



testimony on student affairs for October 21,2021

5 messages

Toby Hazel <tsh161944@gmail.com>
To: bor.testimony@hawaii.edu

Mon, Oct 11, 2021 at 1:37 PM

Aloha BOR members

I have spoken to the BOR previously on a particular issue of "secret reporting" on students within the UHH in Particular. However I must assume that similar policies exist on all campuses.

By secret I mean that any conversation or altercation between students or staff on any place within the University can generate a "secret" report without the students knowledge or rebuttal. A single or multiple of these reports can be used to expel or limit a students access to facilities without any discloser to the student but used to make decisions by departments.

This seems so contrary to the principles of higher education and democratic decisions that I must mention this (unofficial?)policy again to the Board. I would appreciate some response from the Board and suggested previously that any report made by any individual should be openly acknowledged and a copy sent to the student or students involved at the time of the incident. Allowance of rebuttal into the record should be allowed by the student and a method of clearing the original report mandated by the University, generating a transparent policy for the student body.

Please allow me to understand if the BOR never responds to these questions or clarifications, does that mean any satisfaction can only be had by legal action? Perhaps there is another route where students can bring these issues to satisfactory results. Please give the respect of answering these questions.

Toby S Hazel
Hilo, Hawaii

Sent from my iPhone

Daniel K. Inouye College of Pharmacy Faculty Workload Issues

7 messages

Ryan Tagomori <ryan@bfrhawaii.com>

Mon, Oct 18, 2021 at 10:51 AM

To: "bor.testimony@hawaii.edu" <bor.testimony@hawaii.edu>

Cc: Rex Fujichaku <rfujichaku@bfrhawaii.com>, Kevin Morris <kmorris@bfrhawaii.com>, Johnny Napoleon <johnny@bfrhawaii.com>

Sir or Madam:

Please find attached for your review and consideration, a copy of our Testimony concerning the above-referenced matter.

If you are unable to open the attachment or have any questions, please contact us.

Ryan Tagomori

Legal Assistant to Rex Y. Fujichaku, Esq., Robert M. Hatch, Esq.,

Skylar G. Lucas, Esq., Kelcie K. Nagata, Esq. and Noelle E. Chan, Eq.

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21-10-18 BOR Testimony w-Exhs.pdf
2298K

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A Law Corporation

Bronster Fujichaku Robbins
ATTORNEYS AT LAW

October 18, 2021

VIA EMAIL: (bor.testimony@hawaii.edu)

Randolph G. Moore, Chair
Board of Regents
University of Hawai'i
Honolulu, Hawai'i 96822

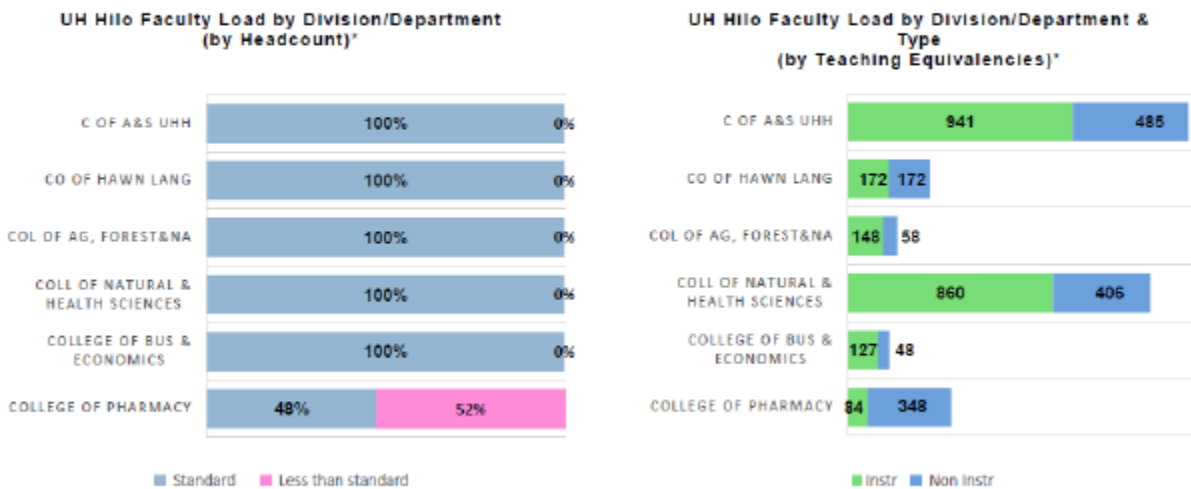
Re: Daniel K. Inouye College of Pharmacy Faculty Workload Issues

Dear Mr. Moore and Regents,

Our firm represents members of the faculty of the University of Hawai'i-Hilo ("UH Hilo"), Daniel K. Inouye College of Pharmacy ("DKICP"). Our clients are extremely concerned about the UH Hilo administration's use of inaccurate and misleading faculty workload data to justify adverse treatment of certain DKICP faculty members, including the termination of faculty members. In the past months, two tenure-track junior faculty members in the DKICP Pharmaceutical Sciences ("PS") department received termination notices from DKICP Dean Carolyn Ma. Reportedly, the sole reason cited was low faculty workload, which is not at all accurate.

As you know, UH administration has been working on revising the faculty workload policy for all campuses, including UH Hilo. Progress reports on this workload policy initiative have been presented to the Board of Regents ("BOR"). The following graph was part of a presentation entitled "Reporting Faculty Workload Assignments" given on January 7, 2021 to the BOR Committee on Academic and Student Affairs and BOR Committee on Personnel Affairs and Board Governance ("Workload Presentation"). The Workload Presentation is attached as Exhibit "A".

UH Hilo Faculty Assignment (2)



* Excludes faculty in "N/A" category of the campus headcount. 10

The representation of DKICP faculty workload by headcount presents a wholly misleading picture of the actual DKICP faculty workload in relationship to the other colleges at UH Hilo. As starkly illustrated by the graph, it appeared that each college at UH Hilo fully satisfied divisional/ departmental workload requirements (by headcount), *except DKICP*. This depiction is highly misleading and not based on accurate data. PS department faculty first heard about the workload study, which apparently provided the basis for the graph, from UH Hilo Vice Chancellor for Academic Affairs Roney in December 2020 when she claimed PS workload was low.

In response, PS department faculty immediately requested a copy of the data VCAA Roney used to make that claim. When the data was received, the faculty promptly voiced their concerns to VCAA Roney regarding the many errors and inaccuracies in the data. The data lacked verifiable evidence as to accuracy or validity of the metrics. Moreover, much of the data was compiled without any input from faculty. When faculty asked for further clarification about the source of some of the most misleading and inaccurate data, VCAA Roney informed the faculty that the source was the "DKICP Dean's office," with no further elaboration.

Randolph G. Moore
Board of Regents
University of Hawaii
October 18, 2021
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These events have led our clients to believe that the Dean Ma and others in UH Hilo administration may have manipulated DKICP faculty workload equivalencies policy and resulting data to justify taking adverse personnel actions. Sadly, the manipulation of the workload equivalencies policy has pitted the college's Pharmaceutical Sciences ("PS") department against the Pharmacy Practices ("PP") department. Despite the lack of consultation by the administration, the PS department made significant good faith efforts to develop workload equivalencies which were submitted to UH Hilo administrators over a year ago. These efforts were rejected by the UH Hilo administration.

Moreover, DKICP administration has recently begun a "curriculum transformation" initiative that would substantially reduce teaching hours of non-clinical faculty in the PS department. Such a move would further exacerbate the workload imbalance between the PS and PP departments, and would result in the decimation and "hollowing out" of the PS department faculty. These adverse actions will not only lead to the incalculable loss of decades of faculty expertise, but also will diminish the academic reputation and may endanger the accreditation of the DKICP.

The history of the DKICP administration's adverse actions based on its misleading use of faculty workload data is presented in UH Hilo Faculty Congress Motion 20-21-025, which was adopted in May 2021. The Faculty Congress urged UH Hilo Chancellor Bonnie Irwin to "immediately reverse and prevent any and all adverse employment actions based on the wok-in-progress workload data or equivalencies[.]" A copy of the motion is attached as Exhibit "B". Unfortunately, the response from the chancellor's office was dismissive.

In addition, on August 26, 2021, the University of Hawaii Professional Assembly ("UHPA") filed a class grievance regarding DKICP's wrongful faculty workload policies pursuant to Article XXIV(D) of the Collective Bargaining Agreement between the University and UHPA ("CBA"). UHPA filed the class grievance on behalf of DKICP department faculty hired on 11-month contracts. In essence, the class grievance asserts that UH and Dean Ma improperly established an improper 30-credit hour per academic year standard for faculty members on 11-month contracts. Under the CBA, only 24-credit hours may be required of faculty on 9-month contracts. Under a 30-credit hour workload standard, Dean Ma could—and did—claim that faculty members were not meeting the enhanced standard, and thus may be discharged. A copy of the class grievance is attached as Exhibit "C".

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In partially affirming the class grievance, UH Associate Vice President Deborah J. Halbert acknowledged that Dean Ma and the DKICP administration are prohibited from assigning faculty a teaching workload that violates the 24-credit hour workload per academic year requirement under the CBA and Regent's Policy 9.214. A copy of VP Halbert's September 30, 2021 response is attached as Exhibit "D". VP Halbert validated our clients' concerns about illegitimate decision-making by the dean's office.

In her response, VP Halbert indicated that fully addressing the faculty workload issues raised by the class grievance "is made more complicated" by the "freeze" on modifications to workload policies pending the completion of the workload group convened by former Vice President Donald Straney. It is apparent that DKICP administration has been taking advantage of this "freeze" on workload policies to impose faculty workload changes—like the forbidden 30-credit hour requirement—without the participation of DKICP faculty. Such faculty input is required under the CBA, and, practically speaking, is wise policy. However, UH Hilo has used the ambiguity created by this freeze to enact improper workload policy changes.

The issue of faculty workload has been a perennial concern that the Board of Regents must assist with resolving. Since the BOR formulates policy and exercises control over the university through its executive officer, we believe now is the time for you to force this issue to the forefront. The BOR has jurisdiction over the internal structure, management and operation of the university and, therefore, must ensure that this issue of the faulty faculty workload, which is being used as a pretext for terminating faculty, is adequately and fairly resolved. While we understand that Dean Ma will retire from her position on February 1, 2022, the BOR must ensure that her inappropriate adverse personnel actions are promptly reversed and the new leadership at DKICP adheres to university policy in setting fair and reasonable faculty workload requirements.

Very truly yours,

/s/ Rex Y. Fujichaku

Rex Y. Fujichaku

Enclosures: Exhibits "A" – "D"

EXHIBIT “A”

**Notice of Joint Meeting
UNIVERSITY OF HAWAI'I
BOARD OF REGENTS**

COMMITTEE ON ACADEMIC AND STUDENT AFFAIRS

Members: Regents Wilson (Chair), Acopan (Vice-Chair), Bal, Higaki, and Westerman

COMMITTEE ON PERSONNEL AFFAIRS AND BOARD GOVERNANCE

Members: Regents Westerman (Chair), Acoba (Vice-Chair), Bal, Tagorda, and Wilson

Date: Thursday, January 7, 2021

Time: 8:30 a.m.

Place: Virtual Meeting

In light of the evolving COVID-19 situation, protecting the health and welfare of the community is of utmost concern. As such, this will be a virtual meeting and written testimony and oral testimony will be accepted in lieu of in-person testimony. Meetings may be monitored remotely via the livestream pilot project. See the Board of Regents website for information on accessing the livestream: www.hawaii.edu/bor. Mahalo for your consideration.

AGENDA

I. Call Meeting to Order

II. 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 the board's website through the testimony link provided on the [Meeting Agendas, Minutes and Materials](#) page. Testimony may also be submitted via email at bor.testimony@hawaii.edu, U.S. mail, or facsimile at (808) 956-5156. All written testimony submitted are public documents. Therefore, any testimony that is submitted for use in the public meeting process is public information and will be posted on the board's website.

Those wishing to provide oral testimony for the virtual meeting may register [here](#). Given constraints with the online format of our meetings, individuals wishing to orally testify must register no later than 7:00 a.m. on the day of the meeting in order to be accommodated. It is highly recommended that written testimony be submitted in addition to registering to provide oral testimony. Oral testimony will be limited to three (3) minutes per testifier.

III. Agenda Items

A. Reporting Faculty Workload Assignments

IV. Adjournment

For disability accommodations, contact the Board Office at 956-8213 or bor@hawaii.edu. Advance notice requested five (5) days in advance of the meeting.

Reporting Faculty Workload Assignments

BOR Committee on Academic and Student Affairs
BOR Committee on Personnel Affairs and Board Governance
January 7, 2021



Pearl Iboshi, System IRAPO
Michael Bruno, Provost, UH Mānoa
Bonnie Irwin, Chancellor, UH Hilo
Maenette Benham, Chancellor, UH West O'ahu
Erika Lacro, Vice President, UH Community Colleges

Goal

- Improve our ability to report faculty workloads timely and accurately
- Create a mechanism to assist department/division/college and campus leadership to more easily track and manage faculty workload
- Provide aggregated information for institutional accountability
- Improve the University's ability to assess and revise classification of its faculty as called for in SR 149, S.D. 1, 2019

Process for creating report

1. Review data and improve data quality
2. Create a template and process for collecting information for 4-year university campuses
3. For CC's, Teaching Equivalencies set in policy, and as of October 2019, non-teaching TEs input into Banner
4. Create an annual report combining both university and CC data

Improving Data Quality

Worked with campus schedulers, Banner, and other parties to:

- Improve ability to accurately assign credits for team-taught classes by utilizing % responsibility function

[https://www.hawaii.edu/ovppp/sdoc/2019_10_Banner_Coding_for_Faculty-\(3\)_Consolidated_Memos_and%20Attachment.pdf](https://www.hawaii.edu/ovppp/sdoc/2019_10_Banner_Coding_for_Faculty-(3)_Consolidated_Memos_and%20Attachment.pdf)

- Revise codes for Schedule Type to clearly reflect type of class and standardize usage across campuses

[https://www.hawaii.edu/ovppp/sdoc/Revised_Recommendations_to_Standardize_Schedule_Type_Codes_Memo_\(1\).pdf](https://www.hawaii.edu/ovppp/sdoc/Revised_Recommendations_to_Standardize_Schedule_Type_Codes_Memo_(1).pdf)

- Use new coding agreements to identify Early College and Study Abroad programs

https://www.hawaii.edu/ovppp/sdoc/Banner_Coding_Recommendation_For_the_Early_College_Program.pdf

UH Mānoa Faculty Workload Policies

From UH Mānoa workload summary, July 2015

For tenure-line faculty, ranks I3 and above, workload is not solely fulfilled by teaching regular classes. In addition to classroom teaching, all tenured and tenure-line faculty are required to do significant research and professional/administrative service, as well as instructional activity that is not measured in credit hours. As a result, these faculty members seldom teach more than 18 credit hours per year (more than three 3-credit classes a semester).

