant to vote on applications for promotions, (d) procedures for the orderly review of dossiers at the Department or Division level, and (e) that the determination of the Department’s or Division’s recommendation for DC to the Dean or Director, or other appropriate administrator, shall be based on a majority vote of all bargaining unit Faculty Members in the Department or Division.

For the John A. Burns School of Medicine Departments that have fewer than five (5) eligible tenured Faculty Members, the Union and the Employer agree to allow non-tenure track bargaining unit members to serve on the Department personnel committees and to vote on the promotion applications of non-tenure track faculty when their equivalent ranks (Associate or Full Professor) is equal to or higher than the rank sought by the applicant.

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The DPC policies and procedures may include provisions for an individual candidate to exclude participation by other department members where the candidate believes that a conflict exists that would prevent the Faculty Member’s fair evaluation of a tenure or promotion application made by the candidate.

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C. REVIEW OF PROCEDURES

1. Written DPC procedures shall be submitted through the Dean or Director to the appropriate Chancellor and the union for approval, which shall not be unreasonably withheld.

2. These procedures shall comply with the terms of this Agreement, Board of Regents’ policies, and administrative guidelines.

3. Copies of the approved DPC procedures will be filed with the Union. Copies shall also be retained in the office of the Dean/Director or Chancellor at UH-West Oahu.

D. AMENDMENTS OF PROCEDURES
1. Amendments to DPC procedures may be recommended from time to time at the discretion of the
Department, Division, or comparable unit.

2. The proposed amendment shall be sent through the Dean or Director to the appropriate Chancellor
and the union for review and approval, which shall not be unreasonably withheld. Approved
amended procedures shall be filed with the Union and the Dean/Director or Chancellor at UH-West
Oahu.