

University of Hawai`i at Mānoa Faculty Senate

November 18, 2009

Draft minutes

Chair Ross called the meeting to order at 3:05 p.m.

1. Approval of 10 21 09 FS minutes

The minutes were approved with one change in the motion on International Education:

“The Senate, as requested by **VCAA**, will forward to VCAA the findings and draft resolutions involving UHM and international education made by the 3 standing committees.”

Changed to

“The Senate, as requested by **CAPP**, will forward to VCAA the findings and draft resolutions involving UHM and international education made by the 3 standing committees.”

2. Chair’s report

--Next FS meeting is 12/2, sooner than usual.

--WASC will be on campus Dec 8 & 9. WASC will hold an open meeting with faculty on 12/9 from 4-4:45.

--Hamilton Library 3-week closure: VCAA reported that Library, closed for 2 green weeks, will likely open for limited but reasonable hours during the week before classes begin.

--ASUH has called for a protest on the UH budget cuts at the state capitol on 12/1.

--Budget task force proposal from 10/21: Later in this meeting, FS will be considering a charge for the task force proposed last month. A few faculty members agree to serve, not enough to announce names yet, but we are still looking.

--Senate Office move: The Senate has a 2-room office in one of the Bachman portables, but its committees meet in the more centrally located HH208, assigned to the Senate by Chancellor Englert. Chancellor Hinshaw has approved “in principle” a full Senate office move to HH208 and 208A. Moving will require a lot of physical work, and our archivist, a senator, will be looking at documents to determine what is valuable. SEC invites comments on the proposed move.

--Budget: Little new has happened. The original Budget Committee met last week, and members are looking at numbers associated possible reorgs.

AAUP has been in communication with UHM AAUP members; AACU's first letter on our situation is on the FS website. Ross has also been in contact with the MSU faculty council chair to discuss their governance procedures for campus reorganization.

--FS and email. Please remember that email associated with FS business has the status of in-committee discussion.

Q: What does that mean? A: It means that we should respect the standard expectations for FS discussions—such discussions are in-process explorations, not conclusions intended for broad publication. If we don't have expectations that such emails are not for broad circulation, then we will not be able to conduct business by email.

Q: What is going on with reorg? Has the budget committee recommended any closures?

A: Not that I know of; none has come before the BPW.

3. Resolutions and Motions

A. SEC RESOLUTION ON PREVIOUS RESOLUTIONS

SEC vice-chair Martin Rayner noted that this resolution is essentially a reminder; it is not meant as antagonistic. We are seeking to remind all parties that agreed-upon processes of shared governance are to be honored, and one aspect of following process is to act in accord with adopted FS resolutions.

Rayner read the following into the record:

Whereas shared University governance should be based on mutual respect, established process, and best-practices standards; and

Whereas decisions not made in accord with clear, accepted process and meaningful consultation will inevitably be met with fear, distrust, anger, and resistance, thus damaging internal morale and community support, and inducing institutional paralysis; and

Whereas attempts to short-circuit such process in the name of flexibility or urgency are therefore self-defeating; and

Whereas recent decisions at UH reflect lack of familiarity with established Board of Regents (BOR) and Manoa Faculty Senate (Senate) policy and practice, and/or appreciation that these processes and practices evolved through careful analysis, lengthy inclusive discussion, and consideration of both national academic standards and BOR policy; and

Whereas attempts to ignore and/or revise on an ad-hoc basis established policy and practice inhibits, rather than expedites, change; and

Whereas the Senate has passed several resolutions over the years reminding Administration of the principles outlined above; therefore

Be It Resolved that

(1) The Senate reiterates its support for the following resolutions, passed in previous sessions:

- (a) Resolution on Faculty Involvement in Reorganization (1998) (Attachment 1)
- (b) Consulting with the Manoa Faculty Senate (2003) (Attachment 2)
- (c) Resolution on the use of faculty endorsement without faculty approval (2004) (Attachment 3)
- (d) Resolution on Required Procedures for Reorganization of a Unit (2008) (Attachment 4)
- (e) Executive Search Process (For Ranks U and 15 – Chancellor, Vice-Chancellor, Dean or Dean Equivalent) (2008) (Attachment 5); and

(2) The Senate respectfully requests that UH Administration carefully review established BOR and Senate policy and these resolutions and give them due consideration as decisions relating to curriculum, methods of instruction, research, faculty status, and other matters of campus concern are being considered.

w/ Attachments

Notes on this resolution

- (a) The Board of Regents (BOR) Reference Guide (August 2009) Sec II (C) (1) Shared Governance cites as authoritative the joint AAUP, ACE and AGB 1966 Statement on Government of Colleges and Universities and further states that faculty "have primary responsibility for the curriculum, methods of instruction, research, and faculty status"
- (b) BOR Chpt 1-10 provides that the pattern of faculty participation in exercising its role in campus and University matters "will be realized in accordance with the charters" (p 1-7)¹
- (c) The Manoa Faculty Senate (MFS) Charter Sec. 4 states "The Manoa Chancellor and the President should request the advice of the Senate on any change in University of Hawai'i at Manoa academic goals, policies, and programs or University academic goals, policies and programs that apply to the University of Hawai'i at Manoa. The Manoa Chancellor and the President should provide sufficient time for thorough discussion of the matter in regular meetings of the Senate"

¹ Section 1-10 Regents' Policy on Faculty Involvement in Academic Decision Making and Academic Policy Development.