Commonly, one-third to two-thirds of a faculty member's time will be spent on research, service, and instructional activities not measured by credit hours. So, for example, a faculty member might be teaching the equivalent of 15 credit hours per year and spending the equivalent of 9 credit hours per year fulfilling such other responsibilities.

UH Hilo and West O‘ahu Workload Policy

UH Hilo

From Teaching Workload Assignments and Equivalencies

Tenure track faculty typically teach 18 credit hours (WCH) per semester and are typically granted 6 WCH per academic year to conduct an equivalent amount of research and service.

<https://hilo.hawaii.edu/policies/teaching-workload.php>

UH West O‘ahu

From Overload FAQs

What is the standard teaching load at UH West O‘ahu? A: The standard teaching assignment for full-time instructional faculty at UH West O‘ahu is 24 credits per year (CBA III.F). Each tenured and tenure-track faculty member is typically assigned 3 credits of release time per semester for scholarship and service.

https://westoahu.hawaii.edu/wp-content/uploads/docs/general_info/2018-2019_Faculty_Workload_Policies.pdf

Creating a template for use at 4-year campuses

- Work with three UH Mānoa colleges (LLL, Engineering, and CTAHR) to develop workable template
- In addition to classes taught, included five categories:
 - Research: Credit equivalencies from research in place of teaching as part of regular workload
 - Service: Credit equivalencies for activities, outreach, student support, etc. in place of teaching
 - Extension (for Agriculture only): Credit equivalencies of outreach as part of regular duties
 - Administrative: Credit equivalencies for administrative duties that reduce teaching load
 - Buyout: Salary partially paid from extramural funds to increase research activities
- IRAPO pulls data on courses taught
- Colleges/departments/divisions to fill in the five categories
- Collection completed in December 2020 for AY2020 and still being processed

Faculty Assignment template

The screenshot shows an Excel spreadsheet titled "FacultyAssignmentTemplate" with the following sections and content:

- Header Section:** "FACULTY ASSIGNMENT" and "ACADEMIC YEAR 2020 (Fall and Spring)".
- GENERAL INFORMATION:**
 - Teaching = credits from courses taught**
 - Individual Instruction = Calculated credits taught based on formula at the top of the worksheet**
 - Adjustments = Credit adjustments for special cases where teaching credit should not be assigned**
 - Research = Credit equivalencies from research in place of teaching as part of regular workload**
 - Extension - Credit equivalencies of outreach as part of regular job duties, if applicable**
 - Buyout = Paid research to reduce teaching load**
 - Admin = Credits for administrative duties that reduce teaching load**
 - Overload = Research or extra teaching for summer**
 - Grant Dollars Received = Dollar amount of grants attributed to the faculty for the year.**
- Individual Instruction Calculation:** A table with columns for "Directed reading (-99)", "Thesis (700) or dissertation (800)", "Other variable credit courses", and "SHR / no. of students". Rows include "UHM - ITE390, ITE392", "UHM - ITE391", "UHM - MUS199", and "WDA - DRR".
- Instructions:** "Departments are responsible for filling out the following sections: 1) Teaching Credit Adjustments, if applicable; 2) Teaching Credit Equivalencies (Research, Service, Extension, Buyout, Admin); 3) Other information for Grant Dollars Received and Overload; 4) Comments such as justifications or explanations." and "Put all teaching credit adjustments in the 'adjustments' field and put an explanation for the adjustment in the comments field."
- FACULTY INFORMATION:** A table with columns for "HUMAN RESOURCES" (NAME, ID NUMBER, DEPARTMENT, TITLE, STATUS) and "COURSES TAUGHT WITH AT LEAST 1 REGISTRATION" (F19 Classes, S20 Classes).
- FACULTY ASSIGNMENT:** A table with columns for "TEACHING CREDITS" (Teaching, Individual Instruction, Adjustments, Total), "TEACHING CREDIT EQUIVALENCIES" (Research, Service, Extension, Buyout, Admin), "TOTAL (must be no less than 24)", "OTHER" (Grant Dollars Received, Overload), and "COMMENTS (Include explanation for adjustments and to less than 24)".

Community Colleges Workload Data Collection

UHCC Policy 9.237 establishes the standard teaching assignment for full-time instructional faculty:

- Defines Common Teaching Equivalencies for each type of class (by schedule type)
- Establishes responsibilities for implementation of the policy
- Based on UHPA contract, describes common non-instructional activities that are assigned Teaching Equivalencies

Community Colleges Workload Data Collection

15 codes created to designate type of non-instructional workload to be input into Banner

- Research
- Administration: Admin assignment, College Committee Chair, Curriculum Committee, Curriculum or Program Development, Division/Department Chair, Faculty Senate Chair, Grant/Contract Admin, Grant/Contract Development, Institutional Service, Professional development, Program Director/Coordinator
- Service
- Other Release time

Data and codes being reviewed after first year of implementation for AY2020

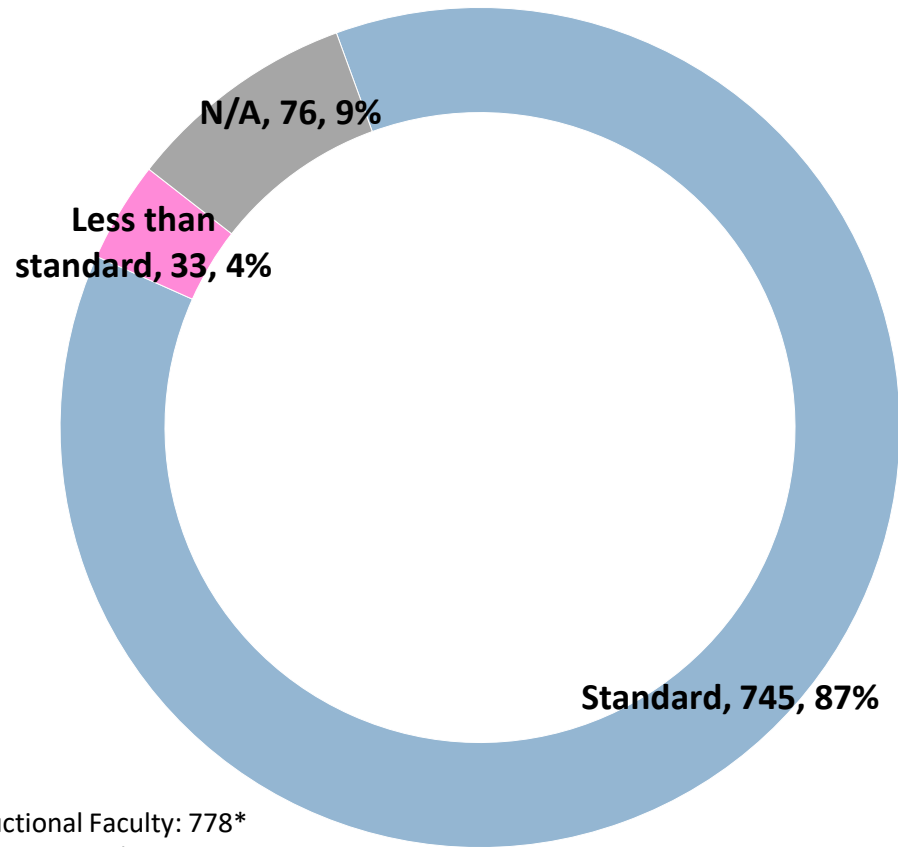
Current Status of Faculty Workload Data by Major Unit

Faculty Assignment Report

- Initially only includes tenured and tenure-tracked Instructional faculty (I and J faculty at Mānoa, I faculty at Hilo and West O‘ahu, Instructional C faculty at the Community Colleges).
 - M faculty (UH Mānoa - JABSOM) are not yet included in this report.
 - Two community colleges, Honolulu and Leeward, are currently included.
- N/A category includes non-standard load faculty that have left their position, had at least one semester of sabbatical, or took leave resulting in reduced credit assignment. These faculty are included in the N/A category in the campus headcount, but excluded from the Teaching Equivalency (TE) charts.
- Data provided in these slides are from Fall 2019 and Spring 2020 semesters, but are preliminary. Departments may still revise their data.

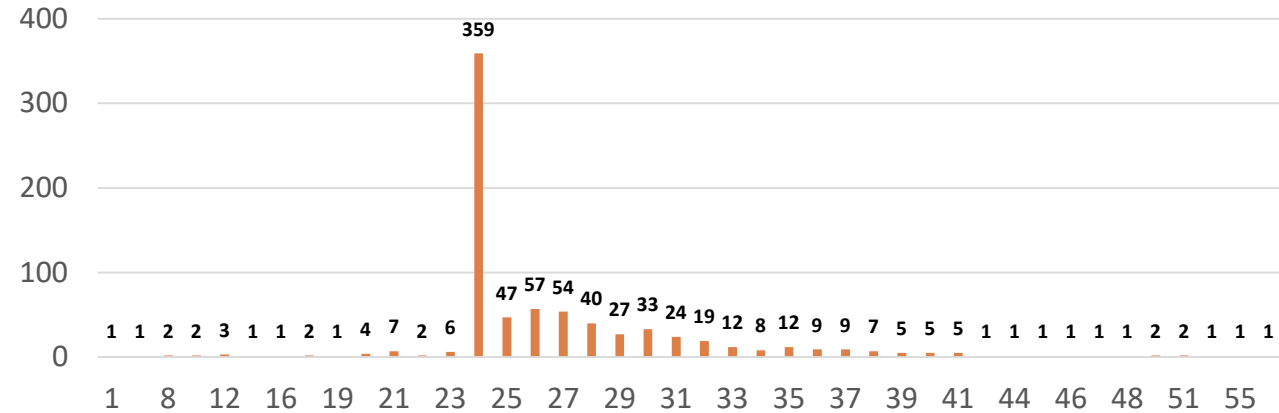
UH Mānoa Faculty Assignment

UH Mānoa Faculty Load (Headcount)

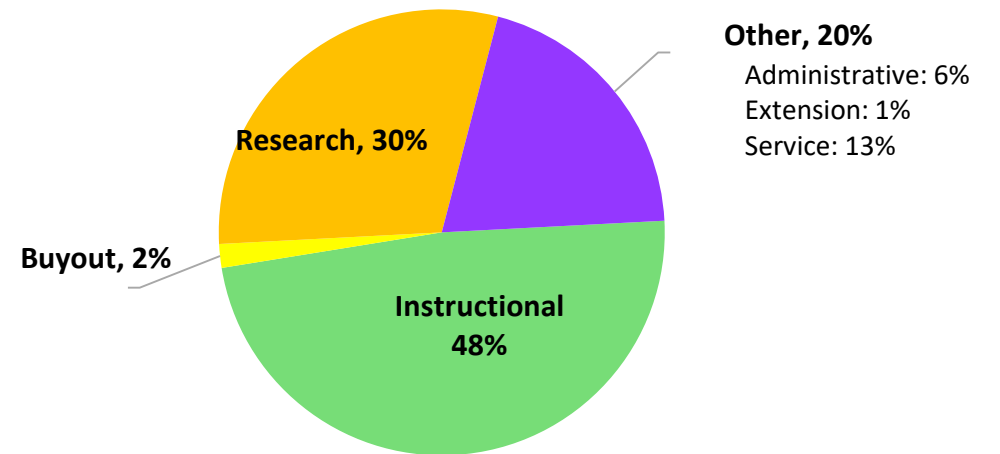


Total Instructional Faculty: 778*
 Total N/A Faculty: 76*
 * Excludes JABSOM faculty counts.

UH Mānoa Faculty Headcount by Total Workload (by Teaching Equivalencies)**



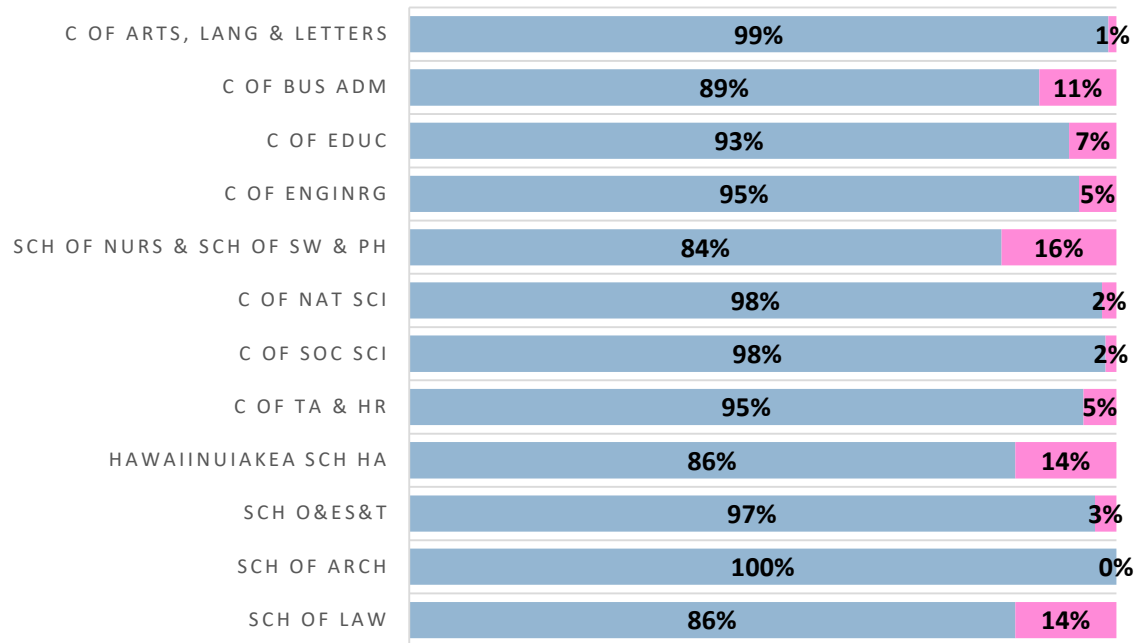
UH Mānoa Faculty Load by Type (by Teaching Equivalencies)**



