

University of Hawaii at Manoa Faculty Senate
January 19, 2000
Law School Classroom 2

47 Senators were present: Belinda Aquino, Barry Baker, Horst Brandes, Robert Cooney, John Cox, Thomas Craven, James Dator, Marilyn Dunlap, Ernestine Enomoto, Andrea Feeser, David Flynn, Agnes Fok, Donna Fukuda, Carolyn Gotay, John Haig, Emily Hawkins, Manfred Henningsen, Lenard Huff, Casey Jarman, Robert Joseph, Takeo Kudo, William Lampe, Edward Laws, Bruce Liebert, Joy Marsella, Matthew McGranaghan, Chris Measures, Linda Menton, Susan Miyasaka, Ralph Moberly, Charles Mueller, Joseph O'Mealy, Mary Pateman, Robert Paull, Teresita Ramos, John Rieder, Thomas Schroeder, Brent Sipes, Ann Sloat, Martha Staff, Virginia Tanji, Mary Tiles, Jane Tribble, Janice Uchida, Robert Valliant, Frank Walton, Joel Weiner.

9 Senator was excused: Nanette Judd, Peter Kim, Irvin King, Jane Moulin, John Mount, Charles Weems, John Wendell, David Yount, Sylvia Yuen.

13 Senators were absent : Iqbal Ahmed, Robert Bart, Patricia Fryer, William Haning, Joel Hanna, Randall Hensley, Karl Kim, Laurence Kolonel, Glenn Man, John Melish, Stanley Saiki, Richard Varley, Ming-Bao Yue.

5 administrators were present: Dean Smith, Eugene Imai, Thomas Bopp, Judith Inazu, Jim Manke.

3 other signed in: John Radcliffe, Sandy Davis, Jim Tiles.

Chair Mary Tiles opened the meeting at 3:07

1. After notification from the secretary of the intention to correct the record of the number of administrators present, the minutes of the Faculty Senate's December 12th, 1999 meeting were approved unanimously by voice vote.
2. Chair Tiles introduced Senior Vice President for Administration, Eugene Imai, to describe the UH legislative agenda for the upcoming legislative session.

Vice President Imai then went through a list of bills that had been distributed to Senators explaining briefly the intent of each one and Governor Cayetano's intended reaction to each bill should it be passed by the legislature.

UH01: An emergency appropriation to cover the payroll lag was still under consideration by the governor and his budget director. A decision on whether the administration would support this bill or not was expected imminently. It was explained that the fiscal deficit caused by budget cuts designed to enforce the imposition of the payroll lag on University Faculty continued to grow in size and was now a major problem. If the Governor did not support the bill the University would appeal directly to the legislature for fiscal relief in this matter.

UH02: A technical measure designed to appropriate funds for payment of legal settlements entered into by the University had been approved by the Governor.

UH03: A bill designed to re-establish UH funding at 12% of the State's budget had been disapproved. It was noted that this Bill had been initiated by the Board of Regents to reverse the University's budgetary decline, from a high point of more than 12% of the State's budget to approximately 8% now. It was expected that the legislature would not take action on this bill and if they did, the Governor would veto it.

UH04: A technical measure altering legal references to the Attorney General to the University's General Counsel. This measure would also ensure that, under autonomy, UH would retain immunity in State Courts. This bill had been approved by the Governor except for the section relating to Sovereign Immunity.

UH05: A measure designed to ensure statutory autonomy for the University, would be introduced by the chair of the Education Committee, the Governor had disapproved this measure.

UH06: A technical measure designed to allow the assessment of administration fees to revolving funds had been approved by the Governor.

UH07: A bill designed to allow the University Lab School to charge fees to users and thus become self-supporting had been rejected by the Governor instantly; he had also promised to veto this legislation should it be passed by the legislature.

UH08: A bill designed to provide fringe benefits associated with any salaries paid from tuition revenues. It was explained that when the University had been allowed to keep its tuition money the State's General Fund appropriation to the University had been cut by a similar amount. However, since the G fund appropriation had included a 38% allowance for fringe benefits associated with salary costs, the switching of funds to tuition which did not include this 38%, had effectively resulted in an additional \$M 8-9 cut in the University's budget. This measure had been disapproved by the governor.

UH09: A bill designed to provide \$10M per year to the University to deal with the backlog of maintenance had been disapproved. Instead the Governor had agreed to a limited 3 year program funded at \$20M per year for the fiscal years 2001-2003.

UH10: A technical bill designed to reclassify civil service and other employees under the University rather than State system had been approved by the Governor.

UH11: A technical measure allowing the fiscal balance in a CTAHR revolving fund to exceed \$70K, had been approved.