Introduction

With unanimous agreement and understanding that the faculty of an educational institution contributes to its quality, spirit, aspiration, and effectiveness, the Board of Regents issues this policy to provide for organized faculty involvement in the development and maintenance of a collegial approach to academic decision making

and policy development. The role of a university faculty governance organization is to advise the administration (primarily at the campus and unit level) on matters impacting and/or relating to the development and maintenance of academic policy and standards to the end that quality education is provided, preserved, and improved.

The Board of Regents has the ultimate responsibility for the governance of the University and the formulation of policies which guide and determine its affairs. In carrying out these ultimate responsibilities, the Board entrusts and delegates various functions to members of the University community and various organizational levels. Unless specifically delegated or entrusted to others, all governing authority resides with the Board.

The President of the University is the chief executive officer of the Board and the University, and has primary responsibility for recommending and implementing Board policies. The interpretation of Board policies, however, shall rest exclusively with the Board or its designee(s).

The Chancellors have the leadership responsibility for the immediate operational management and governance of their respective organizational units within Board governing and Presidential administrative policy. (April 12, 1979; am: Oct. 18, 2002)

Policy

It is the policy of the University to maintain and strengthen organized and systematic involvement by faculty in academic decision making and policy development. Consistent with this policy, the faculties of the University of Hawai'i at Mānoa, the University of Hawai'i at Hilo, the University of Hawai'i at West O'ahu, and the Community Colleges are authorized to develop faculty¹ organizations by which regular and organized faculty involvement may be exercised in carrying out their collective responsibilities with their administrative colleagues in matters of academic policy for the particular campus, major organizational unit headed by a Chancellor, and the University, and to make such determinations as set forth herein below.

While the primary focus of this responsibility is at the campus level, involvement in University-wide academic policy through normal administrative channels is also important in protecting and strengthening the quality of the University.

The following further describes details of this policy.

1. Together with and subject to the approval of its Chancellor, each campus faculty may:
 - a. determine its own organization consistent with this policy;
 - b. adopt its own bylaws and rules of procedure for exercising the role and performing the

- (d) MFS By-Laws Sec. I (5) state clearly that in "forming standing committees, ad hoc committees, task forces, working groups, and other advisory or decision-making groups, Administration will seek faculty representation" and further states that Administration and Senate will act "cooperatively to select faculty for these groups" and Administration and Senate will "jointly make appointments from nominations provided by the Senate"

duties outlined in this policy. Once such organization or organizations and charters are approved, the pattern of participation in campus and University matters will be realized in accordance with the charters.

2. The duly authorized organization or organizations specified by each charter shall have the responsibility to speak for the faculty on academic policy matters such as:
- a. policy determining the initiation, review, and evaluation of proposed or authorized research, instructional, and academic programs;
 - b. budget planning and implementation policy;
 - c. student-faculty relations policy;
 - d. policy for the evaluation of faculty and campus academic administrators;
 - e. the improvement and establishment of a canon of professional ethics and an effective means of professional maintenance of those ethics, including faculty self-discipline; and
 - f. other subjects affecting academic policy subjects referred to it or them by the Provost and/or Chancellor, or by request of the appropriate faculty organization.

3. As stated previously by the Board, the faculty has primary responsibility for such fundamental academic areas as curriculum content, subject matter, and methods of instruction and research. On these matters the power of review and concurrence or final decision lodged in the Board of Regents or delegated to administrative officers should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty.

4. In cases of academic policy proposals that may be initiated by the Regents or recommended by the President, the President shall decide the manner by which the advice and full input of duly constituted faculty organizations is obtained, and prior to final Board action such advice, along with Presidential recommendations, will be considered.

5. The role of the faculty as set forth herein shall not be delegated to any other entity by the faculty organization or organizations established pursuant to this policy.

6. Each action of the faculty under these provisions shall be consistent with such policy and directives as the Board may prescribe. If there is any conflict, the Chancellor shall notify the faculty of the conflict and initiate consultation to resolve the problem.