** Excludes faculty in "N/A" category of the campus headcount.

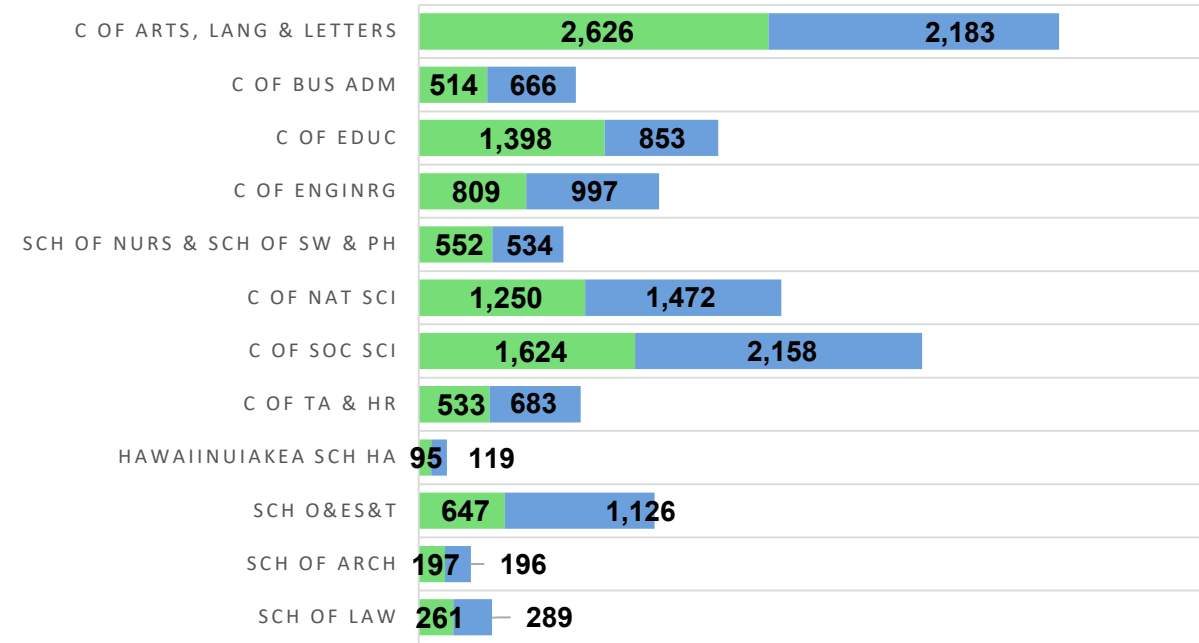
UH Mānoa Faculty Assignment (2)

UH Mānoa Faculty Load by Colleges/Schools/ORUs (by Percent of Headcount)*



■ Standard ■ Less than standard

UH Mānoa Faculty Load by Colleges/Schools/ORUs & Type (by Teaching Equivalencies)*

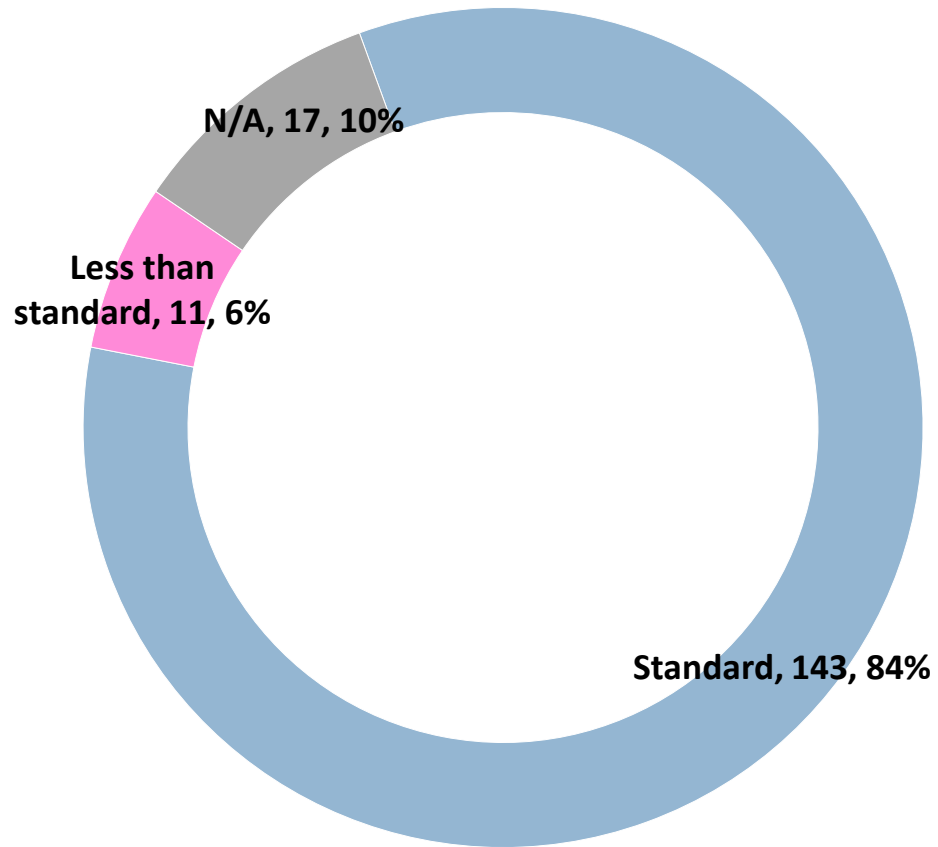


■ Instructional ■ Non-Instructional

* Excludes faculty in "N/A" category of the campus headcount.

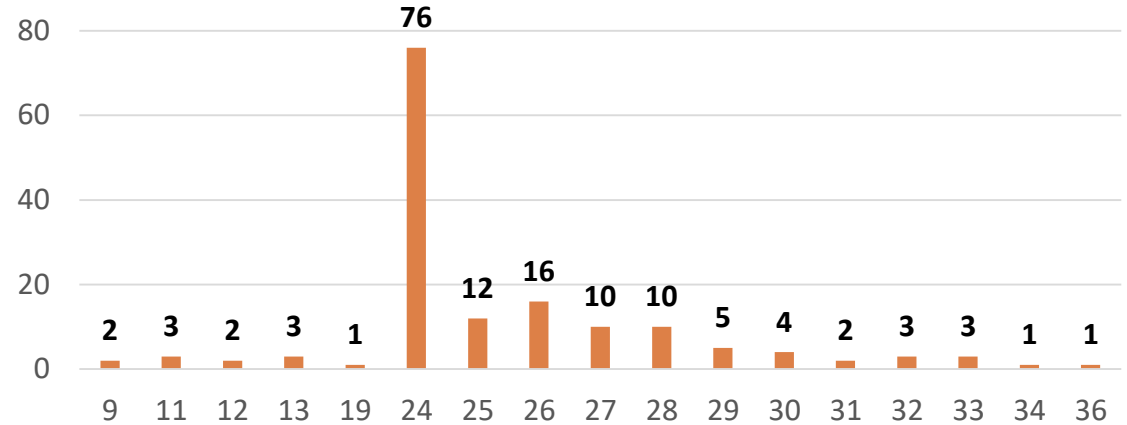
UH Hilo Faculty Assignment

UH Hilo Faculty Load (Headcount)

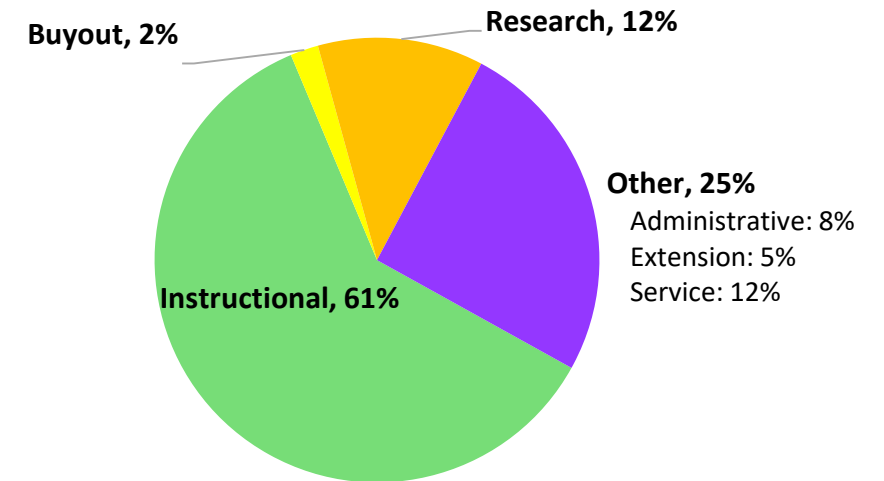


Total Instructional Faculty: 154
 Total N/A Faculty: 17
 Total Faculty: 171

UH Hilo Faculty Headcount by Total Workload (by Teaching Equivalencies)*



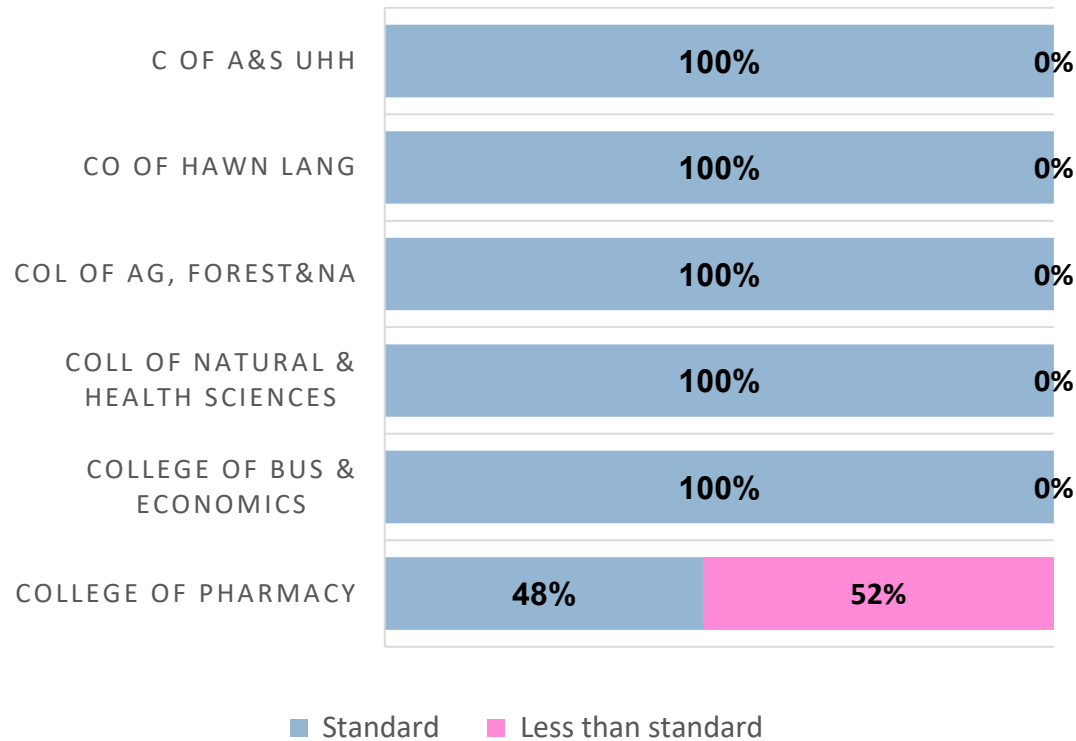
UH Hilo Faculty Load by Type (by Teaching Equivalencies)*



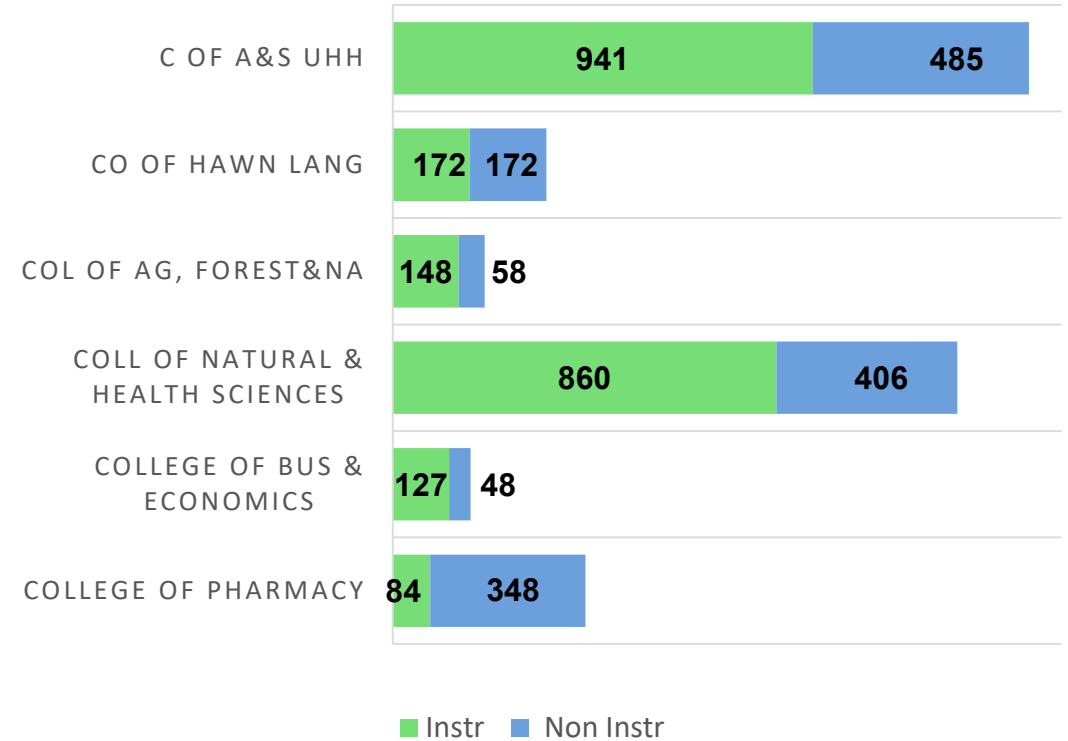
* Excludes faculty in "N/A" category of the campus headcount.

UH Hilo Faculty Assignment (2)

UH Hilo Faculty Load by Division/Department
(by Headcount)*



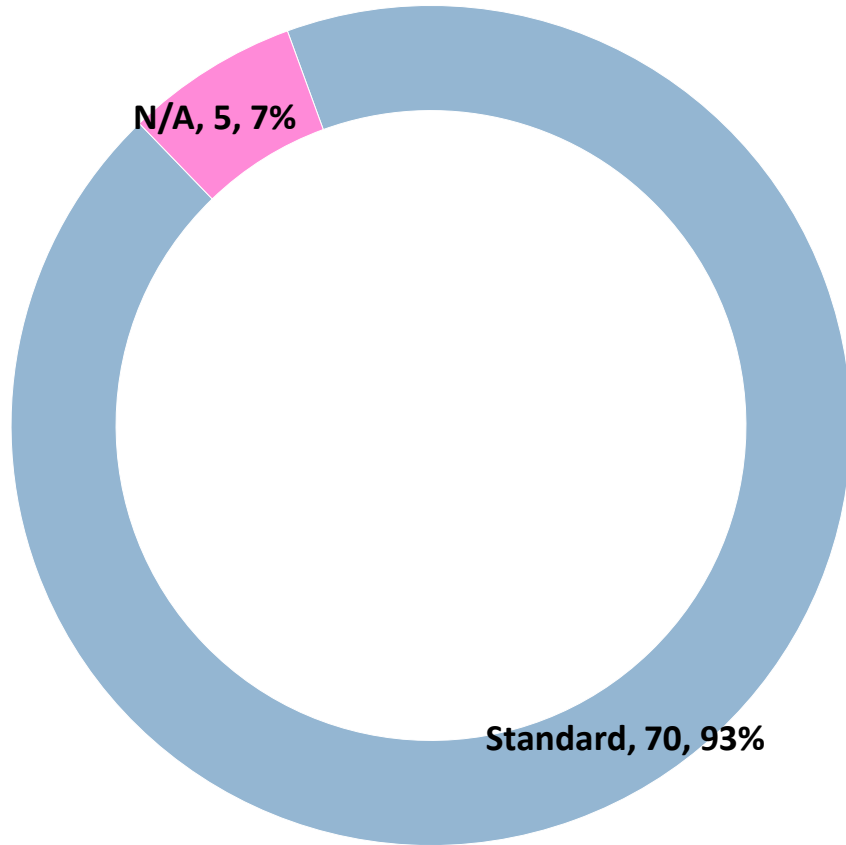
UH Hilo Faculty Load by Division/Department & Type
(by Teaching Equivalencies)*



* Excludes faculty in "N/A" category of the campus headcount.

