

Notice of Meeting
UNIVERSITY OF HAWAI'I
BOARD OF REGENTS COMMITTEE ON PERSONNEL AFFAIRS AND BOARD
GOVERNANCE

Members: Regents Tagorda (Chair), Acopan (Vice-Chair), Acoba, McEnerney, and Wilson

Date: Thursday, February 6, 2020

Time: 11:30 a.m.

Place: University of Hawai'i at Mānoa
Information Technology Building
1st Floor Conference Room 105A/B
2520 Correa Road
Honolulu, Hawai'i 96822

AGENDA

- I. Call Meeting to Order**
- II. Approval of Minutes of the November 7, 2019 Meeting**
- III. Public Comment Period for Agenda Items:** All written testimony on agenda items received after posting of this agenda and up to 24 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board within 24 hours of receipt. Written testimony may be submitted via US mail, email at bor.testimony@hawaii.edu, or facsimile at 956-5156. Individuals submitting written testimony are not automatically signed up for oral testimony. Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins. Oral testimony is limited to three (3) minutes. All written testimony submitted are public documents. Therefore, any testimony that is submitted verbally or in writing, electronically or in person, for use in the public meeting process is public information and will be posted on the board's website.
- IV. Agenda Items**
 - A. Office of the Board of Regents Review of Regents Policies (RP)
 - B. Discussion on Proposed Amendments to RP 9.212, Executive and Managerial Personnel Policies
 - C. Discussion Paper on Faculty Classification
- V. Adjournment**

DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES AND ARE SUBJECT TO REVIEW AND CHANGE UPON APPROVAL

MINUTES

BOARD OF REGENTS COMMITTEE ON PERSONNEL AFFAIRS AND BOARD GOVERNANCE MEETING

NOVEMBER 7, 2019

I. CALL TO ORDER

Chair Michelle Tagorda called the meeting to order at 9:07 a.m. on Thursday, November 7, 2019, at University of Hawai'i at Hilo, 'Imiloa Astronomy Center of Hawai'i, Moanahoku Exhibit Hall, 600 'Imiloa Place, Hilo, Hawai'i 96720.

Committee members in attendance: Chair Michelle Tagorda; Vice-Chair Kelli Acopan; Regent Simeon Acoba; Regent Michael McEnerney; and Regent Ernest Wilson Jr.

Others in attendance: Board Chair Ben Kudo; Regent Eugene Bal; Regent Wayne Higaki; Regent Jan Sullivan; Regent Robert Westerman (ex officio committee members); President David Lassner, Vice President (VP) for Administration Jan Gouveia; Interim VP for Community Colleges Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; University of Hawai'i at Mānoa Provost Michael Bruno; University of Hawai'i at Hilo Chancellor Bonnie Irwin; University of Hawai'i - West O'ahu Chancellor Maenette Benham; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF MINUTES OF THE OCTOBER 3, 2019 MEETING

Regent McEnerney moved to approve the minutes of the October 3, 2019, seconded by Regent Acopan, and the motion carried unanimously.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office did not receive any written testimony and that no one signed up to deliver oral testimony.

IV. AGENDA ITEMS

A. Information on Special Adjustments in Executive and Managerial Annual Compensation Program

President Lassner provided a brief overview and summary of the general compensation of State employees, as well as specifically reviewing salary and special adjustments to the compensation of Executive and Managerial Personnel (EMs). He noted that most State employees, including UH employees, are covered by collective bargaining (CB) agreements and that excluded employees (those not covered by CB) are

generally attached to a related CB unit for compensation and benefit package purposes *e.g.*, UH EMs are attached to Bargaining Unit 7 and excluded employees in the Attorney General's Office are attached to Unit 13. When the State calculates CB appropriations, the employment data used to calculate these appropriations include all included and excluded employees and each bargaining unit must provide those personnel figures to the State. Funds appropriated for the salaries of EMs are included in CB Unit 7 (UHPA) agreements. If those agreements provide for included employees to receive a two percent salary increase, a pool of money is set aside by the State to provide for a two percent salary increase for excluded employees, including EMs. He also stated that all of the funding for both included and excluded employees at UH are approved and provided by the Legislature through their budgeting process.

President Lassner explained that while most employees belonging to a CB unit almost exclusively receive percentage-based salary increases, as well as step movement increases, UH has the opportunity to build in a performance based component for excluded employees. For EMs, UH uses a performance-based evaluation system that evaluates and rates EMs on an annual basis and classifies employees as either *Meets Expectations*, *Exceeds Expectations*, *Exceptional*, or *Does Not Meet Expectations* which is one component of an annual formula used to calculate their salaries, the other being the across the board percentage increase to base salaries, which is a fixed amount. In the recent case of EM salary increases, as reported in the minutes of the last Committee meeting, there was a flat amount of \$1,500 if the EM was classified as *Meeting Expectations*, plus the percentage increase to their base salary amount, and a one-time increase of either one percent or one-and-a-half percent if the EM was classified as *Exceeds Expectations* or *Exceptional*, respectively. He further noted that performance assessments were conducted by supervisors and included a 360 evaluation and an employee self-evaluation.

President Lassner noted that UH has followed a practice for a number of years of providing special adjustments to a small number of employees (approximately 10 or less) based on certain criteria such as equity, retention, and growth in job, and that when this adjustment is made, it takes the place of the formulaic adjustment that is used to make salary adjustments to other EMs. Recommendations are provided for special salary adjustments only for EM personnel with *Exceptional* evaluation ratings.

President Lassner further noted that the Board has delegated salary increase and adjustment authority to the President of the University but that the practice by the President's Office has been to brief the Regents prior to the increases and adjustments taking place. The Board also retains the authority over the salaries of the three EMs who report directly to the Board including the President, the Executive Administrator and Secretary of the Board of Regents, and the Director of the Office of Internal Audit.