The authority for implementing this policy is vested in the President of the University or his/her designee. Each campus is encouraged to develop and submit for approval a system of faculty involvement in academic decision

making and policy development in accordance with this policy. (Apr. 12, 1979; am: Oct. 18, 2002)

ATTACHMENT 1

RESOLUTION ON FACULTY INVOLVEMENT IN REORGANIZATION

WHEREAS Section 1-10, "Regents' Policy on Faculty Involvement in Academic Decision Making and Academic Policy Development" of the Board of Regents Bylaws and Policies, states:

It is the policy of the University to maintain and strengthen organized and systematic involvement by faculty in academic decision making and policy development.

And

WHEREAS there is a historical practice of faculty consultation in the development and review of reorganization proposals, and

WHEREAS Blue Ribbon Panels, Task Forces, unit and campus faculty bodies have all taken part in various reorganizations, and

WHEREAS there have been differences among units in the extent and nature of faculty involvement in the process, and

WHEREAS due to the economic outlook, it is anticipated that many more reorganizations will be proposed, and

WHEREAS it is recognized that reorganization is a fundamental administrative responsibility but it is noted that specific language consistent with the BOR policy of faculty involvement in decision making and policy development does not appear to be present in the document that outlines the reorganization procedures,

THEREFORE, be it resolved that Section A3.101, "University of Hawaii Organizational and Functional Changes" of the "Guidelines for Processing Organizational and Functional Changes" be revised as follows: [Added language shown in capital letters and bold print]

Change 1: Add sentence to p. 3 of document A3.101 under

5. Reorganization Proposal Requests

A proposal must be prepared for each reorganization to be approved. **THE PROPOSAL SHALL BE DEVELOPED IN CONSULTATION WITH THE APPROPRIATE UNIT FACULTY SENATE OR, IN UNITS WHERE NO FACULTY SENATE EXISTS, WITH A COMMITTEE OF THE WHOLE UNIT FACULTY.** This includes those to be approved by the BOR as well as those to be approved under delegated authority. All proposals shall include a narrative and copies of the current and proposed organization and position organization charts, and functional statements.

Change 2: Add new paragraph to p 4 of Document A3.101

F. FACULTY EVALUATION

1) INCLUDE AN EVALUATION OF THE PROPOSAL BY THE UNIT FACULTY SENATE OR COMMITTEE OF THE WHOLE.

2) SHOULD THE UNIT FACULTY SENATE OR COMMITTEE OF THE WHOLE BELIEVE THAT FURTHER EVALUATION OF THE PROPOSAL IS REQUIRED IT MAY REQUEST THAT THE PROPOSAL BE REFERRED TO THE APPROPRIATE CAMPUS FACULTY SENATE BY THE APPROPRIATE SENIOR VICE PRESIDENT OR VICE PRESIDENT.

Change 3: Update flow chart, Attachment A, to reflect these revisions.

April 15, 1998

TO: Faculty Senate, University of Hawaii at Manoa

FROM: Committee on Academic Policy and Planning (CAPP)

SUBJECT: Motion to approve the proposal for the reorganizing Summer Session and the College of Continuing Education and Community Service

BACKGROUND:

The University is in the process of considering reorganization of a number of the academic units on the campus, primarily for the purpose of achieving cost-savings. There are two avenues for reorganization: A: Reorganization which occurs by action of the Board of Regents, in which case the reorganization proposal is referred to the Faculty Senate for review before being taken to the Board of Regents, and B: Reorganization by delegated authority, in which case the University Administration can undertake reorganization without going to the Board of Regents and without review by the Faculty Senate.

Under delegated authority, the process does not provide for Faculty Senate review nor does it specific faculty involvement in reorganization decisions. We believe that faculty need to be participants in all reorganization decisions. It is urgent that we clarify the faculty role at this time, since reorganization decisions for units at UH-Manoa are under imminent consideration.

The attached resolution is for consideration of the Faculty Senate at its April 22 meeting. The resolution suggests two amendments to explicitly indicate the need for faculty participation to the document A3.101 Guidelines for Processing Organizational and Functional Changes, July 1991. Attached is the proposed resolution and the first 4 pages of this document, indicating where the proposed language should be inserted.

Attachment

P 1 of 19 -- not included

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3) A new university program is being established or an existing one is being abolished, e.g., an organized research unit.

Whenever a new program is approved in concept by the BOR but the organizational functions and structure for that program are not presented to the BOR for approval at that time, programs are required to obtain a subsequent BOR approval for the organizational structure and functions which will be implemented.

b. Approval Under Delegation of Authority Authority to approve other organizational changes, which are not subject to BOR approval in item 3.a., above, is, delegated by the President to each Senior Vice President and Chancellor, the Senior Vice President, each Vice President, each Systemwide Director, the State Director for Vocational Education and the UH Manoa Deans and Directors.

4. Applicability

This policy and procedure applies to the following:

a. Reorganization Proposals

Reorganization proposals should reflect authorized permanent positions only. They should not reflect positions which are desired but are subject to appropriation by the Legislature.