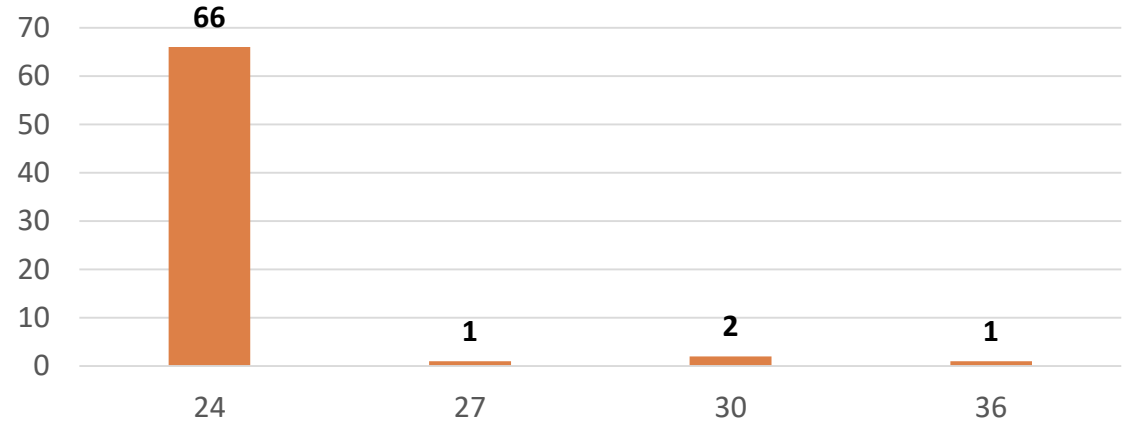
UH West O'ahu Faculty Assignment

UH West O'ahu Faculty Load (Headcount)

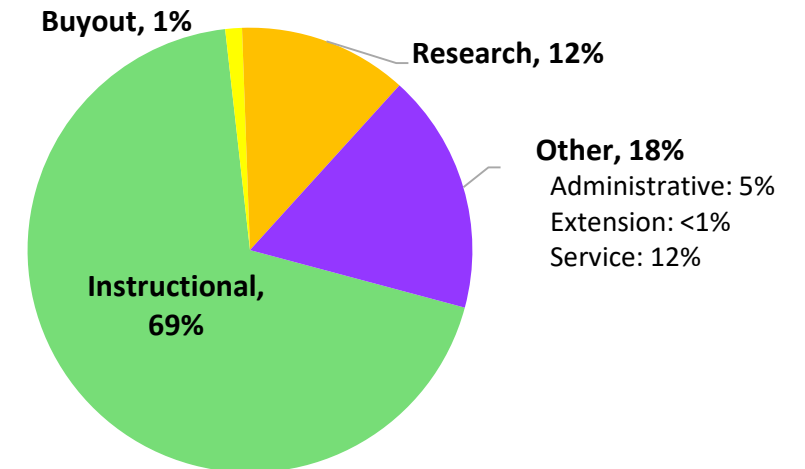


Total Instructional Faculty: 71
 Total N/A Faculty: 4
 Total Faculty: 75

UH West O'ahu Faculty Headcount by Total Workload (by Teaching Equivalencies)*



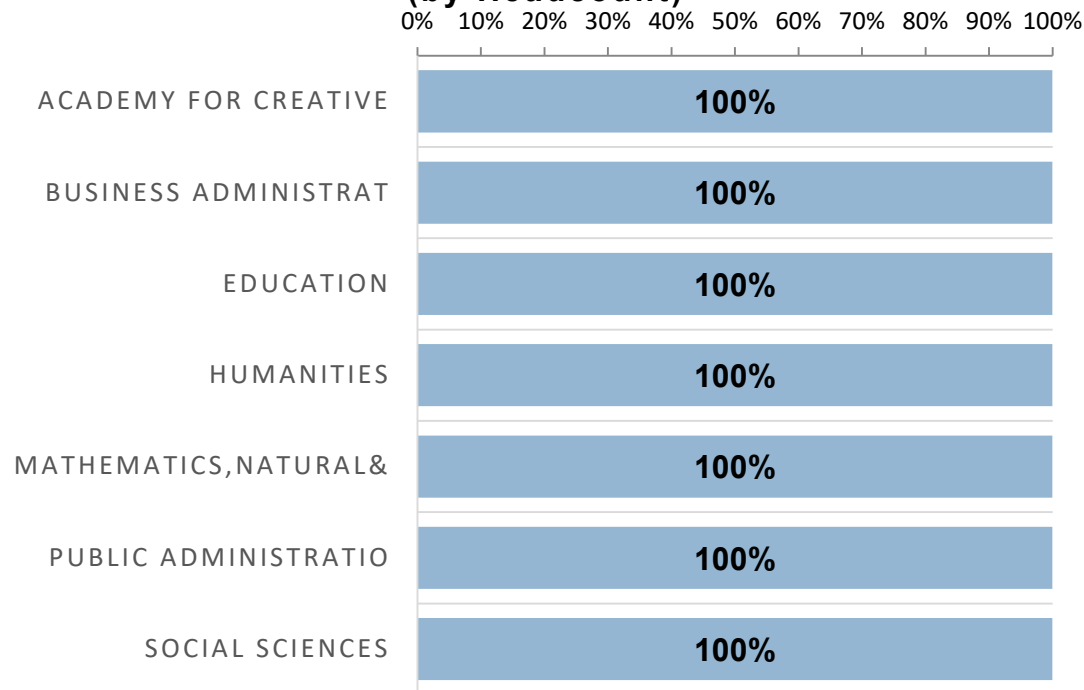
UH West O'ahu Faculty Load by Type (by Teaching Equivalencies)*



* Excludes faculty in "N/A" category of the campus headcount.

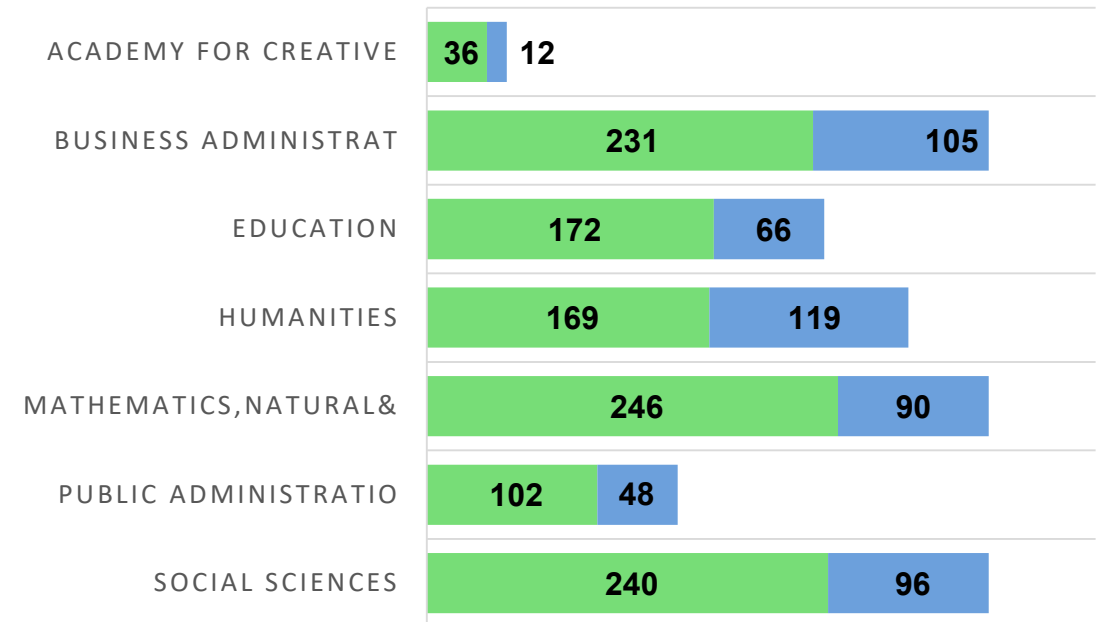
UH West O'ahu Faculty Assignment (2)

UH West O'ahu Faculty Load by Division/Department (by Headcount)*



■ Standard ■ Less than standard

UH West O'ahu Faculty Load by Division/Department & Type (by Teaching Equivalencies)*

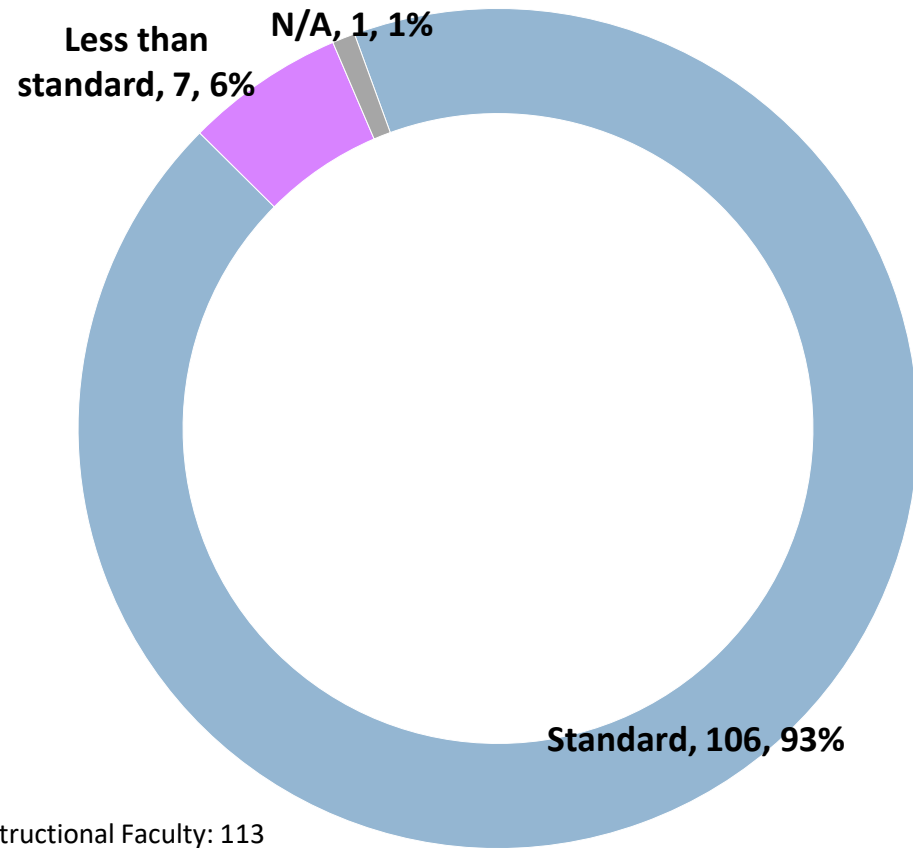


■ Instructional ■ Non-Instructional

* Excludes faculty in "N/A" category of the campus headcount.

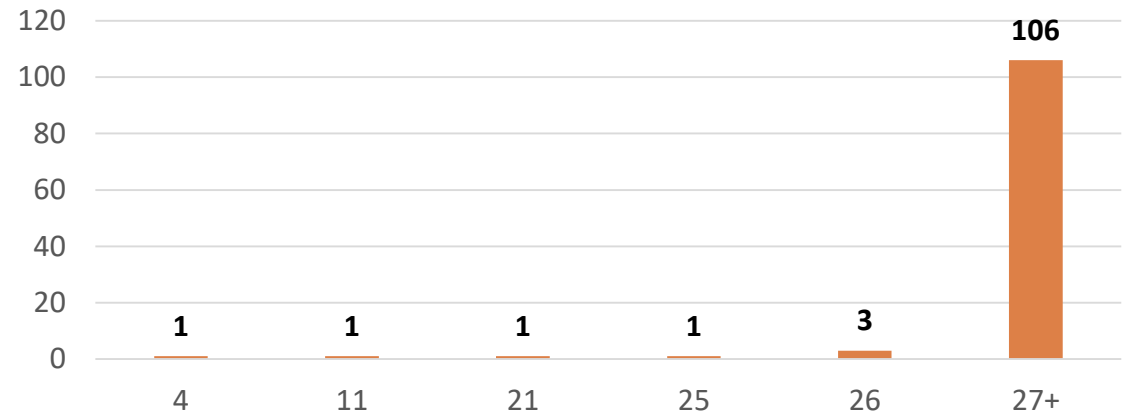
Honolulu CC Faculty Assignment

Honolulu CC Faculty Load (Headcount)

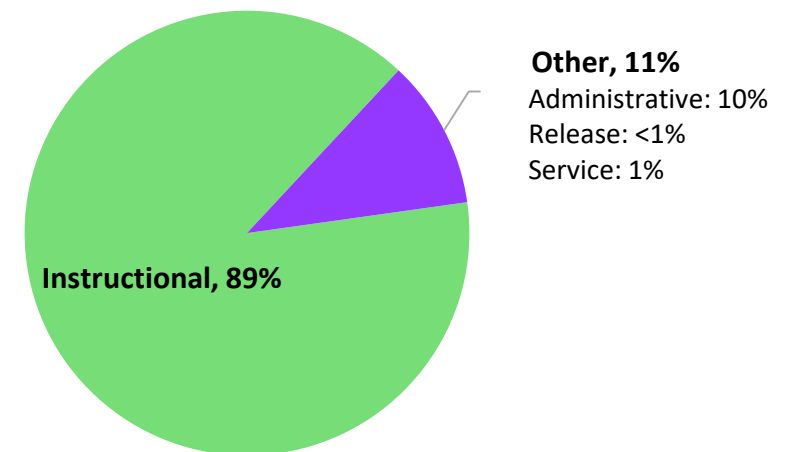


Total Instructional Faculty: 113
 N/A Faculty: 1
 Total Non-Instructional Faculty: 41
 Total Faculty: 155