UH12: A bill allowing Community Colleges flexibility in the accounting of special funds had been disapproved.

In addition it was stated that the Chair of the State Senate intended to introduce a measure designed to give UH constitutional authority and that another measure would be introduced to clarify the University's rights to retain revenues from real estate transactions.

In response to a question from a Senator, Vice President Imai explained that under statutory authority the BOR governs the University subject to the laws passed by the legislature. Constitutional autonomy would protect the University from such measures. To pass however this bill would require a super-majority of the legislature and could not be vetoed by the Governor. If passed by the legislature a constitutional autonomy measure would then need public approval.

In response to another question it was stated that it appears to be the Governor's intention to ensure that the Lab School is closed. Despite presentations made to him to underscore the value of its role in developing curricula that are adopted by many of Hawaii's schools, he sees it as a semi-private institution, and wants any such effort to be out in the community.

In response to a question about UH10 it was explained that currently any references to civil service personnel at UH refers to chapter 76 of the Hawaii revised statutes. The intention of the bill would be to move those references under our own chapter.

In response to a comment about whether knowing the intention of the Governor to veto certain bills if passed would lead legislators to grand-stand on some issues since they know that they would not become law anyway, it was said that this might happen, particularly in the case of the Lab School, where many legislators had constituents who wanted to see the school retained but the Governor was intent on seeing it close.

3. Chair Tiles introduced John Radcliffe Associate Executive Director of the UHPA to explain the Faculty Union's legislative agenda.

Executive Director Radcliffe explained that UHPA would be backing the bills previously outlined by Vice President Imai and that the union had several additional bills as well. In addition he felt that relations with the legislature were turning the corner, partly as a result of the Union's production and recent airing of a television program describing the problems associated with the budget cuts to the University in general, and Manoa in particular. A schedule of future airings of the program was distributed and Faculty were urged to view the web site associated with the program <<http://www.uhfuture.com>>.

Executive Director Radcliffe also pointed out that Governor Cayetano had vetoed more legislation than any other governor in the State's history and that while none of these vetoes had yet been overridden, it was his impression that the legislators were looking for an issue to override in this session. Faculty were urged to contact their legislators and talk to them to gain support for UH's legislative agenda, the addresses of legislators were available at the UHPA web site <<http://www.uhpa.org/legupdte.html>>

With regard to particular legislation, a high priority for UHPA was the repeal of Act 100. This measure which passed by the legislature last year prohibited public sector unions from bargaining with the State until after July 2001. The legitimacy of the act was currently under court challenge and UHPA had made it clear to legislators that unless the Act was moot as a result of court action, or repealed by the legislature this session, UHPA would be unable to support any candidate for office in the Fall 2000 elections. It was noted that the bill had been passed by Democrats and that it was the Republicans who had opposed the bill. It was further pointed out that other public sector unions also wanted the Act repealed.

On another issue, UHPA was seeking the ability to negotiate retirement benefits and health fund costs.

On the issue of autonomy, UHPA was seeking a change in the terms of appointment for the BOR including the provision of compensation for their work. It was noted that the UH BOR served 4 year terms, the shortest of any terms for BORs in the country. UHPA was proposing a 10 year term and \$25K/yr. compensation. The longer term would extend board member's terms beyond that of any governor and thus enabling them to be more independent of political control.

UHPA also wanted to see the ethics code amended. Currently simple use of a piece of the University's paper or pencil in any outside work could lead to ethics violations. UHPA was seeking the adoption of the federal \$10K guidelines that would only require filing if more than this amount of money were involved.

In response to a question about the Governor's ability to dismiss members of the BOR, it was stated that he can do this now and has used his power to remove appointed individuals from other boards. UHPA wants BOR members who are committed to the University, not beholden to the governor.

4. Chair Tiles reported that a petition had been received by the SEC to call a Congress to review the first resolution passed at the faculty Senates December 8th meeting. This resolution concerned the graduation requirement of a Hawaiian/second language. It was explained that the Congress would be held on Jan 26th but that the actual vote concerning the resolution would be held by secret ballot distributed to all faculty by mail. It was pointed out that if the Senate's action was overturned then the language issue would revert to the situation prior to the Senate vote and that other resolutions concerning this issue could be brought before the Senate for its consideration.

It was reported that as part of the 4/4/4 allocations, \$1M had been set aside for information technology at Manoa. In order to utilise this money a plan needed to be developed and a mixed committee of Deans, APTs and Faculty was being assembled to undertake this task. Faculty volunteers were asked to contact Chair Tiles so she could present their names to the Committee on Faculty Service prior to making recommendations to the Administration.

