



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

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SB 1368 SD1 – RELATING TO COLLECTIVE BARGAINING

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

The University of Hawai'i (UH) writes in opposition to SB 1368 SD1, which would establish a collective bargaining unit for graduate student assistants employed by the University of Hawai'i.

UH employs three types of graduate student assistants, as defined in Executive Policy 5.223:

- Graduate Assistants (GAs) providing academic and program support to units of the university. Their duties are not directly related to teaching or research and include academic advising, program planning, advising student groups, and assisting with the administration of student services offices.
- Graduate Teaching Assistants (GTAs) work under the supervision of a faculty member and they may teach sections of a multi-section course, assist a faculty member in grading assignments or exams, advising students, and performing course-related administrative and support duties. All new GTAs are required to attend a training session offered by the Office of Faculty Development and Academic Support - Center for Teaching Excellence.
- Graduate Research Assistants (GRAs) usually support the research activities of a faculty member who is the Principle Investigator on an extramurally funded grant. Their duties vary with the subject matter of the grant and may be related to the subject of the student's thesis or dissertation.

Graduate Student Welfare in General

Not all graduate students at the University are employed as graduate student assistants. At UH Mānoa in Spring 2019, only 1286 of the 4177 graduate students (31%) were employed as graduate student assistants; the remaining 70% of graduate students are not employed by UH. In addition, graduate students can be hired as hourly employees (that are not considered graduate assistants) on campus through the same process used for undergraduate students.

Although proponents of this bill suggest that unionization is the answer to address social support or campus services for graduate assistants, the university already provides extensive support for student welfare through policies and programs.

The Graduate Division at UH Mānoa is responsible for providing extensive services to all graduate students, including orientation programs for new students, professional development sessions on thesis/dissertation writing, research presentations, creating a resume, University research compliance matters, personal wellness and career/life balance, as well as workshops on Title IX that are available to all students. Graduate Division's web site (<https://manoa.hawaii.edu/graduate/>) provides information on Title IX and sexual harassment laws, policies and resources specifically tailored to graduate students. One of the seven Deputy Title IX Coordinators at UH Mānoa is the Associate Dean in Graduate Division, who provides ready access for graduate students to the Title IX resources on campus and is typically the first point of contact to help resolve any issues brought to the attention of Graduate Division.

UH Mānoa provides confidential support and advocacy in specific areas of student concern. All students can access Lesbian, Gay, Bisexual, Transgender Student Services, the Office of Gender Equity, the Prevention, Awareness, and Understanding (PAU) Violence Program, and Student Parents at Mānoa. These units provide advocacy, support, referrals, and direct student services to graduate students. The Counseling and Student Development Center offers confidential counseling and emotional support to students, and they offer walk-in appointments for urgent or emergency/crisis services. University Health Services Mānoa is staffed by physicians, nurse clinicians, nurses and other staff to offer a wide range of medical services and programs that graduate students can access.

Many of these offices and programs have outreach and communication events to help students understand policies and laws as well as resources and how to access them. As an example, the Title IX office at UH Mānoa has delivered 19 in-person, department-specific training programs on Title IX for graduate students only. Their plans are to increase the number of training sessions, and to hold some that are open to all graduate students.

All students at UH Mānoa can utilize the Academic Grievance Procedure to pursue concerns about grades and course-related matters. In addition, graduate students also pursue grievance through Graduate Division's Academic Grievance process for concerns about graduate program requirements, qualifying or comprehensive examinations, composition of their thesis or dissertation committee, final defense of their thesis or dissertation, or infringement of intellectual property. Grievances involving professional practices within a specific graduate program are handled by the program, with final authority resting with the Dean.

The academic interests of graduate students at UH Mānoa are represented by the Graduate Student Organization (GSO), comprised of representatives from each graduate department. As part of the academic governance process at UH Mānoa, they provide input on all issues affecting graduate students. Members of GSO have seats on over 40 campus committees. GSO has two seats on the Graduate Council, which meets monthly to advise the Graduate Dean on matters related to graduate education. GSO members have a voice, then, in the Council's work reviewing existing graduate programs, new graduate courses and programs, and the modification of courses and programs. Active in an array of student, campus, and community events, GSO also manages a robust grants and awards program to help foster research excellence among graduate students.