Honolulu CC Faculty Headcount by Total Workload (by Teaching Equivalencies)*



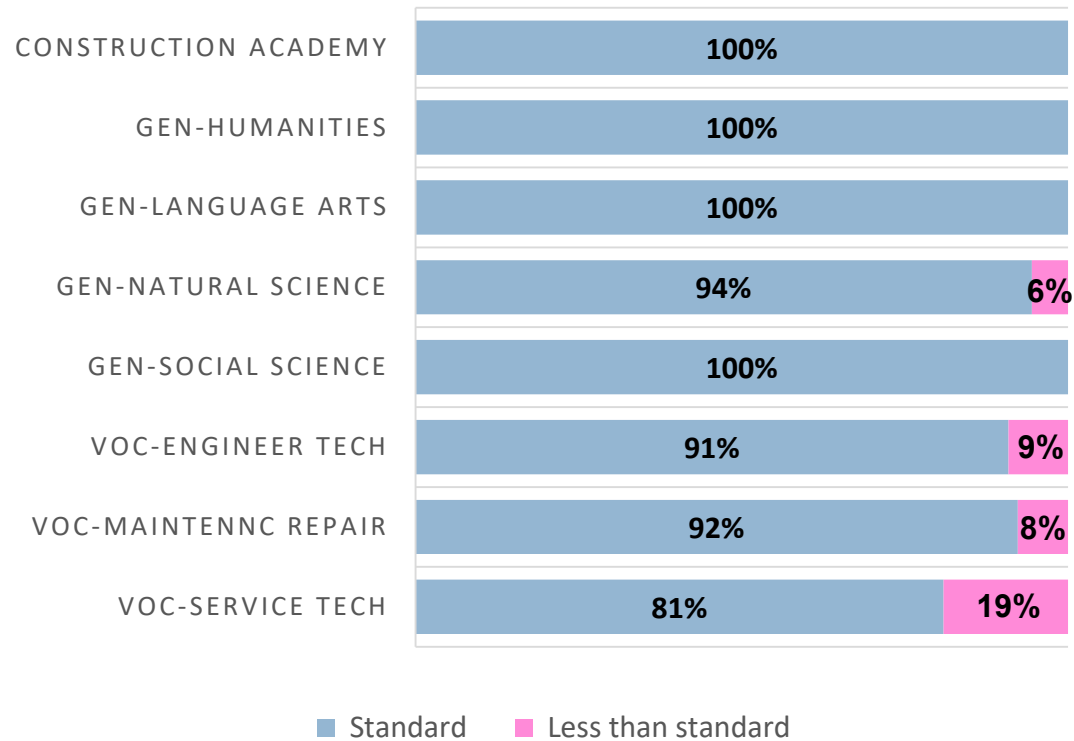
Honolulu CC Faculty Load by Type (by Teaching Equivalencies)*



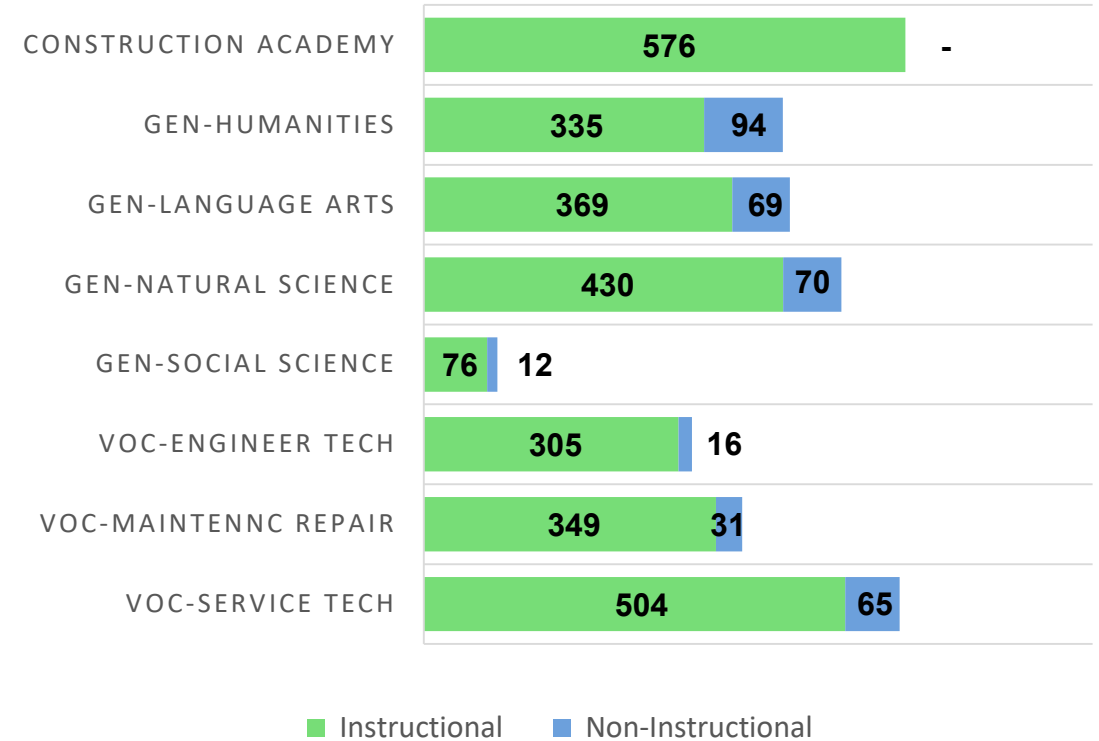
* Excludes faculty in "N/A" category of the campus headcount.

Honolulu CC Faculty Assignment (2)

**Honolulu CC Faculty Load by Department
(by Headcount)***



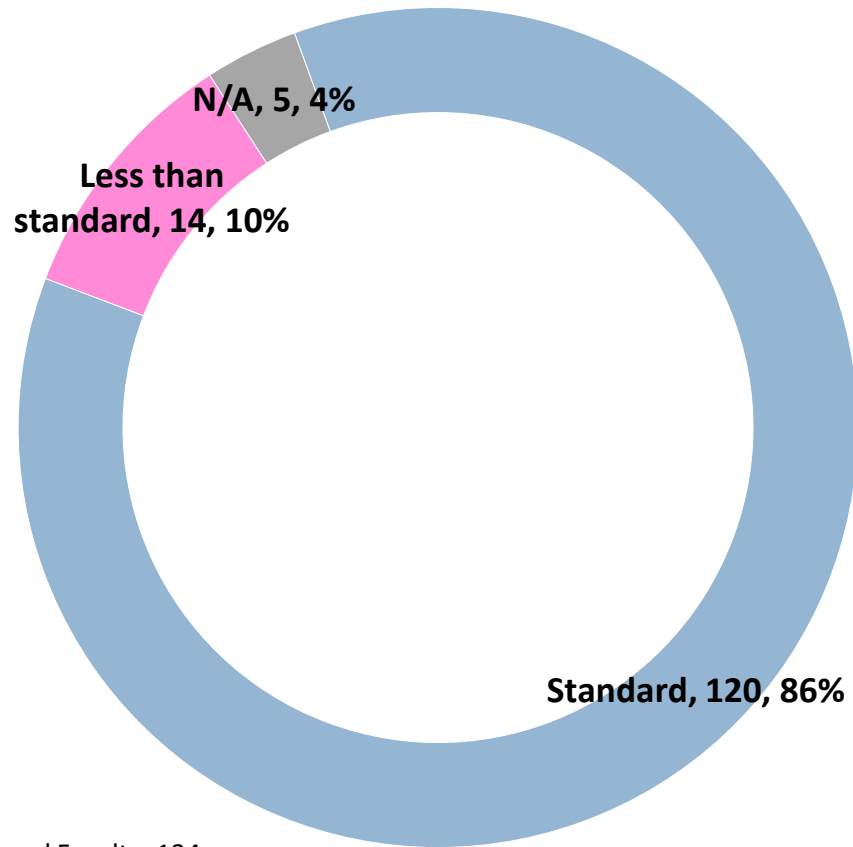
**Honolulu CC Faculty Load by Department &
Type
(by Teaching Equivalencies)***



* Excludes faculty in "N/A" category of the campus headcount.

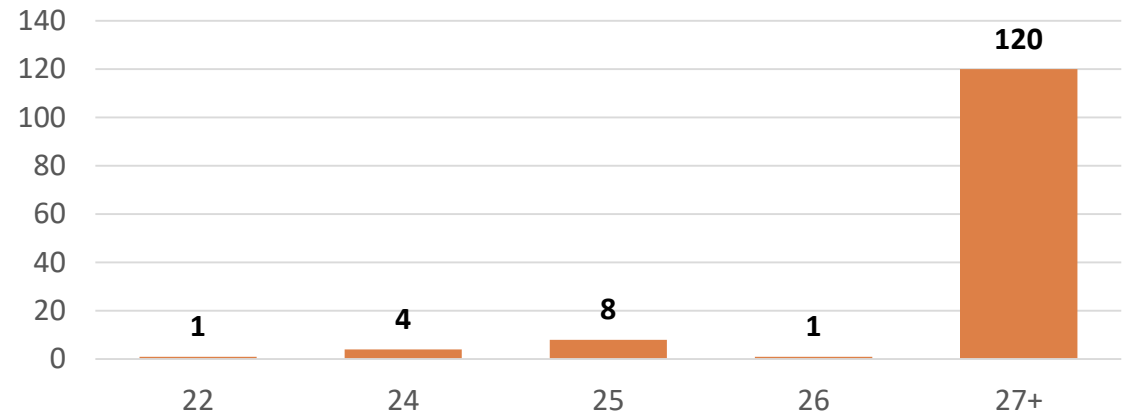
Leeward CC Faculty Assignment

Leeward CC Faculty Load (Headcount)

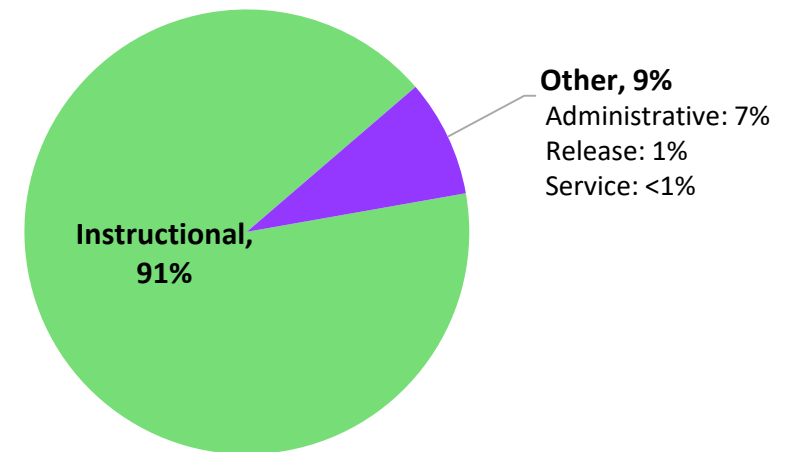


Total Instructional Faculty: 134
 Total N/A Faculty: 5
 Total Non-Instructional Faculty: 53
 Total Faculty: 192

Leeward CC Faculty Headcount by Total Workload (by Teaching Equivalencies)*



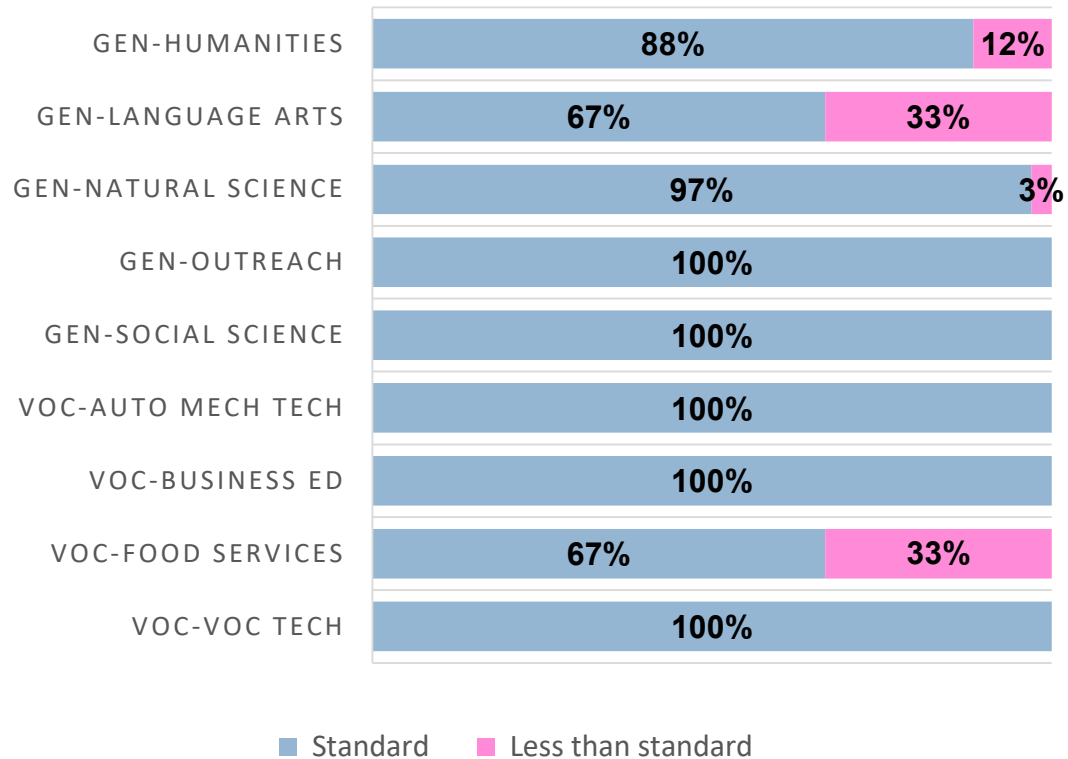
Leeward CC Faculty Load by Type (by Teaching Equivalencies)*



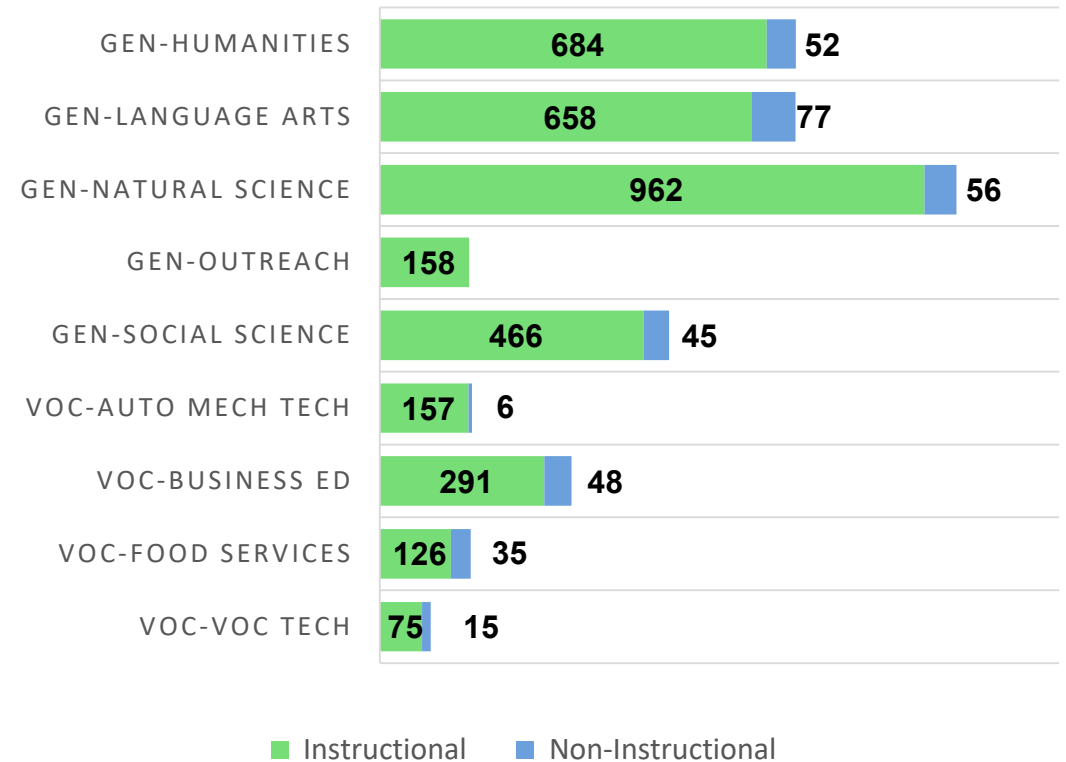
* Excludes faculty in "N/A" category of the campus headcount.