President Lassner then said a few words about the individuals who reported directly to him, were rated as *Exceptional*, and who received special salary adjustments as part of their annual salary adjustment. He noted that these individuals included officers of the University, and that he, as well as these individuals, were in charge of one of the largest and one of the most complex organizations in Hawai'i and all were accountable to the Board. He further noted that these individuals are appointed based on merit, had agreed to take positions at salaries that were lower than their predecessors, some took pay cuts

to join UH, have all declined pay raises in the past, are all paid less than the medians of their national comparisons. They have accomplishments such as taking on greater responsibilities to create programmatic areas of the University that did not exist just a few years ago such as sustainability and land management, assuming the duties of other managers and staff who left UH, have built and rebuilt offices, and have achieved substantial savings in their areas. All have contributed tremendously to the University. These individuals work together as a team to get the work done.

Board Chair Kudo commented that the comments and concerns that he has been hearing are that, even though revenue is up, enrollment is declining which to some is not a success. He questioned the justification of these pay increases in light of declining enrollment. President Lassner responded that headcount enrollment is not the most important metric and it is only one component of a university's success. If UH only focused on enrollment as a measure of success, it would look towards slowing down graduation rates rather than trying to increase them and would try to keep people at UH for longer periods of time. While headcount enrollment could be improved, he also noted the importance of increasing the number of high school students choosing to pursue higher education and working in partnership with others, such as public high schools, to achieve this goal. He added that, in Hawai'i, the number of public high school students pursuing a post-secondary education is relatively low. He also noted that headcount enrollment numbers were not totally controllable by UH and that it was unreasonable to hold the VPs solely responsible for the low enrollment numbers. The interest is in returning to pre-recession enrollment numbers but that will take a grass roots effort, particularly at the public high schools.

Board Chair Kudo commented that perhaps it is a perception issue and that the University needs to do a better job of communicating this information. President Lassner agreed and referenced feedback from a legislator who had heard many good things about the successes of UH from individuals at mainland conferences but that information on UH's success rates didn't seem to be getting out to the people of Hawai'i.

Board Chair Kudo noted that the perception issue creates political problems, since some view enrollment numbers as an indicator of success. He highlighted the counter argument that UH is experiencing greater graduation success rates which affect enrollment numbers and suggested that the Administration address the perception issue to minimize criticism for doing things that are counter to what some people hold as an indicator of success.

Regent Nahale-a stated that UH is not receiving nearly enough credit for its work. He noted that discussions at the Board meeting held the previous evening also highlighted issues that have been exacerbated by perception, or the lack thereof, and communication issues and these issues need to be addressed.

Regent Acoba arrived at 9:34 a.m.

Regent Higaki observed that the salary increases may be perceived as bonuses and that if the VPs had received raises on a more consistent basis, even when they tried to refuse these raises, then perhaps we might not be in this situation.

Chair Tagorda agreed that the perception issue was important and that the University as a whole needs to continue to move forward to change this perception issue.

Board Chair Kudo added that a large, one-time increase in salaries, even if they are deserved, attracts attention and that smaller increases over a period of time may be more advisable.

B. Proposed Revisions to Regents Policy 9.212, Executive and Managerial Personnel Policies

VP Gouveia discussed the evolution of RP 9.212 and noted that in 2016, significant revisions were made, particularly with regard to the method by which salary schedules were constructed and which salaries the Board approved. The Board conducted a review of its role with regard to EMs, particularly with regard to hiring and salaries. Currently, the Board is involved in the initial appointment and salary consideration of EMs with initial compensation above the maximum compensation of the salary schedule. She noted that the Board delegated certain compensation and salary adjustment authority to the President and chancellors, with the exception of the direct reports to the Board. Prior to this revision in policy, any salary and compensation packages over \$150,000 and any adjustments to those salaries had to go to the Board for review and approval which made the process very transactional, tedious, detail specific, and time consuming. The revisions made streamlined the process and allowed for salaries to be set in accordance with the unique needs of each division of the University.

By request, VP Gouveia drafted an amendment to RP 9.212 that shifts the authority to approve salary adjustments for EMs that report directly to the President, the Executive Administrator and Secretary of the Board of Regents, and the Director of the Office of Internal Audit and that are not formulaic in nature, back to the Board.

Regent Wilson moved to accept the proposed changes to RP 9.212 as presented and Regent McEnerney seconded the motion.

Questions were raised regarding the discussions that would occur in open session and executive session and the type of information that would be provided. VP Gouveia explained that there would be an action memo, which is public, although confidential matters might only be covered in executive session. President Lassner further stated that this would be comparable to the initial appointment process where the basis for the salary would be presented to the Board.

Regent Bal remarked that his concern with the proposal is that it appeared the Board would not have the opportunity to review and exercise oversight over salary adjustments for EMs below the President, the Executive Administrator and Secretary of the Board of Regents, and the Director of the Office of Internal Audit. VP Gouveia noted that the law requires public posting of the information before it takes effect, but the increase would not require official Board action or approval, except for the direct reports and those reporting directly to the direct reports.

President Lassner framed it in another way noting that presently the Board approves initial salaries of the individuals who report directly to the Board and those who report directly to those three individuals. Below that, everything is reported on an attachment

which is a public record, and from time to time Regents have asked questions about those adjustments. This proposed amendment would apply the same rules to special compensation adjustments and give approval authority back to the Board on special compensations, but not on the formulaic ones. He noted that he was initially unaware that this authority had been delegated to the President.

Regent Acoba questioned whether the Board would be able to increase or decrease authorizations or recommendations made by the President. VP Gouveia responded in the affirmative.