Chair Tiles reported that at a recent conference on philosophy and technology that she had attended, concern had been expressed that large corporations in the food industry would in future no longer fund universities to engage in research but would likely undertake this work in-house. It was further suggested that corporate moves to focus only what corporations considered relevant education and the use of distance education, might result in Universities being pushed to the side in the future.

It was also reported that as a result of a previous Senate resolution calling for a senior Administration official (e.g. Dean/Super Dean) to be given overall supervision of undergraduate education, a mixed committee had been formed and was now considering options. It was expected that this committee would report by April 2000.

5. Committee reports

Tom Schroeder presented a motion from CAB concerning the proposed tuition increases. The intent of the motion was that should tuition be increased systemwide, the differential between that charged at Manoa and the other parts of the UH system should remain fixed in an absolute number of dollars rather than increasing as the result of the imposition of across the board percentage increases. It was pointed out that UH General Funds were now being reallocated on the basis of enrolment patterns and that this was hurting Manoa. Senator Schroeder pointed out that many Department Chairs such as himself were now faced with a shortfall in G funds to cover salaries and were forced to use S funds instead which did not carry the associated 38% in benefits, thus further exacerbating the shortfall. It was also pointed out that many students were now going to Community College (CC) rather than Manoa since it was cheaper.

Chris Measures showed a graph that indicated the increases in tuition over the period 1995-1998 had been accompanied by a steep drop in enrolment. It was stated that continued increases in tuition would likely lead to further drops in enrolment and then Manoa would see more of its budget moved to other parts of the UH system. This process was essentially unfair since the problem was being forced on Manoa by the imposition of a tuition differential and then the campus was being blamed for the enrolment drops that resulted from this policy.

Robert Paull pointed out that there did not appear to be any relationship between the tuition rates charged at the various parts of UH and the quality of the education that they delivered. He asked what was the rationale for the rates that had been set? He further stated that we did not want to see this differential change as it was hurting Freshmen and Sophomores and we were developing an inverted pyramid structure of enrolment.

A debate amongst senators then ensued about an attempt during last year's Senate to pass a resolution concerning tuition differentials and why it had failed. It was pointed out that the costs of tuition were higher at UH than the CCs. It was remarked that though this was likely true it was unlikely that there was a factor of three difference in costs as there was in the cost of tuition. In response to a point that percentage increases were supported by Faculty when it came to salaries and that this tended to leave the lowest paid at the CCs further behind, it was

pointed out that some salary scales were lower at UH than they were at the CCs. Robert Paul remarked that UHPA was in fact in favour of using merit as part of salary adjustments but the CCs only wanted percentage awards. Bill Lampe pointed out that CC tuition rates were at the 90 percentile of those in the rest of the country while those at Manoa were at the 60th percentile. It was stated that the process of setting tuition differentials appeared to be arbitrary and without any articulated reasoning.

Tom Bopp, Assistant Vice President for Academic Affairs, said the differentials were not arbitrary and invited Faculty to visit the web site associated with the tuition increase proposal <www.hawaii.edu/ovppp/> (click on tuition in the left panel) and also to attend the February 4th budget hearing. Bob Cooney said that he would vote against the measure since it appeared to represent a Band-Aid approach, the system really needed to be broken up separating Manoa, a major research University, from the CCs.

Dean Smith, while agreeing that the issue merited discussion, said that a motion with deeper analysis would receive more consideration by the Administration. He thought it was more important to focus on chasing the dollars than the tuition differentials. Manoa should be competing on quality not price alone. Bill Lampe stated that the purpose of the resolution was to engender debate, this was only an opening statement on the issue, not a final position.

In response to Dean Smith's point it was stated that the current tuition differentials forced Manoa to compete on a price level since classes taken at CCs were considered by the Administration to be equal for the purposes of transfer credits, but it cost much less to take them at the CCs. In addition the problem was that while tuition increases might bring in more revenue to the campus, at the same time G funds were being moved away from Manoa as a direct result of the drop in enrolment that the higher tuition appears to have caused. Thus two inconsistent counting systems were being employed simultaneously.

It was pointed out that new proposals from the CCs were also concerned with the concept that a campus could increase its revenue stream only to see that money moved to other parts of the system.

Ralph Moberly suggested that the Articulation agreement E5.209 was a significant part of this problem and should therefore be eliminated. A short debate then ensued on the validity or otherwise of the articulation agreement.

Bill Lampe offered a friendly amendment to the resolution, which was accepted, that inserted the word "administrative" after the third "Whereas"

A voice vote to call the question was approved unanimously and the resolution was passed by a show of hands, 32 in favour, 8 opposed, 3 abstentions. There being no further business a motion to adjourn was seconded and passed unanimously by voice vote at 4:24.

Respectfully submitted,

Chris Measures
Secretary