Leeward CC Faculty Assignment (2)

Leeward CC Faculty Load by Department (by Headcount)*



Leeward CC Faculty Load by Department & Type (by Teaching Equivalencies)*



* Excludes faculty in "N/A" category of the campus headcount.

Concluding Remarks

Current Issues

- Data quality issues remain and are being addressed
- Need to include other faculty types and units into template
- Need to develop equivalencies appropriate for each unit regarding what specifically constitutes the teaching equivalencies assigned for different types of instruction as well as research, service, extension (outreach), and administrative duties.

Next steps

- Prepare an annual report for the President and BOR with comments for improvement from Chancellors/Provost
- Continuously improve data
- Consider inclusion of non-instructional teaching equivalencies into Banner for the 4-year universities
- Initiate project to consolidate most faculty types (per SR 149, S.D. 1, 2019)

EXHIBIT “B”

Motion 20-21-025

Faculty Congress Motion to Reverse and Prevent Adverse Actions Based Upon “Work-in-Progress” Workload Data

Whereas, current UH policy states¹:

- “The instructional faculty of the University of Hawai‘i has duties and responsibilities that encompass a number of professional activities in addition to teaching. The nature and scope of these additional duties depend on the particular mission of the unit and program and the relationship of that mission to the faculty member’s professional qualifications.”
- The standard teaching assignment for full-time instructional faculty is “24 semester credit hours per academic year” except as where otherwise noted in the policy. “It is expected that the development of appropriate equivalents will involve consultation of the appropriate faculty, department chairpersons, and academic deans. Such equivalents shall be reviewed and approved by the president and reported to the board upon their establishment or subsequent revision consistent with board policy”
- “In recognition of the diverse responsibilities of the university and its faculty, each chancellor shall develop and recommend equivalents for specific non-instructional activities that are consistent with and in furtherance of the mission of the university unit and program. It is expected that the development of appropriate equivalents will involve consultation of the appropriate faculty, department chairpersons, and academic deans.”

Whereas, UH Hilo workload equivalencies haven’t been established per UH policy based on the following:

- **December 2018:** Some faculty noticed a workload equivalency policy was posted on the VCAA website without consultation with or notification to faculty.
- **February 2019:** This was brought to the attention of Faculty Congress and addressed as “New Business: Concerns about the Workload Equivalency policy”, specifically: “Jan Ray asked VCAA Ken Hon for an update on the workload equivalencies policy that was posted on the VCAA web site in December 2018. Ken reported that he quickly drafted and posted this after talking to the Deans in response to a short-notice request from the Board of Regents. Jan reminded Ken that academic policy issues such as this must be referred to Faculty Congress for consultation.”²
- **November 2019:** At the Faculty Congress meeting, “Regarding concerns about the Workload Equivalency Policy, Ken Hon reported that he is meeting with UHPA, UH Manoa, and UH System to establish a fair policy across campuses.”³
- **January 2021:** Given no apparent progress on the establishment of a fair workload equivalency policy, Academic Policy Committee Chair Steve Herman reported at Faculty Congress that Leng Chee Chang agreed to serve as the lead on this issue as liaison to VCAA Roney.
- **February 2021:** VCAA Roney reported that she was waiting to hear back from UHPA on the issue.
- **April 13, 2021:** VCAA Roney reported via email: “There is a letter from Don Straney prohibiting work on workload and teaching equivalencies.” The September 2019 letter is directed to Manoa, West Oahu, and Hilo and, per VCAA Roney “it appears that this letter is still in force, preventing us from working on the equivalencies in any official capacity.”
- **April 22, 2021:** In response to a request for a copy of the letter from Don Straney (who is no longer employed by UH), VCAA Roney stated via email that sharing the letter “would violate confidentiality in related matters”

¹ <http://www.hawaii.edu/policy/docs/temp/rp9.214.pdf>

² <https://hilo.hawaii.edu/congress/minutes/documents/minutes/MinutesfromFebruary2019Meeting.pdf>

³ <https://hilo.hawaii.edu/congress/minutes/documents/minutes/FacultyCongressMinutes11-19-CL.pdf>

Whereas, despite VCAA Roney's assertion that Don Straney's letter is "still in force" and is "prohibiting work on workload and teaching equivalencies", UH executives have been **actively working on workload and teaching equivalences**, as evidenced by their statements during the January 7, 2021 Board of Regents meetings⁴, including:

- Per President Lassner, the workload data presented at the January 7 meeting is "**preliminary information**" and "**active work on this project is ongoing**"
- Per Pearl Iboshi, Director of the Institutional Research and Analysis Office "one difficulty in determining accurate faculty workloads in relation to their commensurate workload policy was the **lack of a system to identify non-instructional equivalency**.... A review of data on faculty workload assignments for UHM, UHH, UHWO, and the community colleges from fall 2019 and spring 2020 was also conducted with Ms. Iboshi noting that the **data presented was very preliminary**".
- "Both Provost Bruno and Chancellor Irwin recognized and acknowledged challenges in the classification of workload data for certain segments of faculty at their respective campuses, including faculty at JABSOM and the Daniel K. Inouye College of Pharmacy (DKICP) at UHH that perform scientific research and clinical work, but reiterated that this data is preliminary and that **both UHM and UHH continue to seek ways to refine and improve upon this data.**"
- "Ms. Iboshi concluded by underscoring that the development of the Report is a **work-in-progress**. Data quality issues such as the inclusion of all faculty types and units and the **development of equivalencies appropriate for each unit regarding what specifically constitutes the teaching equivalencies assigned for different types of instruction as well as research, service, outreach, and administrative duties are in the process of being addressed.**"
- "Chair Wilson asked whether the issues affecting faculty workloads at DKICP were unique to UHH or did schools of pharmacy at other institutions face similar situations. Chancellor Irwin replied in that the issues facing DKICP are not unique to UHH. She stated that **UHH is in the process of reaching out to other pharmacy schools**, as well as UHM, to ascertain how they address the classification of faculty workload assignments in situations involving larger amounts of clinical work and scientific research."

Whereas, on January 15, 2021, upon hearing rumors that adverse employment actions were being taken or recommended by UH Hilo executives based on the work-in-progress workload data, Chair Ray called VCAA Roney, who confirmed that two tenure-track faculty members have received termination notices and that "***These two faculty members were not let go due to budget. They were let go due to workload equivalencies.***"

Therefore, the Faculty Congress hereby urges Chancellor Irwin to immediately reverse and prevent any and all adverse employment actions based on the work-in-progress workload data or equivalencies, including but not limited to the two terminations that have been confirmed by VCAA Roney to be "due to workload equivalencies".

⁴ <http://www.hawaii.edu/offices/bor/pabg/minute/202101070830.joint.pdf>

EXHIBIT “C”



AMENDED GRIEVANCE MEMORANDUM

CLASS GRIEVANCE

TO: David Lassner President University of Hawaii

FROM: Wade C. Zukeran Attorney University of Hawaii Professional Assembly

SUBJECT: Formal Grievance Pursuant to Article XXIV, Section D, Grievance Procedures of the UHPA/BOR Agreement

A. DATES

- 1. Date(s) grievance occurred: July 10, 2021, and continuing .
- 2. Date grievant(s) became aware of grievance: Not applicable as this grievance is filed within 45 calendar days.
- 3. Date(s) of attempts at informal resolution & person(s) discussion held with: None

B. STATEMENT DESCRIBING EVENTS OR CIRCUMSTANCES GIVING RISE TO THE GRIEVANCE: See attached statement.

C. MEMBERS OF THE AFFECTED CLASS: Faculty Members in the Daniel K. Inouye College of Pharmacy, Pharmaceutical Science Department hired on 11-month contracts. See attached statement.

D. DATE OF NOTIFICATION OF CLASS: Class Representatives notified on or about August 16, 2021. See attached statement.

E. FACULTY MEMBERS REPRESENTING CLASS: Leng Chee Chang, and Susan Jarvi. See attached statement.

F. REQUESTED REMEDY: See attached statement.

/s/ Wade C. Zukeran

August 26, 2021

Wade C. Zukeran, Esq.
 Gill, Zukeran & Sgan, Attorneys-at-Law
 Finance Factors Center
 1164 Bishop Street, Suite 801
 Honolulu, Hawaii 96813
 (808) 523-6777
 wzukeran@gzsattorneys.com

(Date)

UHPA Representative for Class Grievants



RECEIPT OF CLASS GRIEVANCE:

RECEIVED

BY: _____ (Signature & Title) _____ (Date)

B. AMENDED STATEMENT DESCRIBING EVENTS GIVING RISE TO THE GRIEVANCE:

The University of Hawaii Professional Assembly (“Union”) brings this class grievance pursuant to Article XXIV, Section D, alleging a breach of the 2021-2023 Agreement by the University of Hawaii (“Employer”).

1. Article III, Section F, of the 2021-2023 Agreement requires:

Standards for teaching assignments and equivalencies are determined in accordance with Board of Regents Policy RP 9.214 (revised) (see R-03 of Reference Section).

Pursuant to the policy the standard teaching assignments for full-time instructional Faculty shall be 24 semester credit hours per academic year for UH-Manoa, UH-Hilo, and UH-West Oahu. The standard teaching assignments for full-time instructional Faculty at all Community Colleges within the University of Hawaii System shall be 27 semester credit hours per academic year. (Bold emphasis added.)

2. Board of Regent Policy RP 9.214 at Article III.A., provides in relevant part:

1. Except as otherwise provided herein, the standard teaching assignments for full-time instructional faculty shall be as follows:

- b. **24 semester credit hours per academic year at the University of Hawaii at Hilo.** (Bold emphasis added).

3. Circa December 2018, the University of Hawaii at Hilo published a document entitled, “UH Hilo Academic Affairs Policy; Teaching Workload Assignments and Equivalencies.”¹ See, *Exhibit 1*. This document was created by then Interim Vice Chancellor for Academic Affairs Kenneth Hon. The document purports to establish teaching assignments for 11-month faculty members at 30 semester credit hours per academic year.

4. A letter to then Interim Vice Chancellor Hon from then Vice President for Academic Planning and Policy Donald Straney dated September 26, 2019, informs the campus to maintain the “status quo” on workload policies until “further notice.” See *Exhibit 3*.

5. By email to Professor Leng Chee Chang from Vice Chancellor for Academic Affairs Kristin Roney dated April 21, 2021, Vice Chancellor Roney informs Professor Chang that the breakdown of teaching, research, and service for 11-month faculty is

¹ The four-year campus workload policies are currently subject to discussions between the UHPA and the UH System pursuant to a letter to Kenneth Hon (and others) from Donald Straney dated September 26, 2019. Thus, the UH Hilo document as a whole is subject to further negotiation or consultation in the appropriate forum.

12/15.6/2.4; the equivalent of 30 semester credit hours per academic year. *See, Exhibit 4.* Roney further informs Chang that work on the subject matter is prohibited by a September 2019 letter from Vice President Straney. *Ibid.*

6. To date, the Straney “status quo” instruction to UHH remains in place. Thus, the UHH administration asserts that the UH System has prohibited any changes to the workload policy and that the System asserts jurisdiction over the subject matter until further notice. Therefore, the UHH has no jurisdiction over this matter at the Step 1 campus level and the class grievance is properly at the Step 2 System level.

7. Article XXVIII, Conflict, provides: “If there is any conflict between the provisions of this Agreement and any rules, regulations, and policies of the Employer, the terms of this Agreement shall prevail.” Therefore, if the Employer asserts a standard teaching assignment of 30 semester credit hours for 11-month faculty members, then that 30 hour standard is in conflict with the Agreement and the 24 semester credit hour per academic year standard will prevail as provided in Article III, Section F and RP 9.214.

8. The Daniel K. Inouye College of Pharmacy (“College”) is located at the University of Hawaii at Hilo.

9. The College is organized into two departments: the Department of Pharmaceutical Sciences (“PS”); and the Department of Pharmacy Practice (“PP”).

10. Carolyn Ma is the Dean of the College.

11. Leng Chee Chang, Ph.D., is a Professor in the PS Department, she is hired on an 11-month contract, and is designated a Class Representative for this class grievance.

12. Susan Jarvi, Ph.D., is a Professor in the PS Department, she is hired on an 11-month contract, and is designated a Class Representative for this class grievance.

13. Other faculty members known to UHPA to be class members because they are faculty members in the PS Department and are employed on 11-month contracts. These faculty members have not been notified and given opportunity to be included or excluded from the Class are:

- a. Shugeng Cao, Ph.D.
- b. Abhijit Date, Ph.D.
- c. Daniela Gundisch, Ph.D.
- d. Dana-Lynn Koomoa-Lange, Ph.D.
- e. Dianqing Sun, Ph.D.
- f. Ghee Tan, Ph.D.

14. By email thread to Dianqing Sun (and others) from Dean Carolyn Ma beginning on July 10, 2021 through July 19, 2021, Dean Ma asserts a 30 semester credit hours

per academic year standard for PS Department faculty members hired on 11-month contracts. See, *Exhibit 2*.

15. Dean Ma is imposing a 30 semester credit hours per academic year standard that has neither been negotiated with the Union nor has the Employer engaged in consultation with the Union. No proper consultation has been had with appropriate faculty, department chairpersons, and with the relevant Faculty Senates pursuant to Article XVII, Section J. Further the 30 hour standard has neither been approved by the president nor reported to the Board of Regents. See, Article III, Section F and BORP 9.214. Thus, the 30 hour standard was illegitimately created and was never properly vetted.