Regent Westerman expressed his belief that the Board shouldn't be approving salaries of all employees and that even if the Board receives the attachment listing salaries, that salary has already been established and he would be reluctant to amend that salary. He questioned whether the Board would only approve those salaries beyond the established guidelines. VP Gouveia reiterated that the Board would see salary increases that are not formulaic in nature, except for the three direct reports to the Board. However, if special adjustments are made to EMs who report directly to the three direct reports, the Board would see those for approval.

Board Chair Kudo questioned why the proposed policy was limited to EMs who reported directly to the three direct reports, as the concerns raised extend beyond those individuals. He noted, for example, that the Dean of the Medical School does not directly report to the President or to the Board and asked if the Board would not be able to approve or disapprove a salary increase under this policy. VP Gouveia responded that under this policy, the Board would only be notified and not approve or disapprove the raise. Board Chair Kudo noted that the intent of the policy should be to address concerns raised that the Board has a fiduciary responsibility when dealing with public funds.

President Lassner explained that the University has traditionally followed a two-level rule whereby personnel actions get approved two levels above and that the proposed policy amendment reinstates the two-level rule that had been removed a couple of years ago. He noted that if the Board wishes to go back to approving every salary then it needs to have a longer discussion about that.

Board Chair Kudo expressed the need for the Board to find a balance between the delegation of certain compensation and salary adjustment authority to the President and appropriate fiduciary oversight by the Board. He suggested that the Committee should be looking at where this balance lies and which salary adjustments should fall under the Board.

President Lassner expressed the desire for direction from the Board so that the Administration understands the parameters that they should follow.

Chair Tagorda stated that her understanding that the sentiment of the Committee was to expand oversight of the Board beyond what is provided for in the proposed policy change.

President Lassner responded that based on the discussions, it might be appropriate to have the Board approve all non-formulaic salary adjustments.

Board Chair Kudo commented that a threshold could be established by dollar amount, or percentage, or a combination of both, where Board approval would be required. For example, all EMs making over \$150,000 and whose special adjustment is above the formulaic percentage increase for that year would be brought before the Board for approval.

President Lassner suggested that further discussion was warranted and that the Administration could provide a few options for consideration by the Board. He also noted that this change won't have an impact for another year so there would be time to develop a proposal.

Regent Wilson withdrew the motion, with Regent McEnerney withdrawing his seconding of the motion.

Chair Tagorda noted that the Board is being responsive to the concerns raised and that we should take the time to make sure we are making the right decisions. This will also give the Committee time to give consideration to the discussions, understand what the Board's goal is, and determine how the correct oversight can be provided.

C. Board of Regents Committee Structure Update

Committee Chair Tagorda provided an update on a project to compare the bylaws of each committee with Board policy to ensure that they are properly aligned and having the Committee review this information to evaluate itself, the overall committee structure of the Board, and the Board as a whole to ensure that the committees and the Board are doing what they are required to do. She noted that this information could then be used to help make decisions with regard to any changes in committee structure. She is hoping to have the Board Office provide this comparison data at the February or March Committee meeting for further discussion. She suggested that committees view the goals and objectives that are more transactional in nature versus strategic.

V. ADJOURNMENT

There being no further business, Regent Wilson moved to adjourn, and Regent Acopan seconded, and with unanimous approval, the meeting was adjourned at 10:08 a.m.

Respectfully Submitted,

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents



UNIVERSITY
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SYSTEM

January 31, 2020

MEMORANDUM

TO: Ben Kudo, Chair
Jan Sullivan, Vice-Chair
Wayne Higaki, Vice-Chair
University of Hawai'i Board of Regents

FROM: Kendra Oishi, Executive Administrator and Secretary
University of Hawai'i Board of Regents *KOishi*

SUBJECT: REVIEW OF REGENT POLICIES – REVISED PROPOSAL

As a follow up to a memorandum to Chair Kudo dated January 7, 2020, and taking into consideration feedback provided by Board Leadership, this memorandum outlines a revised plan for the Office of the Board of Regents ("Board Office") to conduct a review of Board of Regents Policies (RPs).

Proposed Plan

There are currently 118 RPs contained within 12 chapters. The Board Office proposes to conduct a review of the full set of policies to be completed by December 2021 as follows:

- The Board Office will be responsible for monitoring and managing RP reviews.
- The Board Office review will include the following:
 - Determining areas of alignment with the Board's priorities;
 - Determining areas of alignment with the Board Bylaws, Hawai'i Administrative Rules (HAR), and Hawai'i Revised Statutes (HRS);
 - Identifying gaps or inconsistencies between RPs and the Board's priorities, current issues or community concerns, Board Bylaws, HAR, and HRS;
 - Identifying required board actions; and
 - Making recommendations for proposed amendments as needed.
- The Board Office will notify both the Administration liaison and Board committee identified as the lead for individual RPs when the Board Office has completed its initial review and will identify potential concerns and recommendations, if any, that the committee and/or Administration liaison should further review and address.
- Upon completion of the review, including confirmation by Administration and the Board committee that recommended changes need to be made or that no changes are needed, the Board Office will recommend to repeal, revise, or amend the RP as part of the updating process.

The Board Office has conducted a preliminary assessment of the RPs, partly in response to a task assigned by the Personnel Affairs and Board Governance (PA&BG) Committee to align RPs to the Board Bylaws, HAR, and HRS, for purposes of determining alignment and gaps, and identifying Board responsibilities. In addition to the process proposed above, the Board Office plans to:

- Present the preliminary assessment of RPs at the February 6, 2020, PA&BG meeting;
- Propose amendments to RP 1.201, Policies and Policy-Setting, by June 2020, to set parameters for regular policy reviews; and
- Report on policy changes in November of each year.