A reorganization is defined as:

- 1) Creation of a new organizational segment or the abolishment of an existing organizational segment.
- 2) Creation of a new supervisory level or the deletion of an existing supervisory level.
- 3) Rearrangement or regrouping of existing organizational segments involving the reassignment or redistribution of functions, as well as positions which are affected by these changes in functions.
- 4) Addition of new programs or functions and/or the deletion of existing programs or functions.

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b. Changes in titles of organizational segments.

c. Annual update of organization charts and functional statements.

5. Reorganization Proposal Requests

A proposal must be prepared for each reorganization to be approved. ***Insert here*** This includes those to be approved by the BOR as well as those to be approved under delegated authority. All proposals shall include a narrative and copies of the current and proposed organization and position organization charts, and functional statements.

The narrative should be structured as outlined below.

a. Present Organization

b. Proposed Organization

c. Background/Nature Of the Proposed Reorganization

1) A discussion of the conditions or factors prompting the proposed reorganization, e.g., new program requirements.

2) An explanation of the details or nature of the proposed reorganization including but not limited to:

a) the reassignment of existing positions and functions;

b) the addition of new positions, functions, and programs;

c) whether position variances must be completed and whether new positions will be required as replacements for positions reclassified;

d) how operational, organizational, functional, and programmatic relationships will be affected, including the impact on services to the program's target group(s);

e) the impact of the reorganization on existing positions, e.g., reclassification or redescription;

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f) a discussion of the need and availability of office space or other requirements necessary for the implementation of the reorganization;

g) the estimated additional cost of the reorganization, including details on new positions required, reclassification costs, cost of equipment, furniture, utilities, etc., and the availability of funding.

d. Reasons for Proposing the Reorganization

1) A statement as to whether there is a basis in law or policy which supports the reorganization.

2) An explanation of the reasons for proposing the reorganization and why an organizational solution is being advocated.

3) An explanation of how the problems or conditions which exist will be either eliminated or improved upon and why the existing organization is inadequate.

4) A discussion of the benefits and desired results which will be achieved by reorganizing.

5) Qualitative and quantitative data which will support the reorganization.

6) An explanation of why functions are being grouped as they are under the proposed organization if a change in grouping is proposed.

e. Other Alternatives Considered

Discuss other alternatives (both organizational and non-organizational) which were considered but were deemed undesirable.

f. insert here

6. Procedure for Processing and Obtaining Approval for Proposed Organizational Changes Under the Delegation of Authority (see flowchart in Attachment A)

It is the responsibility of each Senior Vice President and Chancellor, the Senior Vice President, each Vice President, each Systemwide Director, the State Director

ATTACHMENT 2

Consulting with the Manoa Faculty Senate

The Charter of the Manoa Faculty Senate states that the administration "... shall provide sufficient time for thorough discussion of the matter in regular meetings of the Senate."

This document provides practical guidelines. It is intended for use by not only the Manoa administration, but also the UH System administration when it consults the Manoa Faculty Senate on matters which have potential impact on Manoa or on the relationship of Manoa to the System.

Background: The timing of SEC, CAB, and BOR meetings

The primary conduit of communication with the Senate is the Senate Chair and Senate Executive Committee (SEC). The SEC meets weekly on Monday afternoons.

The full Senate meets monthly, on a Wednesday afternoon. Usually, this regular monthly meeting will be just before the monthly Thursday-Friday meetings of the Board of Regents (BOR). This means that a Senate can pass a resolution at its regular meeting to be presented to the Board of Regents at their meeting a day or two later.

The Senate has several standing committees dealing with particular areas of concern. The SEC will usually refer a matter to the appropriate standing committee. The Standing Committee on Administration and Budget (CAB), which is often the appropriate committee to review administrative actions, meets monthly, during the week preceding the regular monthly Senate meeting.

I. Suggested procedure in case of proposals to be put before the Board of Regents

Ideally, faculty will have been involved, formally or informally, in the preparation of draft proposals (see item III below). When the draft proposal is ready for official consultation with the Senate, the administration should take these steps:

- 1.1. Tell the Senate Chair about the matter about six weeks before the targeted BOR meeting. (That safely puts two Senate meetings between the initial notification and the BOR meeting: that's the key rule.)
- 2.2. Offer to make an initial presentation about the matter at the first Senate meeting.
- 3.3. Between the first and second Senate meetings, the relevant Senate standing committee will consider the matter and may propose a resolution for the Senate to vote on. The standing committee may invite a representative of the administration to attend the committee meeting.
- 4.4. At the second Senate meeting, the Senate may adopt an official position, perhaps in the form of a resolution.
- 5.5. The Senate's resolution can then be presented to the BOR in conjunction with the administration proposal.

Of course, this method is not appropriate for all matters. It's helpful to think of it as a default mechanism which is always in place and which has recognized legitimacy. If you follow this, no one can fault you for failing to consult with the faculty on matters which concern them.