It is concerning that there are graduate students and graduate assistants who claim they do not know of the resources provided by the University for their welfare as students. The University can certainly re-double its efforts to provide effective and pervasive education, training and support services to all students on Title IX, sexual harassment, workplace and family/acquaintance violence. However, unionization of graduate assistants, in and of itself, does not add services. All students already have access to extensive services and resources as part of the University.

Graduate Student Employment

In addition to the concerns and experiences of graduate students in general, graduate student assistants have claimed concerns related to their dual status as employees. Graduate student assistants receive either a 9- or 11-month appointment, generally with a work schedule of 20 hours per week or 0.50 full-time equivalence. They are supervised by a regular faculty member, or for GAs, a staff member or manager. Recruitment and hiring decisions, such as pay rates and work assignments, are made at the department level, or for GRAs, by Principle Investigators on grants. Pay rates must conform to the minimum stipend associated with each of the 20 steps in the graduate student assistant schedule, as described later in this document.

University policy and campus administrative practice define the following aspects of graduate student assistant employment:

1. *Minimum qualifications and eligibility.* Students must be enrolled in a graduate program in a discipline closely related to their duties, be in good academic standing, carry at least 6 units of graduate course credit.
2. *Work assignment.* Graduate student employees are usually hired on a 0.50 FTE basis (20 hours/week). Approval from the Graduate Division is required to appoint a GTA to more than or less than this norm. During non- instructional periods, GTAs may work up to 40 hours/week. GTAs close to finishing their degree may petition Graduate Division to work up to 40 hours per week if the additional work is related to their thesis or dissertation. GRAs often are appointed at 40 hours/week.

3. *Overload pay.* Graduate student assistants who work for more hours than they are appointed to work must be compensated with overload pay at the overload rate used for lecturers.
4. *Outside work.* Graduate student assistants may hold only one assistantship at a time and may not be employed in another capacity at the University while they hold an assistantship. Work outside the University is discouraged as the priority for the University is the student's degree completion. However, in 2016, the University recognized the competing priority of students meeting their financial obligations and outside work is not prohibited.
5. *Tuition waiver.* Graduate student assistants receive a waiver of tuition for courses taken at their campus. There is a 100% tuition exemption for graduate students with a 0.50 FTE (20 hours/week) appointment and a 50% tuition exemption for graduate students with a 0.25 FTE (10 hours/week) appointment. Graduate student assistants still must pay the required student fees.
6. *Reappointment and step increases.* Appointments may be continued annually, based upon satisfactory performance and contingent on availability of funds and continuing need. After the first year, advancement to the next step in stipend (see below) shall be considered and the supervisor would request approval by the dean or equivalent. The maximum total time a student may be a graduate student assistant is three years for a master's degree student and 6 years for a doctoral or other terminal degree student.
7. *Stipend schedule.* The University establishes the minimum stipend to be paid for each of the 20 steps in the graduate student assistant schedule. There is a 4% differential between steps. This schedule is for 0.50 FTE appointments for either 9 or 11 months, and the stipend for 11-month appointments is 17% greater than that for 9-month appointments. The schedule was last adjusted in Fall 2016 (see [https://www.hawaii.edu/policy/docs/temp/Attachment A Graduate Assistant Pay Schedule.pdf](https://www.hawaii.edu/policy/docs/temp/Attachment_A_Graduate_Assistant_Pay_Schedule.pdf)).

In 2013, former UH Mānoa Chancellor Tom Apple adjusted the schedule then in effect by raising the stipend for all graduate students appointed at steps 1 through 5 to the stipend associated with step 6. With this change, the stipend for entering graduate student assistants also rose from step 1 to step 6. In 2017, Interim Chancellor Lassner set a new minimum stipend level for all GAs at Step 7 for Fall 2018 appointments and another increase to step 8 for Fall 2019 appointments.

8. *Benefits.* Graduate student assistants with 0.50 FTE appointment who serve for a minimum of three months are eligible for health plan benefits. Graduate student assistants who meet the eligibility requirements for the Family and Medical Leave

Act or Hawai'i State Family Leave may request leave following University procedures. They do not qualify for retirement benefits. Establishing a collective bargaining unit for graduate assistants creates a financial burden for the state and, potentially, for graduate students.