An addendum is attached that identifies some of our preliminary comments and findings as a result of the assessment we have conducted to date. Note that there may be some additional recommendations from Administration based on the preliminary review of the chapter 5 through 8 policies conducted prior to VP Morton's retirement.

Please feel free to contact me if you have any questions.

ADDENDUM

The following policies are currently undergoing proposed revisions:

- Chapter 4: The Vice President for Academic Planning and Policy (VPAPP) is working on substantial revisions to the Chapter 4 policies to create alignment to the Integrated Academic and Facilities Plan
- RP 5.201: VPAPP is working on revisions to streamline approval processes and ensure consistency with Chapter 4 policies
- RP 7.208: the Intercollegiate Athletics Committee is considering proposed amendments to this policy
- RP 8.207: changes are being proposed by Administration per the findings of the Regents' Investments Task Group
- RP 8.211: Administration may be making recommendations per the findings of the Regents' Investments Task Group
- RP 8.212: Administration may be making recommendations per the findings of the Regents' Investments Task Group
- RP 9.212: the Board Office has been tasked to propose revisions to this policy per discussions that have occurred with the Board and PA&BG Committee
- Chapter 12: the Research and Innovation Committee is considering recommending two new policies relating to the Research and Training Revolving Fund and strategic investments

Upon cursory review, the Board Office has preliminarily identified the following as possibly needing changes or updates:

- RP 1.201: may need updating to delineate a policy review process
- RP 1.202: this policy could be streamlined and clarified
- RP 1.210: this policy was last revised in 2002; Board may want to examine and consider revising this policy
- RP 2.206: may need some minor technical revisions
- RP 3.201: may need some minor technical revisions
- RP 5.201: may need some minor technical revisions
- RP 5.202: may need some minor revisions to clarify the timing and conferring of the award
- RP 5.217: may need some minor technical revisions
- RP 5.218: the purpose of this policy is unclear; consider for possible repeal
- RP 6.203: may need to revisit this policy in conjunction with tuition and other costs of attendance
- RP 6.205: this policy should be reviewed to see if it is still necessary
- RP 6.206: may need some minor technical revisions
- Chapter 7: several policies may need minor technical revisions with regard to the references
- RP 8.203: Board may want to consider revisiting this policy in light of recent conversations about operating reserves

- RP 8.204: Board and Administration should review this policy to ensure alignment to Chapter 4 policies
- RP 8.205: may need to revisit this policy, which appears to be unclear; a resolution was set forth in the form of a policy
- RP 9.213: this policy needs to be reviewed in-depth for possible changes; the term "Board of Regents' Appointees" has a different application now than when the policy was first established
- RP 9.215: may need some minor technical revisions
- RP 9.217: may need some minor technical revisions
- RP 10.203: language in section III.B. could use some clarification
- RP 10.206: this policy may be duplicative to RP 10.205
- RP 11.207: may need some minor technical revisions
- RP 12.202: may need some minor technical revisions
- RP 12.205: this policy was established as provisional; need to check if Executive Policies were implemented
- RP 12.207: may need some minor technical revisions



Regents Policy Chapter 9, Personnel

Regents Policy RP 9.212, Executive and Managerial Personnel Policies

Effective Date: ~~July 1, 2016~~, 2020

Prior Dates Amended: July 1, 1982; Oct. 21, 1988; Sept. 11, 1998; Oct. 22, 1999;
Oct. 19, 2001; Oct 18, 2002; Oct. 17, 2003; Oct. 19, 2006; Sept. 27, 2007; Jan. 10,
2008; Apr. 16, 2009; August 1, 2014 (recodified); 2020

Review Date: August 20192023

I. Purpose and Authority

This Regents Policy RP 9.212 (“Policy”) provides a framework for the terms and conditions of service applicable to individuals appointed ~~by the Board of Regents (“Board”)~~ to executive and managerial (“EM”) positions at the University of Hawai‘i, (“University”), which are excluded from a bargaining unit as specified in Section 89-6(f)(2), Hawai‘i Revised Statutes (“HRS”), due to top-level executive, managerial, and administrative responsibilities. All employment actions taken pursuant to this Policy shall be in accordance with RP 1.205, Policy on Nondiscrimination and Affirmative Action.

This Policy is established pursuant to the authority granted to the Board of Regents (“Board”) by Article X, Section 6 of the Constitution of the State of Hawai‘i, and by ~~HRS Section 304A-1001 (as amended from time to time)~~, HRS.

This Policy supersedes all prior policies and practices that may conflict with any provision contained herein.

II. Definitions

The term “EM” shall mean executive and managerial positions at the University.

III. Board Policy

A. Establishment and Classification

1. There shall be an EM class of positions established based on the needs of the University and in a manner consistent with the University’s organizational structure. Generally speaking, executive and managerial positions (1) have system-wide, campus-wide, or major campus program responsibilities and report directly to the Board, President, or Chancellor, (2) report directly to executives and head major organizational segments of the University, or (3) serve as ~~high-~~high-level executive assistants. The



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Board retains authority to establish, classify, and abolish positions reporting to the Board and to the President. The President retains authority, which shall not be further delegated, to establish, classify, and abolish all other positions.

2. Positions shall be classified according to the complexity, breadth, and depth of responsibility and the critical importance of the position to the operation of the University. Each position shall be analyzed and described in writing to ensure equity within the University organization while considering comparable university systems nationwide.