16. Therefore, the Employer, through Dean Ma, breached Article III, Section F by asserting an improperly established 30 semester credit hours per academic year standard for faculty members hired on 11-month contracts.

17. The Union reserves the right to amend its grievance as the facts develop.

18. The Employer's breach of Article III, Section F, requires the implementation of the Union's requested remedies.

F. REQUESTED REMEDIES:

The Union requests the following remedies:

1. Order the College and Dean Ma to cease and desist any action to assign the 30 semester credit hours per academic year standard to 11-month faculty members;
2. Order the College and Dean Ma to comply with the 24 semester credit hours per academic year standard established in Article III, Section F and RP 9.214;
3. Inform the College and Dean Ma that any retaliatory acts against Class members for filing this grievance and/or asserting rights under the Agreement is prohibited by Article II, Section B, and the Hawaii Revised Statutes, Chapter 89; and
4. The Union reserves the right to amend its requested remedies.



UH Hilo Academic Affairs Policy

Teaching Workload Assignments and Equivalencies

I. Policy 2018-2019 Academic Year : 9.214

The instructional faculty of the University of Hawai'i Hilo have duties and responsibilities that encompass a number of professional activities in addition to teaching. The nature and scope of these additional duties depend on the particular mission of the unit and program and the relationship of that mission to the faculty member's professional qualifications. As instruction is the university's highest priority, however, teaching remains the most important duty of its faculty. This policy sets standards for the assignment of the instructional component of faculty responsibilities as required by UH BOR Policy 9.214.

1. Teaching workloads for regular classroom instruction and online or hybrid instruction are listed below. These courses generally require at least 45 hours of direct contact and ~90 hours of preparation and evaluations per 3 credit hour course per semester (or 1 WCH per 15 contact hours and 30 support hours per semester). Course credit hours (CCH) equal workload credit hours (WCH) for these courses. The minimum number of students should 25 in normal courses. Writing intensive certified courses have limits of 20 students; certain other courses may be granted special dispensation for lower course caps with permission of the Dean and Vice Chancellor for Academic Affairs.

Except as otherwise provided herein, the standard teaching assignments for classroom and online teaching for full-time instructional faculty shall be as follows:

- a. 24 semester credit hours (WCH) per academic year at the University of Hawai'i for 9 month faculty. 30 WCH are expected for 11-month faculty.
- b. Tenure track faculty typically teach 18 credit hours (WCH) per semester and are typically granted 6 WCH per academic year to conduct an equivalent amount of research and service.
- c. Non-tenure track faculty shall teach 24 credit hours (WCH) per academic year.
- d. Team taught courses are assigned fractional WCH as determined by Department Chairs and Deans.

- e. A maximum of two 3 CCH courses may be taught by faculty as overloads during the regular academic year (one per semester) (UHPA, XXI.F). Overload courses are assigned by consultation with the Department Chair, Division Chair, and Dean with the permission of the faculty member.

2. Teaching equivalencies for laboratory, clinical practice, and other intensive practical teaching courses that typically have enrollments of 10-20 students:

- a. 1.5 WCH is assigned for 1 CCH Laboratory classes and other special classes that meet for 45 direct contact hours per semester.
- b. 4.5 WCH are assigned for 3 CCH Clinical and practicum courses that meet for 135 direct contact hours per semester
- c. 1 WCH is assigned for 1 CCH seminar and recitation courses that meet for 15 direct contact hours per semester.
- d. 1 WCH is assigned DKICoP faculty teaching Laboratory / Workshop Instruction that meet for 45 direct contact hours per semester.
- e. 1 WCH is assigned DKICoP faculty teaching Clinical Rotation Directors or Preceptors either per 1 CCH or per 15 direct contact hours per semester.
- f. WCH for internship and thesis courses are determined by consultation with the Dean and Vice Chancellor for Academic Affairs and should reflect estimated contact hours based upon the difficulty of the oversight and review being provided and the number of students in the course.
- g. No WCH is given for x99 directed studies courses.

3. Teaching equivalencies for part-time faculty and part-time temporary faculty shall be the same as for full time faculty. Part-time lecturers are hired from the Lecturer Pool following all HR and UHPA policies.

4. Teaching equivalencies for non-teaching duties.

- a. Division Chairs in CAS receive 6 WCH per year, a \$450 per month stipend, and an 11-month salary.
- b. Department Chairs receive a \$300 per month stipend and typically receive 3-6 WCH per year depending on number of majors and faculty. Compensation for additional duties may be temporarily provided with approval of the Dean and VCAA.
- c. The Chair of UH Hilo Faculty Congress receives 6 WCH per academic year.
- d. Committee Chairs of Faculty Congress may receive additional compensation depending on the current workload and approval by the VCAA.
- e. WASC ALO receives 6 WCH per year and an 11-month appointment.
- f. Additional compensation may be temporarily awarded for other duties such as assessment, program review, advising etc. upon approval by the VCAA.

----- Forwarded message -----

From: **Dianqing Sun** <dianqing@hawaii.edu>

Date: Mon, Jul 19, 2021 at 9:14 PM

Subject: Re: follow up on zoom meeting, re: Ingo's teaching load

To: Carolyn Ma <csjma@hawaii.edu>

Cc: Lara Gomez <lhgomez@hawaii.edu>, Roy Goo <roygoo@hawaii.edu>, Kristen Roney <ksroney@hawaii.edu>

Hi Carolyn,

To prepare our meeting 9:30am on Wednesday, attached please find the requested info related to the PS lecture reassignments. Fyi, I met with Roy and Lara this afternoon.

Thank you,

Dianqing

Dianqing Sun, Ph.D.
Professor and Chair
Department of Pharmaceutical Sciences
The Daniel K. Inouye College of Pharmacy
University of Hawai'i at Hilo
200 W. Kawili St.
Hilo, HI 96720
Office: 808-932-8122; Cell: 808-557-4051
Email: dianqing@hawaii.edu
<http://pharmacy.uhh.hawaii.edu/faculty-staff/dianqingsun>

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On Sat, Jul 10, 2021 at 8:33 AM Carolyn Ma <csjma@hawaii.edu> wrote:

Dianqing,

I appreciated our conversation yesterday to address Ingo's teaching for AY'22. I have received confirmation from Ingo that he can cover his salary so you may proceed with your duties as Chair for PS and work with PP Chair to re-assign the hours described below.

I also gently remind you that for the coming academic year, a larger workload coverage for PS is forthcoming and this includes Dr. Dana Koomoa-Lange's sabbatical and also with the non-renewal of Dr. Date, his classes would need a back up in the case of a short notice departure. I do appreciate your concern about available faculty, faculty with expertise and a faculty member's willingness to teach. Thus it is important to work with Chair Goo and not view this coverage as only from PS faculty but from the entire group of faculty under DKICP. I believe Chair Goo also faces the same difficulties.

While considering the amount of lecture and lab that needs to be covered in entirety from the three PS faculty, I ask that you work with Dr. Goo and under the guidance of ADAA Lara to come to a viable solution that helps our students to succeed in these times of transition. I will task Lara with facilitating this effort so that students will view this as a seamless transition and that the new faculty assigned can MOST help with student success.

Below is Ingo's workload and in red. written in red is the coursework he has asked to be re-assigned which totals 21 hours.

FALL 2021

Pharmacokinetics 15 hours (to-reassign)

Calculations 26 hours (Ingo to keep)

IT | 4 hours + 2 hour workshop (to-reassign)

Comp Med 2 hours (Dianqing to check that Ingo has these hours)

SPRING 2022

Pathophysiology 45 hours (Ingo to keep)

As we discussed, the college is bound by two entities:

1. Per UHPA contract - Chairs assign workload
2. ACPE accreditation - 19a. Qualifications of faculty – full-time faculty members typically hold earned doctoral degrees appropriate to their responsibilities in the program. Many disciplines use post-doctoral training as a component of professional preparation. Pharmacy practice faculty members also possess additional professional training (residency, fellowship, or equivalent experience). Most practice faculty members either have or are working towards credentials (for example, specialty certification) relevant to their practice and teaching responsibilities. (19.1) also dictates that expertise for given coursework be parsed out to those with appropriate training and background.

I understand the anxiety around releasing lectures to another faculty given the upcoming restrained budget, but as I also discussed, the **current** accounting done by Brad Thiessen from banner for workload is from the designation of a course as PS or PP. **The PS credits from the current PHarmD curriculum = 30. Until the union negotiations and the re-work of banner accounting, this will NOT change regardless of the line by line accounting of assigned teaching to any one faculty.** So in other words, re-assigning Ingo, Dana or Abhy's lecture hours to either PP or PS faculty will not affect the final number of 30 at this point or the PP total of 90. What is imperative is to consider what is best for the student and their success to pass their licensing boards, apply for residency and so on.

Please do not hesitate to contact me or set up appointments to discuss. I would like to meet on July 21, at 9:30 am (zoom) so that we are assured the workload will be covered but also gives the assigned faculty sufficient time to prepare. Prior to this meeting, I would find it helpful and will ask for the following: 1) a full list of courses that need to be covered with the amount of credits and the faculty who is currently teaching the material; 2) faculty name as to who will cover the materials; 3) an explanation as to why this faculty would be the best choice to cover the materials - e.g. background, degree, training, past instruction would suffice; 4) how will this affect the workload of the assignee and how will if necessary, the extra workload be adjusted - e.g. movement of teaching credits to someone else, or buy out.

If possible, please provide this information to me no later than 24 hours ahead, thus enabling me to have some time to formulate any questions or concerns.

Thank you for your efforts. Lastly, I have cc'd VCAA Roney so she is kept in the loop and as she is always responsive and keeps Chancellor Irwin informed, thus cc's to Chancellor Irwin's mail box only serve to delay her response to matters regarding the overall UHH matters.

Thank you all for your efforts.

Mālama,

Carolyn Ma, PharmD, BCOP, FNAP

Dean | Daniel K. Inouye College of Pharmacy | University of Hawaii at Hilo
200 W. Kawili St. | Hilo, HI 96720 | Ph: 808-932-8116 (Hilo), 808-587-2697 (Oahu)

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UNIVERSITY of HAWAII SYSTEM

Donald O. Straney, Ph.D. Vice President for Academic Planning and Policy

September 26, 2019

Michael Bruno
Provost, University of Hawaii-Manoa
Hawaii Hall 209
2500 Campus Road
Honolulu, Hawaii 96822

Jeffrey Moniz
Vice Chancellor for Academic Affairs
University of Hawaii - West Oahu
91-1001 Farrington Hwy., Room D-202
Kapolei, Hawaii 96707

Kenneth Hon
Interim Vice Chancellor of Academic Affairs
University of Hawaii - Hilo
Administration Bldg.
200 W. Kawili Street
Hilo, Hawaii 96720

19 SEP 27 AM 0:57
OFFICE OF HUMAN RESOURCES

Dear Executives:

Subject: UHPA Class Grievance Re: New Workload Policy of the Manoa College of Social Sciences

As you may or may not be aware, there is pending a class grievance brought by the UHPA regarding Manoa's College of Social Sciences' workload policy for faculty. In an effort to resolve the class grievance, the University and the UHPA will be having further discussions on both the specific Social Sciences workload policy, as well as the broader issue of workload policies affecting Manoa and other four-year campuses. Accordingly, please maintain the "status quo" workload policies at your campuses until further notice. For West O'ahu, this also means holding off on implementing the 2019-2020 teaching equivalencies that was emailed to me yesterday. I appreciate your understanding and cooperation as we work toward resolving this class grievance

Sincerely,

Donald O. Straney (handwritten signature)

Donald O. Straney, Ph.D.
Vice President for Academic Planning and Policy

Bachman Hall 204
2444 Dole Street
Honolulu, Hawaii 96822
Telephone: (808) 956-6897
Fax: (808) 956-5286

An Equal Opportunity/Affirmative Action Institution

----- Forwarded message -----

From: **Kristen Roney** <ksroney@hawaii.edu>

Date: Tue, Apr 13, 2021 at 10:20 AM

Subject: Re: Workload Policy

To: Leng Chang <lengchee@hawaii.edu>

Aloha,

Thank you for these. I have been following up on processes within the system, and I wanted to provide you with an update as well as answer some of your question regarding the workload breadth: specifically, yes, instruction, research, and service are an expected part of all instructional faculty in UH. Based on the letters of hire for PS faculty, 9-month PS faculty have a workload that works out to about 12 credits instruction, 9.6 credits research, and 2.4 credits service per the percentages provided in the letters. To account for 11-month contracts, it's more like 12/15.6/2.4.

However, the thing I have been trying to work through with system--and why it has taken so long to respond--is that there is a letter from Don Straney prohibiting work on workload and teaching equivalencies. It is directed to Manoa, West Oahu, and Hilo and dated from September 2019 as is part of why the recommendations from PP and PS were not further discussed. Unfortunately, it appears that this letter is still in force, preventing us from working on the equivalencies in any official capacity. What I suggest is that you and I create a shared folder of examples that might get us to the primary need--how to account for thesis and dissertation chair work--for both PhD and most of the master's programs. Once we are given a go ahead to move forward with the equivalency work, we'll be well positioned to do so quickly. I have no idea when the restriction will be lifted at present, but I will keep you apprised.

I apologize for the lengthy delay. Unfortunately, it took far longer for me to find someone who could answer whether the letter was still in effect than I would have imagined.

Peace,
Kris

EXHIBIT “D”



September 30, 2021

Mr. Wade Zukeran
University of Hawai'i Professional Assembly
1017 Palm Drive
Honolulu, HI 96814

Via UH filedrop to: wzukeran@gzsattorneys.com

Subject: Step 2 Class Grievance Filed by UHPA
Re: Hilo Pharmacy Class Grievance on Workload Policy

Dear Mr. Zukeran,

Thank you for your presence at the Step 2 meeting held on September 10, 2021. This is to confirm that the University accepted the filing of the class grievance at Step 2 rather than Step 1, and that the grievance being considered herein is the Amended Class Grievance (hereinafter "Class Grievance") filed on August 26, 2021 (the original class grievance was filed on August 23, 2021).

I have carefully reviewed this Class Grievance, including the Grievance document, the position of UHPA, the relevant articles of the Unit 7 Collective Bargaining Agreement (CBA), and RP 9.214 on Teaching Assignments for Instructional Faculty. I have also read the UH Hilo Teaching Workload and Assignments Policy that outlines Workload Credit Hours (WCH) and Course Credit Hours (CCH) for 9- and 11-month instructional faculty and the offer letters for the class representatives and additional members of the class.