It may be possible to shorten this time to one Senate meeting cycle if there has been sufficient faculty involvement early-on in the preparation of the proposal. At an absolute minimum, the SEC will need to be given the material two weeks before a BOR meeting.

II. Procedure where no BOR action is required

Proposals which do not involve the BOR should follow the same general procedure. It is wisest to allow two Senate meetings between the presentation to the SEC and the need to finalize a decision. Even in the most straightforward and least controversial cases, the SEC will need to be presented with the proposed action two weeks before the Senate meeting before the action is required.

III. Involving the Senate in policy--drafting and informal advisory groups

The formal consultation process goes much more smoothly and quickly if the Senate is kept informed of administration plans, even as new proposals are being floated and policies are being drafted. Working with the Senate in these early stages ensures that proposed

actions are not sprung on the Senate as last-minute surprises. Early Senate involvement also means that faculty will rely less on unfounded rumor as the means of discerning administration intents. And, it may be possible to shorten the formal approval period from two Senate meeting cycle to one cycle, if this is done.

The administration can facilitate early involvement by inviting one or more representatives of the relevant Senate standing committee as liaison to any working group preparing policy drafts. The standing committee representative can often foresee problems that could complicate and prolong the formal consultation process.

It is essential that the administration understand that inviting a standing committee representative to an informal administration policy-drafting group is not a substitute for formal Senate consultation.

ATTACHMENT 3

Resolution on the use of faculty endorsement without faculty approval

The UH Manoa Faculty Senate considers it unethical and inappropriate for any UH office or committee to issue proposals or other documents containing the names of UH faculty members in a manner which implies that these faculty endorse the document, without giving faculty members due notice of a minimum of two weeks, that their names are being so used and the opportunity to modify the document or remove their names, as they see fit. The documents should be made readily available to such faculty to enable them to review the proposal and the use of their names.

Vote on the Resolution: approved 45; opposed 0; abstained 0.

ATTACHMENT 4

RESOLUTION ON REQUIRED PROCEDURES FOR REORGANIZATION OF A UNIT

WHEREAS the Administration of the University of Hawai'i at Mānoa has informed the SEC of its intention to dissolve the Pacific Biosciences Research Center (PBRC), a fully-functional Organized Research Unit;

WHEREAS the Faculty Senate finds it a matter of major concern to close an established Organized Research Unit without a formal and detailed Reorganization Plan as prescribed in Administrative Procedures A3.101, along with adequate time for Senate committees and other concerned constituencies to comment;

WHEREAS the Administration has produced neither the required Reorganization Plan, nor information necessary for the Committee on Administration and Budget and the Committee on Research to assess the proposed reorganization, despite requests to do so;

WHEREAS the Administration has informed the SEC of its intention to place the reorganization before an upcoming Board of Regents meeting;

BE IT RESOLVED that the Faculty Senate of the University of Hawai'i at Mānoa urges the Board of Regents not to consider the reorganization of PBRC until all proper procedures have been followed and careful consideration has been given to the viewpoints of all concerned parties.

ATTACHMENT 5

UNIVERSITY OF HAWAII AT MĀNOA

EXECUTIVE SEARCH PROCESS (FOR RANKS U AND 15 – CHANCELLOR, VICE-CHANCELLOR, DEAN OR DEAN EQUIVALENT)

GENERAL SEARCH INFORMATION

1. The Search Advisory Committee's role is advisory to the Chancellor, or designated hiring authority. It does not serve as a selection committee. The Committee will be asked to provide a list of names with a corresponding assessment of strengths and weaknesses to the chancellor for consideration and action. The Chancellor (or designated hiring authority) will not serve on the committee, although it is anticipated that there will be close coordination between the committee chair and the hiring authority.
2. To protect the applicants and nominees, confidentiality is an essential part of the search process. However, with the exception of search advisory committee deliberations, information pertaining to applicants/nominees, and other confidential issues, the search process will be as transparent as possible with updates periodically provided and the timeline shared.

SEARCH PROCESS

1. Updating/Developing the Position Description

The position description for the position, if needed, will be updated. The revised document will then be approved by the chancellor and forwarded to the UH Office of Human Resources for final approval.

2. Composition of the Search Advisory Committee

The Search Advisory Committee is comprised of diverse representatives from key UH Mānoa constituencies including faculty, students, staff, alumni, administrators, and external community representatives. After consulting with appropriate individuals and groups (e.g., ASUH, GSO, faculty senate, Kual'i Council, etc.), the following distribution is typically used:

Faculty (3 members, nominated by the appropriate faculty governance group); Students (2 members representing undergraduate and graduate students); school/college deans (2 members);

APT Staff Representative (1);

Administrative/Clerical Representative (1)

Community Representative (1-3);

Vice Chancellor (1).

The Chair of the Search Advisory Committee will be appointed by the chancellor or a vice chancellor, depending on the level of the search.