B. Salary Schedule

1. The University aspires to provide compensation for its EM personnel that is competitive with pay levels of individuals who have similar responsibilities, demonstrated competence, and breadth of demonstrated experience. The President shall establish a salary schedule for all EM positions (“Salary Schedule”), which sets forth minimum, ~~mean~~ midpoint, and maximum salary ranges based on relevant competitive markets, including higher education and local markets, as well as on the level of responsibility of the position, equity in relation to comparable University positions, and value of the hire in fulfilling the strategic mission of the University.
2. Annually, the President shall provide the Board a copy of the current Salary Schedule and a listing of all EM positions that indicates the placement within the Salary Schedule. For vacant positions, the listing should show the date the vacancy occurred and intentions regarding the filling or reassignment of the position. For filled positions, the listing should show the date of appointment to the position, current salary, and the reason for any change to compensation that occurred since the prior report.
- ~~2.3.~~ The President may make adjustments to the Salary Schedule from time to time. Proposed adjustments in excess of ten percent of the minimum and/or maximum of the ranges shall be reviewed by the Board prior to being effectuated.

C. Recruitment

1. Recruitment for any vacant position shall require prior written approval of the President.



2. The University of Hawai`i seeks to attract the best-qualified candidates who support the mission of the University and who respect and promote excellence through diversity. In support of this goal, EM vacancies shall be advertised in locations which are considered appropriate sources for recruitment.
 3. Waiver of recruitment for positions reporting directly to the President shall require approval of the Board. The President may waive recruitment for all other EM positions.
- D. Appointment and Initial Salary
1. To attract and retain competent and experienced personnel, it is the aspiration of the University to offer compensation that is competitive with the market from which the personnel are recruited, including higher education and local markets. For comparison purposes, total compensation shall include salary and benefits.
 2. Appointments should be at the minimum of the range unless a higher salary is justified based on:
 - the candidate's knowledge, skills, and experience;
 - the candidate's current salary; and
 - budget and fiscal conditions of the unit.
 3. There shall be an Appointing Authority for every EM position ("Appointing Authority"). The Board shall be the Appointing Authority for all EM positions reporting directly to the Board. The President shall be the Appointing Authority for all other EM positions at the University, however, positions reporting directly to the President shall be subject to Board approval. Except for positions reporting directly to the President, the President shall have the authority to further delegate Appointing Authority for all other EM positions. See Illustration 1 below.
 4. There shall be an Approving Authority that is at least one level above the Appointing Authority in the organization ("Approving Authority"). The President shall serve as the Approving Authority for all appointments above the ~~mean~~ midpoint and up to and including the maximum of the range within the Salary Schedule. Except for positions reporting directly to the Board and the President, the President shall have the authority to further delegate Approving Authority for all other EM positions up to and



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including the mean midpoint of the range within the Salary Schedule.

All appointments for EM positions that report to a position that reports directly to the Board and/or for all EM appointments exceeding the maximum of the range set forth in the Salary Schedule shall require approval of the Board. See Illustration 1 below

- EM appointments are at will, and not contractual appointments to specific positions and EM appointees may be reassigned and/or receive an adjustment in pay based on changing assignments of responsibilities to meet the needs of the University. Unless otherwise approved by the Board, no offer of employment shall include a multi-year employment term.

Illustration 1:

Authority	Appointing Authority	Approving Authority
Board	All positions reporting directly to Board	<ul style="list-style-type: none"> All positions that report to positions that directly report to the Board All appointments exceeding the maximum of the range in the Salary Schedule
President	All other EMs (unless delegated)	All appointments above the mean and up to and including the maximum of the range in the Salary Schedule
Chancellor & Below	As delegated by the President	President may delegate all appointments up to and including the mean of the range in the Salary Schedule

E. Evaluation

- EM employees are expected to perform their duties and responsibilities in a manner that achieves the highest standards of quality and professionalism. To that end, evaluations are a critical component of the



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continued employment, professional development, and compensation of all EM employees.

2. The assigned responsibilities, performance, and accomplishments of each appointee to an EM position shall be evaluated annually. The evaluation shall be consistent with criteria and procedures established by the President and the Appointing Authority, including specific metrics aligned to the University's strategic goals. The review shall also include identification of specific goals to be accomplished in the coming year.

F. Salary Adjustments

1. To ensure that EM salaries are competitive, salary adjustments may be granted based on merit, [equity, retention, new duties assigned, and/or growth in job](#), subject to the availability of Board-authorized funds for salary adjustments.
2. ~~The Board shall establish guidelines and approve salary adjustments for positions reporting directly to the Board, i.e. the President, the Executive Administrator and Secretary of the Board of Regents, and the Director of the Office of Internal Audit.~~
3. ~~The President shall establish guidelines and approve salary adjustments for all other EM positions, including EM positions reporting to the Executive Administrator and Secretary of the Board of Regents and the Director of the Office of Internal Audit, an authority which shall not be further delegated.~~
4. ~~The President shall report to the Board on the guidelines used for salary adjustments for positions under the President's delegated authority.~~ [Salary adjustments to the base salary or one-time payouts for any EM position which exceed the following parameters must be approved by the Board:](#)
 - a. [Salary adjustments for EM salaries at or above the midpoint of the range on the salary schedule in excess of seven percent of the current base salary; or](#)
 - b. [Salary adjustments for EM salaries above \\$200,000 in excess of the guidelines as provided by the President under paragraph 3 above,](#)



2. [whichever is less.](#)

G. Term and Termination

1. Subject to the terms of this Policy, EM positions are at-will and serve at the pleasure of the Board. The Appointing Authority for an EM position, as set forth in Section III.D of this Policy, has the authority to terminate the EM's employment with the University. Termination of EM personnel from employment, either with or without cause, is not appealable.
2. EM personnel without return rights to another position may be terminated from employment, without cause, at any time by being provided three (3) months prior written notice during the first two (2) years of employment and six (6) months prior written notice after the first two (2) years of employment.
3. EM personnel with return rights to another position may be terminated from their EM position, without cause, at any time by being provided thirty (30) days written notice. The salary at the time of return shall be that which the individual would have received had he/she not accepted the EM appointment; provided, however, the President may approve adjustments to the return-salary as deemed equitable and appropriate.
4. EM personnel may be terminated from employment for cause, effective immediately, with no obligation of prior notice on the part of the Board or University. In termination for cause, the employment relationship with the Board or University shall cease immediately with no further employment rights or obligations, and such decision shall be considered final.

