



UNIVERSITY
of HAWAII

SYSTEM

'Ōnaehana Kulanui o Hawai'i

UNIVERSITY OF HAWAII
BOARD OF REGENTS

Debora J. Halbert, Ph.D.
Vice President for Academic Strategy

DTS 23747

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November 8, 2023

MEMORANDUM

TO: Alapaki Nahale-a, Chair
Chair, Board of Regents

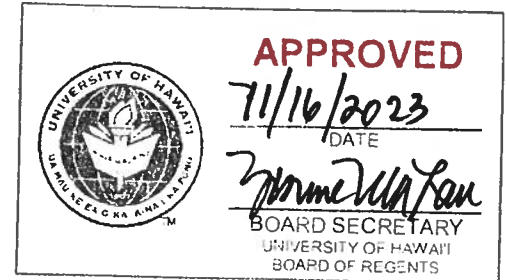
VIA: David Lassner
President

David Lassner

FROM: Debora Halbert
Vice President for Academic Strategy

Debora Halbert

SUBJECT: RECOMMENDATION TO APPROVE AMENDMENTS TO BOARD OF REGENTS POLICY (RP) 9.202 CLASSIFICATION PLANS AND COMPENSATION SCHEDULES, RP 9.213 EVALUATION OF BOARD OF REGENTS' APPOINTEES, AND RP 9.214 TEACHING ASSIGNMENTS FOR INSTRUCTIONAL FACULTY TO ADDRESS THE ADMINISTRATION'S RECOMMENDATIONS IN RESPONSE TO HAWAII STATE LEGISLATURE'S SENATE CONCURRENT RESOLUTION 201 SD1 HD1 AND RECOMMENDATION TO RESCIND RP 9.206 FACULTY AND STAFF RENEWAL AND VITALITY DIRECTIVE



SPECIFIC ACTION REQUESTED:

It is recommended that the Board of Regents (BOR) approve the proposed amendments to RP 9.202 Classification Plans and Compensation Schedules, RP 9.213 Evaluation of Board of Regents' Appointees, and RP 9.214 Teaching Assignments for Instructional Faculty to reflect the Administration's recommendations in response to the Hawai'i State Legislature's Senate Concurrent Resolution (SCR) 201 SD1 HD1. The BOR is also recommended to rescind RP 9.206 Faculty and Staff Renewal and Vitality Directive.

RECOMMENDED EFFECTIVE DATE:

Upon Board of Regents approval.

ADDITIONAL COST:

There are no additional costs associated with these proposed amendments.

Bachman Hall 204, 2444 Dole Street
Honolulu, Hawai'i 96822
Telephone: (808) 956-6897
Fax: (808) 956-65286

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PURPOSE:

This action aims to adopt the policy changes recommended in the University of Hawai'i (UH) SCR 201 Implementation Committee report approved by the BOR in November 2022. Specifically, to approve revisions to RP 9.202 Classification Plans and Compensation Schedules, RP 9.213 Evaluation of Board of Regents' Appointees, and RP 9.214 Teaching Assignments for Instructional Faculty. Additionally, it is recommended that the Board rescind RP 9.206 Faculty and Staff Renewal and Vitality Directive.

BACKGROUND:

Pursuant to the request by the 2021 Hawai'i State Legislature in SCR 201 SD1 HD1, the University of Hawai'i (UH) and the University of Hawai'i Professional Assembly (UHPA) convened a Task Force in April of 2021 to examine and evaluate several issues relating to University faculty, including tenure, faculty classification, and faculty buyout for research. In January 2022, the Task Force submitted their report to the State Legislature. Subsequently, an Implementation Working Group consisting of UH and UHPA administrators was convened by the BOR to implement the recommendations of the SCR 201 Task Force. This Working Group met between January 2022 and October 2022 to discuss and develop the implementation of the BOR recommendations. The three recommendations were:

1. Develop a formal process for addressing the few instances when a member's productivity has declined, and cannot perform faculty duties satisfactorily.
2. Modify faculty classifications to create greater alignment with benchmark institutions through a process involving the administration, the faculty, and the University of Hawai'i Professional Assembly.
 - a. Create an approach to employment security and advancement outside the traditional faculty tenure and promotion process.
3. Develop guidelines for general faculty "buyout" of teaching assignments with extramural or other funding sources in a manner consistent with the new work assignment template for faculty.

