

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into between the University of Hawai'i Professional Assembly ("UHPA"), the State of Hawai'i ("State") and the Board of Regents of the University of Hawai'i ("BOR").

WHEREAS, on April 24, 2003 the UHPA, the State and the BOR entered into a collective bargaining agreement ("Agreement") governing members of bargaining unit 07 (faculty of the University of Hawai'i) for the period July 1, 2003 through June 30, 2009; and

WHEREAS, the parties hereto amended Articles VII, Faculty Travel, and XII, Tenure and Service, of the Agreement effective January 1, 2006; and

WHEREAS, the parties wish to further amend Article XII, Tenure and Service, of the Agreement.

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

1. Article XII, Tenure and Service, Paragraph E. Tenure Application, Review and Notification, shall be further amended to read as follows:

1. Tenure Application, Review and Notification for Faculty Other Than Foreign Nationals Without Permanent Resident Status

All eligible Faculty must apply for tenure by their final year of probationary service according to a timetable established and published by the Employer, provided previous years of probationary service have been rated as satisfactory. Following review of the application, the Employer through its officers shall notify the Faculty Member by June 30 following the date of application whether it will grant or refuse to grant tenure at the beginning of the next academic year. If tenure is refused, the Faculty Member shall be offered a terminal year's contract commencing August 1. If notification of refusal of tenure is not given in writing by June 30 of the final year of probation, the Faculty Member shall receive a year's extension of probationary service with the option of reapplying for tenure during that year. Personal delivery of the notice in writing, or the mailing of the notice by certified or registered mail to the last recorded residence of the Faculty Member, on or before June 30, shall constitute an effective notification. A Faculty Member who fails to apply for tenure during the final year of probationary service shall be given a one-year terminal contract commencing August 1.

2. Tenure Application, Review and Notification and Effective Date of Tenure for Foreign Nationals Without Permanent Resident Status

Foreign Nationals who have not yet applied for or received permanent resident status who have been hired into a tenure track faculty position shall undergo the tenure review process following the procedure provided

in Paragraph 1 for tenure application and review process provided for all faculty. Foreign national faculty who have successfully undergone tenure review shall be notified that they will be granted tenure upon receiving permanent resident status. Pending receipt of such status, the Faculty Member shall be accorded the normal rights and benefits of tenured faculty, e.g., automatic promotion, if applicable; membership on the Faculty Personnel Panel; etc. If permanent resident status is denied, the Faculty Member shall be terminated from the University at the end of the current academic year or until the Faculty Member can no longer legally work at the University, whichever occurs sooner. Termination for failure to obtain permanent resident status shall not be grievable. If the Faculty Member is denied tenure, subject to continuing eligibility to work legally for the University of Hawai'i for the period mentioned herein, the faculty member shall be offered a terminal year's contract commencing August 1. If notification of refusal of tenure is not given in writing by June 30 of the final year of probation, the Faculty Member shall receive a year's extension of probationary service with the option of reapplying for tenure during that year. Notification shall be made as provided in paragraph 1. A faculty member who fails to apply for tenure during the final year of probationary service shall be given a one-year terminal contract commencing August 1.

2. This Memorandum of Agreement shall be effective August 1, 2007 through June 30, 2009.

IN WITNESS WHEREOF, the UHPA, the State and the BOR have executed this Memorandum of Agreement.

STATE OF HAWAI'I
UNIVERSITY OF HAWAI'I

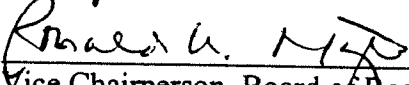
UNIVERSITY OF HAWAI'I PROFESSIONAL ASSEMBLY



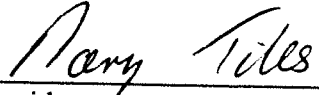
Chairperson, Board of Regents




Its Executive Director




Vice Chairperson, Board of Regents



Its President



President



Chief Negotiator, State of Hawai'i
On behalf of the State of Hawai'i