H. Professional Improvement Leave

1. EM personnel may be granted leave with pay for professional improvement consistent with development in their profession and the needs of the University. Professional improvement leave is a privilege for the purpose of advancing the University by (1) enhancing the performance of the employee and thereby, enriching the University's programs or (2) enabling EM employees to prepare to assume or resume faculty or professional duties after significant administrative service to the University. The leave shall be used to enhance or gain professional expertise and engage in professional activities to serve



the University in support of the University's mission and goals.

2. Professional improvement leave may be granted after six (6) years of full-time continuous service, including creditable service in other Board classifications, for periods of up to six (6) months at full pay or twelve (12) months at half pay with total months earned at the rate of one (1) month for each year of service. Leaves of shorter duration and intermittent leaves may also be granted. However, the total duration of the intermittent leave taken with pay should not exceed the total leave provided for under this Policy. The President may grant exceptions to the minimum creditable service requirement when deemed in the best interests of the University.
3. The leave approved under this provision shall be taken at the salary applicable to the position the individual will occupy upon return from the professional improvement leave. For example, if the individual will return to an EM position, the leave may be taken at the current EM salary, however, if the individual will return to a faculty position, the leave shall be taken at the appropriate faculty salary for the faculty position.
4. An individual granted a leave with pay for professional improvement shall agree to return to service at the University. The return service obligation shall be equivalent to the duration of the leave. Upon the return of the individual from professional leave, the individual shall submit a written report to the appropriate supervisor on the activities during the leave.

I. Other Conditions of Service

1. EM personnel shall be granted all rights and benefits accorded other University employees as provided by statute, rule, or Board policy, except as may be specifically modified by this Policy or other policies of the Board. These rights and benefits shall be subject to adjustments and modifications as provided by HRS Chapter 89C, which provides for comparability with bargaining unit members. Any additional benefits shall require prior approval of the Board.

IV. **Delegation of Authority**

Specified in Sections III.B and III.D above [Except as specified above, there is no policy-specific delegation of authority.](#)



V. Contact Information

Office of Human Resources, 956-8988

VI. References

- A. <http://www.hawaii.edu/offices/bor/>
- B. http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-115/HRS0089/HRS_0089-0006.htm
- C. http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0089C-.htm
- D. http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/Const/CONST_0010-0006.htm
- E. http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0304A/HRS_0304A-1001.htm

VII. Exhibits and Appendices

No Exhibits or Appendices Found

VIII. Approved

/s/
Cynthia Quinn Kendra Oishi
Executive Administrator and
Secretary of the Board of Regents

06/02/2016

Date

RECEIVED

UNIVERSITY OF HAWAII
BOARD OF REGENTS

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Discussion Paper on Faculty Classification

20 JAN 31 P12 :11

During the 2019 legislative session, the Hawaii State Senate passed SR 149 SD1, a resolution requesting (in part) the University of Hawai'i Board of Regents "review and, as needed, conform the classification of its faculty to ensure greater alignment with the mission and purpose of the university." The resolution asks that the review "include a comparison of other comparable or like universities to determine what revisions, if any, to Board of Regents' policies are necessary to maintain the University of Hawai'i as a contemporary institution for academic instruction, research, strong undergraduate programs, and service, as well as institute oversight to ensure that students receive the benefit of tenured instruction." The resolution also requested the University consult with the University of Hawai'i Professional Assembly during the review.

The University established a working group composed of the Vice President for Academic Planning and Policy, and the Provost/Vice Chancellors of Academic Affairs of the three 4-year campuses to review the faculty classification system in use at the three 4-year campuses. We did not include examination of the University of Hawai'i Community Colleges in this review because they utilize a separate classification scheme that recognizes only a single category of faculty.

We have prepared this summary of our initial review of the classification systems used by the University of Hawai'i at Mānoa, the University of Hawai'i at Hilo and the University of Hawai'i West O'ahu and their peer and benchmark institutions. This review will serve as a basis for discussion with the Board of Regents, the University of Hawai'i Professional Association, and the 4-year faculty senates about possible revisions to the faculty classification system.

Current Faculty Classification System Board of Regents Policy 9.202 recognizes 11 general categories of faculty that may be used¹. Executive policy 5.221 identifies the specific categories to be used at the three 4-year campuses. There are four ranks, indicating levels of advancement within categories. This policy also identifies the duties, responsibilities and minimum qualifications for faculty in each category as well as rank for non-compensated faculty. Most of the categories are established for the University of Hawai'i at Mānoa, while only a single category (Instructional), with several ranks, is established for the University of Hawai'i at Hilo, University of Hawai'i West O'ahu and the University of Hawai'i Community Colleges. Over the years, additional categories, borrowed from the University of Hawai'i at Mānoa scheme, have been introduced in practice at the University of Hawai'i at Hilo and University of Hawai'i West O'ahu. Faculty in each category may receive either 9- or 11-month appointments.

We were unable to identify when categories other than Instructional were created for the University of Hawai'i at Hilo or the University of Hawai'i West O'ahu. The earliest record we found was the appointment of a faculty specialist position at the University of Hawai'i at Hilo in 1984. This position was approved by the UH Director of Personnel.

Faculty Classifications at Comparable Universities We examined the faculty classification systems used by the peer and benchmark universities for each of the three 4-year UH universities (see Appendix 1). The results of this review are summarized below for each campus.

¹ Instructional, Law, Medicine, Researcher, Specialist, Librarian, Agents, Graduate Assistant, Lecturer, Clinical Professor, Affiliate (non-compensated).