Advertising and Recruiting

The University will widely advertise the position. An executive search firm will often but not always assist in the search process. Although a "first screening deadline" will be included in the advertisements, there will be continuous recruitment until filled. This means that the committee may accept applications and nominations for consideration up until the time the position is filled.

3. The Search Advisory Committee – Charge and Challenges

EEO/AA Overview. The Search Advisory Committee will receive training in EEO/AA and Human Resources rules and regulations.

Review of Applicants and Nominees. The Committee will review and consider the applicants and nominees, often with the assistance of an executive search firm. Based on this vetting and review process, including interviews of the most promising candidates (typically 6-8 individuals depending on the number of highly qualified applicants), the Committee will provide the Chancellor with a list of approximately three names. The recommendation should include a listing of strengths and weaknesses of each candidate.

This segment of the search process must remain completely confidential. The names of candidates who are non-finalists will not be publicly released. The names of finalists will only be released upon written permission to release their names and upon acceptance of the invitation for on-site interviews. It is inappropriate for a member of the search committee to be or become a candidate during the search process for which that committee was convened.

4. The Selection Process

A. **On-site interviews.** On-site interviews with finalists will encompass a minimum of two days of professional meetings and social events. Candidates will be asked to meet with university administrators, faculty, staff, students, and members of the community; asked to do a public presentation; engage in question and answer sessions; and attend social events.

B. **Evaluation Process**

Written Evaluations. At the conclusion of the on-site interviews, the University's internal and external community will be invited to provide comments, in writing, on the suitability of the vice candidates. These comments will be summarized and will be considered as part of the selection process.

C. **Selection of Appointee.** The Chancellor, or designated hiring authority, will make the selection and negotiate terms for employment.

D. **Presidential/Board of Regents Action.** The Chancellor will then forward the recommended candidate to the President and/or Board of Regents, if applicable, for final action. The name of the designate will not be released until after all required administrative approvals are secured.

Ross opened the floor for discussion.

Q: What is the title referring to? Can it be change it to "Reaffirming Previous Senate Resolutions"?

Senators agreed to accept the change as a friendly amendment.

Q: What is the logic of the "whereas" statements?

Obs: I know something of procedures for appointment of a head of CRCH; they did not respect faculty governance. Outreach faculty were told to move with no discussion.

Q: Do we really know that there was "no" consultation?

A (senator from Outreach): We were given the proposal in midweek, and before we had a chance to respond, we were told that the majority of our staff is to be moved downtown. That may not answer the question, but it's what I know.

Q: Gartley Hall is falling down. This is an emergency. We hire chancellors to make decisions in emergencies. What did the chancellor do wrong?

This question was followed by a series of amendment proposals, amendment of amendment proposals, and comment. One particular proposal, to accept an amendment to an amendment that involved removing potentially inflammatory language from the 4th *whereas*, passed with no nays and 1 abstain.

This was followed by extended discussion involving *whereas*-es 2 through 5. It was asserted that some resolutions, adopted with input from this chancellor, have since been ignored by the chancellor. Thus, the resolution should be seen as an aggregate response to repeated instances, not a response to specific instances.

The question was called on an amendment to delete *whereas*-es 2-4. Nays prevailed, with 6 abstentions. The amendment not approved.

This was followed by several more minutes of discussion, more proffering of amendments, and more amendments of amendments. The secretary was not able to type fast enough to record the particulars. One more amendment made it to the vote phase; again, the nays prevailed.

Ultimately, senators approved the following resolution with 2 nays and 6 abstains.

SEC Resolution Reaffirming Previous Senate Resolutions

Whereas shared University governance should be based on mutual respect, established process, and best-practices standards; and

Whereas decisions not made in accord with clear, accepted process and meaningful consultation will inevitably be met with fear, distrust, anger, and resistance, thus damaging internal morale and community support, and inducing institutional paralysis; and

Whereas attempts to short-circuit such process in the name of flexibility or urgency are therefore self-defeating; and

Whereas established Board of Regents (BOR) and Manoa Faculty Senate (Senate) policy and practice have evolved through careful analysis, lengthy inclusive discussion, and consideration of both national academic standards and BOR policy; and

Whereas attempts to ignore and/or revise on an ad-hoc basis established policy and practice inhibits, rather than expedites, change; and

Whereas the Senate has passed several resolutions over the years reminding Administration of the principles outlined above; therefore

Be It Resolved that

(1) The Senate reiterates its support for the following resolutions, passed in previous sessions:

--Resolution on Faculty Involvement in Reorganization (1998) (Attachment 1)

--Consulting with the Manoa Faculty Senate (2003) (Attachment 2)

--Resolution on the use of faculty endorsement without faculty approval (2004) (Attachment 3)

--Resolution on Required Procedures for Reorganization of a Unit (2008) (Attachment 4)

--Executive Search Process (For Ranks U and 15 – Chancellor, Vice-Chancellor, Dean or Dean Equivalent) (2008) (Attachment 5); and