9. *Schedule accommodation and duties coverage.* Graduate assistants do not earn vacation or sick leave. In situations where a graduate assistant is unable to attend work due to illness or emergency, they are to contact their supervisor, who is designated when they are appointed (e.g., department chair, principal investigator, etc.), who will identify a way to provide accommodations in the graduate student assistant's work schedule. In the case where there are critical teaching or research deadlines, the graduate assistant shall work with the designated supervisor to identify resources to provide the critical teaching or research coverage. This procedure is analogous to how faculty are required to notify their supervisor of absences because of illness.
10. *Employment-related grievances.* The University has had a grievance procedure in place since 1983 for employment-related grievances for persons (including applicants for positions) not covered by collective bargaining agreement grievance procedures or other applicable University procedures.

To summarize this procedure (see A9.110 for further details), a graduate student assistant or their representative files a written statement of the grievance with a Vice President (for system-related grievances) or a Chancellor (for campus-related grievances) within 20 days of the action complained of. The Vice President's or Chancellor's written decision is made within 20 days of receipt of the grievance. The graduate student assistant may appeal that decision to the President in writing within 15 days. The President or designee renders a final and binding decision within 30 days.

The University believes that we have policies and practices in place that treat graduate student assistants fairly. We undertook a major revision of our policies for graduate student assistants in 2016 and those revisions are reflected in many of the points listed above. It is clear from the testimony on this bill that we have more work to do in communicating our policies and practices on employing graduate student assistants. Toward that end, Graduate Division at UH Mānoa convened two task forces to: 1) develop materials and training modules on the best practices for faculty mentoring of graduate students; and 2) develop policies and procedures on how to improve the mentoring process campus-wide, including the response to cases where inadequate mentoring is taking place. Graduate Division works with the faculty on the Graduate Council and the larger Graduate Assembly (composed of the faculty Chairs of all graduate programs on campus) to improve existing practices and to identify new policies and practices that will enhance the welfare of all graduate students, not just those employed by the university.

Lastly, the University is opposed to this bill as a fiscal matter. The source of funds to pay for graduate assistants are from either tuition revenue of academic programs or research grant funds. In either case, if the Legislature were to authorize collective bargaining for graduate assistants, the University would expect that funding for collective bargaining would be provided through the same means as with other authorized bargaining units – via legislative authorization and appropriation. Funding for graduate assistants is currently limited to amounts fiscally permissible via UH generated revenue. If collective bargaining results in funding increases, then it should be expected that such funding would be afforded in the appropriation process.

As a mechanical matter, graduate assistants are not like any other government employee. Graduate assistants currently receive tuition waivers as part of their compensation. The University structures compensation components with the intent that students can concentrate on achieving degree completion in timely manner. At UH Mānoa, for example, general resident graduate student tuition is currently is \$650 per credit hour and most GAs take 9 credits which equates to \$5850 per semester (\$11,700 annually), while non-resident tuition is \$1545 per credit hour, typically \$13,905 per semester (\$27,810 per year on average). Graduate student assistants may also receive monetary stipends that can vary by the educational program in which they are enrolled. Beginning Fall 2019, the minimum stipend level is Step 8 (\$18,930 for 9-month appointees, \$22,140 for 11-month GAs. Depending on residency, graduate program, and stipend level, the value of tuition waivers and stipends is estimated to typically range between \$30,630 (9-month GAs at the minimum stipend level taking 9 resident-rate credits per semester) and \$49,950 annually (11-month GAs at the minimum stipend level taking 9 non-resident rate credits per semester), with a *potential* maximum value as high as \$80,964 annually (professional school tuition rates [Nursing] taking 12 credits, with a 11-month GAship at the top of the salary range). If this bill passes it will be expected that all of these current benefits will be bargained and negotiated for as part of the collective bargaining process.

The Board of Regents' approved budget request submitted to the Governor last year and this year included funds to increase graduate student stipends. The Legislature has yet to support such funding requests.

We thank you for the opportunity to submit testimony in opposition to this measure.