University of Hawai'i at Mānoa

Overall, the peer and benchmark universities have a more streamlined classification systems than the one used at the University of Hawai'i at Mānoa.

Our peer institutions appear to reserve tenure track/tenured positions for faculty within the Instructional (or traditional) type of positions. The three exceptions are Oregon State, University of Kentucky - Lexington, and University of Utah - Salt Lake City.

Oregon State recognizes both tenure track and fixed term within the "Professorial ranks". Extension, Senior Research, Clinical and Practice appointments are fixed term (for the period of time faculty are engaged in work, typically for one year or less but may be extended for an additional year with approval). Professional titles with or without rank, for professional or administrative faculty members in academic support, administrative support and student support units. There are appointments at faculty rank for fixed term positions with an expectation of active scholarship.

The University of Kentucky appears to have tenure/tenure track appointments for traditional faculty and Extension faculty. They recognize "Special Title" faculty for things like "associate professor of applied music"; they are not eligible for tenure, may not be qualified for Grad Faculty status, and do not engage in research. The Clinical, and Research classifications have all the faculty benefits except tenure and sabbaticals. Librarians, are eligible for all faculty benefits, membership in the University Senate, and sabbaticals.

The University of Utah appoints both traditional faculty and librarians as tenure/tenure track faculty. The remaining faculty are "career line" faculty who can participate in academic programs and make substantial contributions, but cannot vote on faculty personnel matters.

All of our benchmark institutions only grant tenure in the traditional Professorial classification. All of these institutions have classification for Researchers, but they are non-tenured positions, and in the case of the University of Colorado at Boulder, they are required to bring in part of their salary. Also common to peer classifications is the inclusion of Extension, Clinical or Librarian positions as non-tenured positions. For many of the peer institutions, there are forms of continuing appointment available to non-tenure-track faculty. It should be noted that the "specialist" at the University of California campuses is for academic appointments engaged in specialized research, professional activity, public service but no formal teaching; these are also found in Agriculture and Oceanography. A common aspect of the non-tenure position is that there is the ability to have "longer" contracts for individuals who have reappointed repeatedly.

University of Hawai'i at Hilo

All 16 of UH Hilo's peer institutions had identical or very similar classifications of Assistant, Associate, and Full Professor for teaching faculty on their campuses. At 5 institutions (Bemidji State University, Savannah State University, Lincoln University, University of Wisconsin Parkside, and University of Guam) faculty classified as Instructors were also eligible for tenure but at the 11 other peer institutions Instructors were not eligible. Almost all of the peer institutions

included some mixture of temporary lecturers or adjunct faculty, and visiting professors in the non-tenured teaching faculty category. Clinical faculty were also listed as non-tenured at 3 institutions.

Fourteen of UH Hilo's peer institutions specifically listed Librarians as faculty. Nine of these schools (Bemidji State University, CSU Monterey Bay, Coastal Carolina University, Delaware State University, Lincoln University, Savannah State University, SUNY Purchase, U Arkansas Pine Bluff, and University of South Carolina - Aiken) tenure their librarians; it was unclear if Delaware State also tenured their librarians.

Only two peer universities reported Specialist positions (University of Guam and University of Arkansas Pine Bluff) and at both, these positions were eligible for tenure.

Counselors and Advisors were rarely mentioned as a faculty classification among UH Hilo's peer institutions. Cal State University Monterey Bay has non-tenure track counselors and advisors, whereas Delaware State University, only has non-tenure track counselors. University of Guam and University of Maryland Eastern Shores both have tenured/tenure-track Extension Faculty (Agriculture extension agents). Currently UH Hilo does not have Extension faculty.

Research Faculty positions were only listed at three institutions (Cal State University Monterey Bay, University of South Carolina Aiken, and SUNY Purchase College). Researchers only had tenure track status at SUNY Purchase College which has both Medical and Law Schools.

University of Hawai'i West O'ahu

University of Hawai'i at O'ahu's 8 peer institutions recognize both tenure-track and tenured instructional faculty. Instructors are included with instructional faculty at Fort Lewis College and Lander University.

Five of the eight peers (i.e., Fort Lewis College, Indiana University – Kokomo, Lewis-Clark State College, Nevada State College, and the University of South Carolina – Aiken) include librarians in their tenure track faculty classification. Lander University librarians are non-tenure track. Shepherd University and University of Wisconsin – Parkside librarians are classified as staff.

Counseling faculty, whose counterparts at the University of Hawai'i West O'ahu are appointed as specialists, are included in the Academic Faculty classification at Nevada State College. Academic Specialists at Indiana University – Kokomo are not on the tenure track. At seven of the eight peer institutions, those with "specialist" in their title are staff. The eighth, Fort Lewis College, makes no mention of specialists.

A Proposal for Discussion The University of Hawai'i faculty classification system is dated; it has not been revisited or revised in many years. The classification system is also complex, recognizing more categories of faculty than do respective peer and benchmark universities. This system emphasizes differences between types of faculty at the expense of focusing on similarities in responsibilities and functions. We believe our peer institutions have adopted a faculty classification that is better positioned than is ours to respond to the increased demands on the university to respond to the needs of new

populations of students, meet emerging state needs, and foster innovations and discovery to drive our economy.

Universities comparable to the University of Hawai'i recognize the rapidly changing, differentiated work that faculty perform by designating the proportion of time or effort they are expected to contribute to fundamental activities, rather than by the label placed on their position. Comparable universities generally specify how a faculty member is expected to invest their time in instruction, research, service, or other areas where their expertise and experience is needed to advance the university's' mission. These expectations are managed at the unit level and often can change with time, conditions, and a faculty member's expertise without necessitating a change in their formal appointment. Today's public universities need to be agile and responsive in how their most critical employees—their faculty—contribute to the institution's mission.