After reviewing all the relevant documents and hearing the class representatives, **I am affirming the Class Grievance on the very narrow grounds that the policy RP 9.214, which is referenced by the CBA in para. F of Article III and para. B.3 of Article IV, only provides language for 24 credit hours per academic year (9-months), and the policy is entirely silent on how an 11-month instructional faculty member can or should account for their time during the remainder of the calendar year [RP 9.214(III)(A)(1)(b)].** Thus, how the workload for 11-month instructional faculty in the Pharmaceutical Sciences Department housed in the Daniel K. Inouye College of Pharmacy is calculated must proceed using the 24-credit hour equivalency *for the academic year*. It is not reasonable for 11-month faculty to carry the same workload as 9-month faculty, so the situation requires additional methods to account for the 11-month nature of the contract. While credit hours are the only current workload metric for

instructional faculty, the class grievants claim their summer work cannot be measured in credit hour equivalencies. If that were to be true, then specific requirements for research and service for 11-month faculty must be created. In any case, RP 9.214 should be revised to fully describe possible teaching loads and credit hour equivalencies for both 9- and 11-month contracts.

Discussion

The Grievance alleges that UH Hilo promulgated a workload policy for 11-month employees that increases the teaching assignment described in RP 9.214 from 24 credit hours to 30 credit hours. Regent's Policy 9.214 is referenced in Article III, Section F, of the 2021-2023 Collective Bargaining Agreement and describes the UH Hilo teaching assignment as 24-credit hours *per academic year*. The increase included by UH Hilo in their policy was intended to reflect the 11-month nature of the contracts for faculty in Pharmaceutical Sciences.

RP 9.214 goes on to list exceptions in (III)(A)(2) because not all instructional activity fit the "traditional" classroom experience, and each campus is given authority to define and develop teaching equivalencies aligned with research and service requirements suitable for their campus mission and purpose. Thus, credit hours are used as a mechanism for quantifying the less quantifiable work faculty complete – research and service. Credit hours are the only metric utilized for instructional faculty workload at the University of Hawai'i.

RP 9.214 does not discuss how to take into consideration an 11-month faculty position. RP 9.214 states that for-part time faculty, their teaching requirements will be pro-rated by the fractional full-time equivalent (III)(A)(3). However, the policy is silent on how to address faculty who work more than the 9-month instructional faculty norm. Without a change to existing policy, the standard credit hours for determining equivalencies are 24 credit hours per academic year. It is conventionally understood that each 4-year campus reduces teaching down from the 24 credit hours (a 4-4 teaching load) to account for service and scholarship during the academic year.

Under the current language of RP 9.214 faculty work extends beyond teaching or articulated teaching equivalencies listed in the policy. Specifically, (III)(A) notes that, "the instructional faculty of the University of Hawai'i has duties and responsibilities that encompass a number of professional activities in addition to teaching. The nature and scope of these additional duties depend on the particular mission of the unit and program and the relationship of that mission to the faculty member's professional qualifications." This section and the subsequent language on teaching equivalencies muddles two different methods of accounting for faculty time. However, the language in III(A) also provides sufficient room to ensure that 11-month faculty expectations can be discussed regarding summer expectations that does not use a credit hour equivalency as the metric.

The complaint implies that the 24-credit hour workload and its equivalencies apply equally to 11-month instructional faculty and their 9-month counterparts, despite the fact 11-month faculty are paid to work during the summer and their 9-month counterparts are not. It would be fundamentally unfair to 9-month instructional faculty if 11-month faculty must only meet the same credit-hours and equivalencies as the 9-month, while being paid 17% additional salary for their summer work. Given that the policy does not specifically address 11-month instructional faculty positions, but that the standard measurement for quantifying faculty work is the credit hour, several possible outcomes regarding this grievance given the current limitations of policy become possible:

- (1) Pharmaceutical Science faculty are transitioned to 9-month contracts since only 9-month faculty workload is explicitly defined, and they would then be able to align with existing policy and workload expectations as operationalized by credit hours per academic year;
or
- (2) Policy is interpreted so that teaching requirements are pro-rated by the fractional full-time equivalent for the additional 2 months of summer employment, mirroring the process for part-time faculty. In such a case, using 6 additional credit hours and the same teaching equivalencies to account for faculty time during the summer seems appropriate and does not change the workload expectations of 11-month faculty but merely provides a method for quantifying them, as is done for part-time faculty; or
- (3) Policy is interpreted to require 11-month faculty to demonstrate they meet the 24-credit hour teaching load during the academic year with newly created additional research and service requirements articulated for the summer months only that are not defined in terms of teaching equivalencies but that rigorously clarify 11-month faculty workload requirements.

This grievance is made more complicated by the current “freeze” on modifications to workload policies pending the finalization of the workload group initiated by former Vice President Donald Straney prior to his retirement. In order to address credit hours for 11-month instructional faculty in the UH Policy, it may be necessary for the workload group to complete its reviews and discussions, after which the UH may then review and update its workload policies and teaching equivalencies for the 4-year campuses. Until that occurs, it is not clear which, if any, of the three possibilities discussed above would be the most appropriate.

Requested Remedies:

The Union’s requested remedies are:

1. Order the College and Dean Ma to cease and desist any action to assign the 30 semester credit hours per academic year standard to 11-month faculty members;

It is unclear to me that Dean Ma has assigned the class grievants or other members of the Pharmaceutical Sciences Department 30 credit hours or their equivalent either last academic year or in the current academic year or since the UH Hilo policy was created. Thus, it is not clear there is anything to cease and desist.

There is no evidence that the intent of UH Hilo's policy is to require any faculty member to actually teach 30 credit hours (a 5-5 load), but rather that this number was used in order to provide a quantifiable method for demonstrating 11-month faculty are achieving their summer workload requirements. The class representatives acknowledge that neither currently teaches 24 credit hours, let alone 30 credit hours. It is not clear that either grievant even teaches the 2-2 load listed in their offer letters. A cursory review of course availability for UH Hilo Pharmaceutical Sciences indicates that neither class grievant taught courses in Spring 2021, there were no summer courses listed in Summer 2021, and each taught only 1 or 2 courses in Fall 2020 with the 500 and 700 courses taught simultaneously. Instead, each grievant has a teaching load that reflects their job responsibilities as well as their duties associated with scholarship and service.

In the email dated July 19th attached to the grievance, Dean Ma clarified that due to the need to cover courses in the PharmD program from the Pharmaceutical Sciences faculty caused by sabbaticals and nonrenewal of contracts, each faculty member had to work with Chair Goo to assure that the relevant courses were available for students. The 30 credit hours referenced in the email *is not the same 30 credits listed in the UHH workload policy*. Any department faced with needing to cover required courses can and does adjust faculty workload to make sure students can get their courses. In their complaint, the grievants equivocate between the workload policy and the credits needed by students to graduate. However, there is no evidence that the grievants have ever been assigned anywhere near 30 credit hours of teaching or teaching equivalents.

That being said, the College and Dean Ma should not assign faculty a 5-5 (30 credit) teaching load during the academic year and should cease and desist if such an action were to be taken, and accordingly this remedy is granted. It is, however, within the College's rights to assign teaching commensurate with coverage of the program in the context of its curricular needs.

2. Order the College and Dean Ma to comply with the 24 semester credit hours per academic year standard established in Article III, Section F, and RP 9.214;

The College and Dean Ma appear to be in compliance with the 24 credit hours per academic year in that no faculty member is teaching more than that number. As noted above, there is an outstanding need to develop acceptable workload policies that account for an 11-month instructional faculty workload for the summer months by either pro-

Mr. Wade Zukeran
September 30, 2021
Page 5

rating the 24 credit hour workload of 9-month instructional faculty or otherwise creating new rigorously-defined workload requirements. This should be done in consultation with the faculty.

3. Inform the College and Dean Ma that any retaliatory acts against Class members for filing this grievance and/or asserting rights under the Agreement is prohibited by Article II, Section B, and the Hawaii Revised Statutes, Chapter 89;

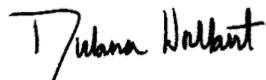
This remedy is granted. As noted in the requested remedy, retaliation is prohibited by law and under the CBA (see H.R.S. §89-13(a) and Article II of the CBA).

4. The Union reserves the right to amend its requested remedies.

At this time no other remedies have been requested.

Please note that pursuant to Article XXIV of the Unit 7 Agreement, “If the grievance has not been settled at Step 2, then within thirty days (30) calendar days after the receipt of the written decision of the President or the President’s designee, the Union may request arbitration[.]” Thank you for your cooperation during this Grievance.

Sincerely,



Debora J. Halbert
Associate Vice President for Academic Programs and Policy

c: Bonnie Irwin, Chancellor, UH Hilo
Kristen Roney, Vice Chancellor for Academic Affairs, UH Hilo
David Lassner, President

MFS Transmittal to the BOR - Reso of the UHM Faculty Senate on Faculty Governance of Curriculum

UHM Faculty Senate <uhmfs@hawaii.edu>

Tue, Oct 19, 2021 at 3:57 PM

To: BOR Testimony <bor.testimony@hawaii.edu>, David Lassner <david@hawaii.edu>, Michael Bruno <mbruno@hawaii.edu>, Alexandra French <afrench@hawaii.edu>, Brent Sipes <sipes@hawaii.edu>

Aloha,

The Mānoa Faculty Senate approved the **Resolution of the UH Mānoa Faculty Senate on Faculty Governance of Curriculum** at the September 15, 2021 Senate meeting with 49 votes (94.23%) in support; 3 votes (5.77%) opposed and 1 abstention. The transmittal and resolution are attached.

Brent Sipes, Chair
Senate Executive Committee

John Kinder for Brent S. Sipes, Ph.D.
Administrative Officer

Mānoa Faculty Senate Office | [2500 Campus Road](#) | Hawai'i Hall 208 | Honolulu, HI 96822 | Ph: (808) 956-7725 | uhmfs@hawaii.edu | Senate Website: www.hawaii.edu/uhmfs

2 attachments



20210915 CAB CAPP Resolution of the Manoa Faculty Senate on Faculty Governance of Curriculum.pdf
149K



20210915 Transmittal Reso of the MFS on Faculty Governance of Curriculum.pdf
300K



October 14, 2021

MEMORANDUM VIA E-MAIL

TO: Randolph Moore, Chair
Board of Regents

David Lassner, President & CEO
University of Hawai'i

Michael Bruno, Provost
University of Hawai'i at Mānoa

Sandy French, Chief Business Officer
University of Hawai'i at Mānoa

FROM: Brent Sipes, Chair
Mānoa Faculty Senate Executive Committee

RE: **Resolution of the UH Mānoa Faculty Senate on Faculty Governance of Curriculum**

The Mānoa Faculty Senate approved the **Resolution of the UH Mānoa Faculty Senate on Faculty Governance of Curriculum** at the September 15, 2021 Senate meeting with 49 votes (94.23%) in support; 3 votes (5.77%) opposed and 1 abstention. The resolution is attached.

Please feel free to contact me if you have any questions or need additional information.

Brent S. Sipes, Ph.D.
Mānoa Faculty Senate Chair

Penny-Bee K. Bovard, Academic Advisor
Mānoa Faculty Senate Secretary



Presented to the Mānoa Faculty Senate by the Committee on Administration & Budget (CAB) and the Committee on Academic Planning & Policy (CAPP) for a vote of the full Senate on September 15, 2021, a resolution of the UH Mānoa Faculty Senate on faculty governance of curriculum. Approved by the Mānoa Faculty Senate on September 15, 2021 with 49 votes (94.23%); 3 votes (5.77%) opposed and 1 abstention.

Resolution of the UH Mānoa Faculty Senate on Faculty Governance of Curriculum

WHEREAS, the Western Association of Schools and Colleges Senior College and University Commission (WASC WSCUC) WSCUC, in its 2013 Handbook of Accreditation (revised in 2015 and edited in 2018) specifies in its “criteria for review” Criterion 3.10: “The institution’s faculty exercises effective academic leadership and acts consistently to ensure that both academic quality and the institution’s educational purposes and character are sustained.” The guideline for demonstrating compliance with criterion 3.10 states: “The institution clearly defines the governance roles, rights, and responsibilities of all categories of full-time and part-time faculty.”

WHEREAS, the US Supreme Court has identified academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents*, 385 US 589 (1967), “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”; and

WHEREAS, the American Association of University Professors (AAUP), along with the American Council on Education (ACE) and the Association of Governing Boards of Universities and Colleges (AGB), in their 1968 “Statement on government of Colleges and Universities,” said: “When an educational goal has been established, it becomes the responsibility primarily of the faculty to determine the appropriate curriculum and procedures of student instruction.”; and

WHEREAS, the Mānoa Faculty Senate has “the responsibility to speak for the faculty on academic policy matters such as: (1) Determining the initiation, review, and evaluation of proposed, probationary, or authorized research, instructional, and academic programs.” (BOR Policy 1.21, B.3.b); and

WHEREAS, “The faculty has primary responsibility for such fundamental academic areas as curriculum content, subject matter, and methods of instruction and research.” (UH Mānoa Faculty Senate Charter Preamble); and

WHEREAS, the February 5, 2015 agreement between UHPA, the Faculty Senates, and Administration (UHPA/BOR Contract, section R-20, Part 1) specifies that: “The University will refer the following topics to Senates1) Initiation, review, and evaluation of proposed, probationary, or established research, instructional and academic programs.”; and



WHEREAS, the President of the University of Hawai'i called for a Summer Institute at the System level to brainstorm on General Education, and

WHEREAS, the UH Mānoa Faculty Senate appreciates the President's concern for General Education, and

WHEREAS, curriculum decisions for the University of Hawai'i are made by faculty at the campus level, therefore,

BE IT RESOLVED, that the UH Mānoa Faculty Senate reminds the President and the Administration that any results of the Summer Institute, insofar as they involve proposed changes to the Mānoa General Education curriculum and requirements, must come to the UH Mānoa Faculty and, specifically, the UH Mānoa Faculty Senate for discussion and consideration of approval.



Sudden closure if CRDG

4 messages

James Shon <jshon@hawaii.edu>

Tue, Oct 19, 2021 at 3:19 PM

To: bor.testimony@hawaii.edu

Some of your subcommittees should be reporting on the abrupt secret decision by UH administrators to close the Curriculum Research and Development Center.

CRDG employees have apparently been told to go find other jobs by the end of the year. Apparently this us to make room for other COE initiatives not yet approved by the BOR.

CRDG has a long and successful history of generating outside funds for cutting edge, research based public school curricula. It also has been engaged in international education initiatives with Asia and Russia. It's products have also been highly sought after on the mainland.

Demise of this highly respected unit would appear to perpetuate Hawaii's declining interest in our International relationships, as well as an interest in educational leadership.

Has the Board of Regents formally addressed these issues? Certainly such an inward looking pivot deserves not only a thorough UH debate but also engagement by the Governor, and the Legislature.

Is there a UH policy that specifically rejects research and development of educational curricula and engagement in the ongoing innovations that could benefit Hawaii's young learners? Certainly we have much to do to improve citizenship literacy, financial literacy, environmental literacy, and the health of our democracy.