(2) The Senate respectfully requests that the UH Administration carefully review established BOR and Senate policy and these resolutions and give them due consideration as decisions relating to curriculum, methods of instruction, research, faculty status, and other matters of campus concern are being considered; and

(3) The Senate will give resolutions as appropriate to relevant administrators.

w/ Attachments

B. MOTION ON THE ATHLETICS ADVISORY BOARD

Senator Rayner read this portion of minutes from yesterday's Committee on Athletics (COA) into the record:

Committee on Athletics Proposed Motion on the Athletics Advisory Board

The Manoa Faculty Senate moves that the Committee on Athletics prepare a resolution that the Athletic Advisory Board be eliminated and that any functions it had be moved to/ consolidated with the Committee on Athletics.

COA Chair Harrigan explained that COA did not prepare a resolution to bring to the Senate. Instead, it asks if senators support general efforts in the direction of the statement just read. COA can work for what the proposed motion involves, or it can drop the proposal. What is the will of the FS?

Obs: AAB was created by BOR policy. AAB advises on broad range of issues that go beyond what COA is likely to be able to do.

A: [Harrigan] 2/3 of AAB and COA functions involve overlap.

Obs: I see the work of AAB as much broader than that of COA.

Obs: We are not discussing getting rid of COA. But as I understand the previous observation, AAB has more to do than what is in the COA charge.

Obs: When I was on COA, we couldn't get any information from the Director of Athletics. At a minimum, we need to have the Faculty able to appoint members of the AAB so we can get the information we need.

Obs (member of COA, liaison to AAB): I went to 1 AAB meeting. COA could handle the work of AAB. AAB had no discussion other than "How many free tickets to you want?" [COA wants the names of all those who get free tickets!] AAB is a rubber stamp. The chancellor's representative on AAB is her husband. In many cases, AAB actions appear unethical. Athletics has been running at a \$2.1 to 2.7M deficit (with one exception) for years. We've been advised that the deficit is covered by money from "The UH Treasury." The primary component of "the UH Treasury" seems to be the RTRF line.

Obs: We're not going to win this. Athletics will do what they want to do.

Obs: VCAFO said RTRF is part of "co-mingled funds." How do we separate out RTRF?

Obs: Maybe we need to ask COA to examine the actions of AAB.

COA chair Harrigan agreed to ask the committee to collect more information and get back to FS. She withdrew the motion contained in COA minutes from yesterday.

C. Committee on Student Affairs

CSA chair Jay Hartwell noted that UHM is not selected by a number of admitted students because many UHM academic administrators do not offer scholarship aid until an admitted applicant makes a tuition deposit—too late to be a factor in an applicant's choice of university.

To help change practice, CSA offered a resolution.

Chair Ross ruled that the resolution, circulated last week to senators, didn't have to be read into the record. He opened the floor for discussion.

Obs: My department has money that can be offered to worthy applicants, but the Grad Division office often doesn't complete its vetting of applicants until March, which doesn't give the department enough time to review applications and make scholarship offers. I am dubious that what the resolution calls for is workable.

A: CSA's intent is not to suggest implementation. The resolution takes a position.

The question was called. The following resolution was approved with 1 abstention.

Resolution on UHM Financial Assistance

Whereas, the University of Hawai`i at Manoa wants to provide the most financial assistance to students,

Whereas, the University wants to attract Hawai`i's best high school and community college students to Manoa,

Whereas, we want to provide incentives for students to come to the University of Hawai`i at Manoa,

Whereas, we want to diversify our student population,

Whereas, we want to attract and retain the best undergraduate and graduate students,

Whereas, the administration already has initiated efforts to get deans to award financial assistance to admitted students before they commit to attending Manoa,

Whereas, almost \$6 million in scholarships went unclaimed during the last academic year; therefore

Be it resolved that the Mānoa Faculty Senate urges the entire campus and all those who have anything to do with financial assistance to award assistance in a timely fashion that is of benefit to admitted students.

D. SEC RESOLUTION ON BUDGET TASK FORCE

SEC vice chair Rayner read the proffered resolution into the record.

Q: Who are the members?

A (Ross): 2 people have agreed; many have declined; others are considering.

An amendment was offered to shift dates, with a preliminary report coming to the Senate in February (if not before). The amendment motion was seconded. There was no discussion, and the amendment carried unanimously.

An amendment was offered to have the Task Force report directly to senate. The amendment carried unanimously.

After a few more observations, the question was called. Before voting could begin, there was another question:

Q: When are we going to get names of committee members?

Obs: We may now get more people to serve because of the Feb report date.

A proposal to eliminate the final sentence (on committee-member names) of the proffered resolution was accepted as a friendly amendment.

The question was called again. The resolution was approved with 1 nay and 2 abstentions.