At most peer and benchmark institutions, not all positions categorized at the University of Hawai'i as faculty are eligible for tenure, although there is usually some form of continuing appointment available for those with regular appointments that are not tenure-leading. Generally, positions with responsibility for the "design, delivery, and assessment of academic programs...[and] whose primary appointment obligation is to teaching and research"² are the ones eligible for tenure.

The following proposal aims to establish a single University of Hawai'i Faculty classification that will allow for flexibility in the assignment of work areas in a way that will position us to become innovative, responsive, and agile across all areas of education, research, and service. While this proposal provides the basis for a single faculty classification across the four-year campuses, each campus could fine tune it to meet their respective mission and strategic goals.

The proposed plan begins with the acknowledgement that all faculty members have the responsibility to support student learning, whether it be in the classroom, through applied work, in a research environment, or in providing advice as a mentor. The Collective Bargaining Agreement acknowledges that the "primary professional responsibilities of Faculty members are teaching, research, specialized educational services and community service". Out of recognition of the impact of these primary professional responsibilities on student learning, we propose that faculty professional responsibilities be divided across the following activities:

Instruction – active engagement with students in the classroom or in applied venues in which the faculty member shares information related to the area of study, and provides oversight and supervision of internships, practical settings (e.g., clinical work), thesis and dissertations, and applied learning opportunities.

Research & Scholarship – active engagement in advancing and creating new knowledge and knowledge practices in areas of expertise. Across their careers, faculty members are expected to demonstrate increasing levels of involvement and leadership in research and scholarship, and in professional discussions at the local, national and international levels.

Advising - mentorship and guidance to undergraduate and graduate students that helps them meet their career goals.

² WASC Senior College and University Commission Glossary https://www.wscuc.org/lexicon/14#letter_f

Direct Services – provides direct professional service to students related to clinical practice, where primary duties are to provide service to student clients and patients.

Outreach/Extension/Community Education – non-formal education to enrich the lives and livelihoods of community members; extends practical applications of knowledge development to support local, national and international communities. Examples include the application of scientific knowledge to support local food systems, healthy living, youth development and stewardship of natural resources; non-credit instruction, entrepreneurial activities.

Community Service – engagement with the department, college, campus, and State and local communities; national and international academic and professional communities.

All faculty members hired into positions after the implementation of this classification policy will be assigned percentages of time to the aforementioned aspects of faculty work. Given the specific needs of a unit, it is possible that a faculty member will not be assigned any responsibilities in a specific area. For example, a faculty member primarily engaged in research may have a Research & Scholarship allocation of 80%, an Instructional allocation of 15%, and a Service allocation of 5%. However, given the importance of faculty work to the university and to their unit, each faculty member should be assigned work in more than one of these areas. At our peer and benchmark institutions, faculty with tenure-track appointments are expected to engage in at least instruction and scholarship. When a faculty member is hired, the percentage assignments would remain stable for a faculty member's probationary period for tenure-track faculty, and the initial appointment period for non-tenure-track appointments. After that, the percentages may be assessed and reassigned to be responsive to opportunities, as well as the strategic needs of the unit. Such assessment and reassignment should be an ongoing adjustment occurring at least every five years through consultation and collaboration between the Department Chair and the faculty member. If a faculty member is hired into a limited-term appointment for a specific project, the percentages of assignment will reflect the needs of the position and may be adjusted as warranted by the project.

Going forward, as the primary role of faculty is in contributing to student learning, all faculty appointments should be 9-month appointments in order to align the duty period with the academic year. Faculty work that occurs during the summer months should be specifically articulated in a written offer of summer assignment and can be compensated through appropriate means for that specified timeframe. There are faculty positions that may be considered for 11-month appointments where the duties of the faculty member consistently occur across a calendar year, for example the Medical School operates on a 11-month academic calendar.

We believe that the creation of a flexible faculty classification system will provide the tools the University of Hawai'i needs to be agile, responsive, and innovative in utilizing the strengths of our faculty members to meet the ever-changing needs of the state, and to prepare the citizens of tomorrow. We recognize that this proposed classification system raises many implementation questions and we hope to identify those in discussions with the Board of Regents, the University of Hawai'i Professional Association, and with faculty.

Appendix 1

Peer and Benchmark Institutions

University of Hawai'i at Mānoa

Peer Institutions	Benchmark Institutions
Colorado State University – Fort Collins	University of California - Davis
Mississippi State University - Starkville	University of California - Irvine
Oregon State University – Corvallis	University of California – San Diego
University of Arizona – Tucson	University of Colorado - Boulder
University of Illinois – Chicago	University of Iowa – Iowa City
University of Kentucky – Lexington	University of North Carolina – Chapel Hill
University of New Mexico - Albuquerque	University of Pittsburgh – Pittsburgh
University of South Florida – Tampa	University of Tennessee - Knoxville
University of Utah – Salt Lake City	University of Washington – Seattle

University of Hawai'i at Hilo

Peer Institutions	Peer institutions (continued)
Arkansas Tech University	Savannah State University
Bemidji State University	SUNY Purchase College
California State University – Monterey Bay	University of Arkansas - Pine Bluff
Cameron State University	University of Guam
Coastal Carolina University	University of Maryland – Eastern Shore
Delaware State University	University of North Carolina - Asheville
Fort Valley State University	University of South Carolina – Aiken
Lincoln University	University of Wisconsin – Parkside

University of Hawai'i West O'ahu

Peer Institutions
Fort Lewis College
Indiana University – Kokomo
Lander University
Lewis-Clark State College
Nevada State College
Shepherd University
University of South Carolina - Aiken
University of Wisconsin - Parkside