The following Resolution was adopted:

RESOLUTION TO ESTABLISH A TASK FORCE ON THE BUDGET

Whereas UH-Manoa appears to be in a budget crisis; and

Whereas the UHM faculty Senate has been a consistent and vocal supporter of fiscal responsibility and the appropriate use of funds; and

Whereas the AAUP has recently advised faculty to guard against potential misuses of such budget crises:

Many academic managers suggest that their institutions are facing a financial crisis like that of bankrupt companies or states. Far more make the analogy than is justified by institutions' actual financial health. An emerging managerial approach is to call for salary freezes, pay reductions, and/or furloughs for faculty to address immediate budgetary challenges. A common managerial discourse is to not waste a crisis to further increase managerial "flexibility." We urge faculty to address such proposals in the context of long-term trends that compromise higher education.

(<http://www.aaup.org/AAUP/newsroom/2009PRS/prnogivebacks.htm>, August 18 2009);
and

Whereas the various groups on campus currently looking at the state of our budget labor under constraints that might limit the scope of their analysis and recommendations; and

Whereas the entire University community will need to agree on what our situation is, and what the options are, if we are to have any success in moving forward; therefore

Be It Resolved that

I. The UH-Mānoa Faculty Senate establish a Special Task Force on the Budget.

II. The charge to this Task Force includes:

- Confirmation of the extent of the fiscal crisis, especially at Mānoa;
- Determination of whether there are sources of funds which have not been considered by administration committees or offices working on the problem;
- Evaluation of potential solutions, such as enrollment increases and retirement scenarios;
- Any other matters which members determine are relevant to the above.

It is understood that there are other campus entities, such as the office of the VCAFO, the Chancellor's Budget/Prioritization Workgroup, and Senate's Committee on Administration and Budget, which are working on these issues; the Task Force should interface with these entities to avoid unnecessary duplication of effort and to share information.

III. The Task Force will report to the Senate regularly ~~through the CAB~~, and will transmit a final report containing their findings and any recommendations to the whole Senate.

IV. While the Task Force will remain officially impaneled for the duration of the 2009-2010 Academic Year, it is expected that they will give a preliminary report at ~~the December meeting of the UH-Manoa faculty Senate, and their final report by~~ the February meeting of the Senate (if not before). ~~The names of people who have been asked and agreed to serve will be presented in conjunction with this resolution.~~

4. Committee updates

CFS: Randy Akiona has replaced Magi Sarvimaki as Senator from Architecture.

GEC: requests volunteers for a GEC working group to review the General Education FS requirement. Volunteers should contact scott@hawaii.edu

CPM: is working on the text of a proposed Memo of Agreement between Senate and administration that the processes of Tenure and Promotion will not be affected by financial issues;

- in a 10/4 email, asked senators for reports of violations of the recent workload agreement. 2 respondents reported that their deans are not acting in accord with department workload policies;

- has been asked to look into processes used to appoint the director of CRCH; CPM will invite several people from CRCH to meet with CPM;

- reviewed the decision to move parts of Outreach College; empathizes with Outreach faculty members, but sees it as the Chancellor's right to act as she did.

D. New Business

Senator Richard Nettell moved that UHPA and the Faculty Senate jointly invite Congressman Neal Ambercrombie to address, on January 25, the Senate and UHPA members on the fiscal crisis at UHM.

Parliamentarian: We must have 2/3 approval to vote on a motion from the floor today.

A senator called for a determination of quorum; a quorum was found to exist. It was therefore moved and seconded that a vote on this motion could occur. The motion was approved with 7 opposed and 4 abstaining.

A friendly amendment was offered to make the motion cover "potential candidates for governor."

A friendly amendment involving the friendly amendment was offered: make it "major candidates."

A senator noted what we cannot presume that UHPA and FS will agree on "major" candidates. The senator opposed the friendly amendment. The parliamentarian ruled that this opposition killed the friendly amendment of the friendly amendment.

Obs: Our representatives in DC are bringing over \$425M to Hawaii for new military housing. We should ask them to do the same to help save UHM.

The parliamentarian noted that we are still discussing the friendly amendment.

The amendment proposer withdrew amendment. The parliamentarian ruled that a friendly amendment cannot be withdrawn. A vote was called and the friendly amendment was unanimously opposed.

A senator asked if we could ask all congressional representatives, then offered the suggestion as a friendly amendment. Another senator asked to amend the friendly amendment to include our Senators also.

Discussion then turned to declarations of candidacy, the dangers of endorsements, etc. Eventually, the original motion was amended to cover all of our congresspersons and senators. The motion for the Senate to join UHPA in inviting both senators and both congresspersons to address the campus on UHM's fiscal situation was approved with 3 opposed and 6 abstentions.

A senator moved to adjourn. The motion was approved by acclamation. The Senate meeting was adjourned at 5:02 p.m.

Respectfully submitted

Thomas Lee Hilgers