The Working Group engaged with S-faculty and C-faculty to further understand the elements of this classification and to seek input into what a single classification (like the C Classification) would look like. The Working Group developed an implementation plan that the BOR approved in November 2022. The implementation included revisions to Regents' and Executive Policies. The policies impacted include the following:

Recommendation #1	Impacted Policies
Develop a formal process for addressing the few instances when the productivity of a faculty member has declined, and they are unable to perform faculty duties satisfactorily.	EP 9.213 Evaluation of Board of Regent's Appointees EP 9.203 Evaluation of Faculty and Administrative, Professional & Technical Employees RP 9.214 Work Assignments for Faculty

Recommendation #1	Impacted Policies
	EP 9.214 Teaching and Workload Assignments for Faculty Recommend Elimination of RP 9.206 Faculty and Staff Renewal and Vitality Directive and EP 9.201 Faculty and Staff Renewal and Vitality Directive.

Recommendation #2	Impacted Policies
Modify faculty classifications to create greater alignment with benchmark institutions through a process involving the administration, the faculty, and the University of Hawai'i Professional Assembly.	RP 9.202 Classification Plans and Compensation Schedules EP 5.221 Classification of Faculty Attachment to EP 5.221: Classification of 4-year Faculty
Recommendation 2a: Job security for non-tenured faculty	Impact Bargaining required

Recommendation #3	Impacted Policies
Develop guidelines for general faculty "buyout" of teaching assignments with extramural or other sources of funding in a manner consistent with the new work assignment template for faculty.	Development of new policy: EP 12.226: Faculty Course Buy-Out

Below is a summary of the changes proposed to Regents' Policies to implement the BOR's recommendations. *It should be noted that all changes are prospective and will not impact existing faculty or their classification.* In the future, voluntary reclassification paths will be provided for those who want to reclassify.

RP 9.213 Evaluation of Board of Regents' Appointees

Changes are necessary to RP 9.213 so that BOR Recommendation #1 related to substandard faculty performance can be implemented. It should be noted that the existing policy provides for a process of post-tenure periodic review. The new language regarding the ability to engage in off-cycle review in the instances where faculty are not meeting performance expectations will be included in the Executive Policy, but the Regents' Policy must set the foundation. The major changes are:

- Inclusion of language referencing the new protocol for addressing declining faculty performance that will appear in EP 9.203.
- Edits to III(B) to clarify that evaluation of faculty performance relies upon criteria established by faculty peers and peer review.
- Removal of language regarding implementation from the 1980s.

RP 9.214 Teaching Assignments for Instructional Faculty

Changes are necessary to RP 9.214 to implement the BOR Recommendation #1 related to substandard faculty performance. To define and understand faculty workload for the purposes of tenure, promotion, and periodic review, the Board requested a work assignment template (WAT) be developed. As a result, revisions to RP 9.214 are necessary. Additionally, changes to RP 9.214 help clarify faculty work and are thus also aligned with implementing the faculty classification plan that is the subject of the second recommendation. The major changes are:

- Inclusion of language defining prime responsibilities of faculty and requiring annual reports on workload assignments to BOR.
- Inclusion of language clarifying responsibilities for librarians and extension agents.
- Inclusion of language related to work/teaching/credit hour assignment equivalencies ("Equivalencies").
- Inclusion of 11-month and part-time faculty workload calculations to clarify how equivalencies will be allocated for 11-month faculty.
- Clarification of workload percentages.

RP 9.206 Faculty and Staff Renewal and Vitality Directive

The initial recommendation was to include language related to faculty performance in RP 9.206. However, upon review of the policy, it is no longer an effective method for addressing concerns regarding faculty performance. Originally promulgated in 1976, the procedures and resources for faculty development have substantially changed since this policy was drafted. After consultation with the Office of General Counsel, the recommendation is to rescind RP 9.206 as the relevant language for faculty review can now be found in RP 9.213 Evaluation of Board of Regents' Appointees and the corresponding EP 9.203 Evaluation of Faculty and Administrative, Professional & Technical Employees.

RP 9.202 Classification Plans and Compensation Schedules

Changes are necessary to RP 9.202 so that the BOR Recommendation #2 that a new classification (F) be created and the existing classifications, Instructional (I), Law (J), Researcher (R), and Specialist (S), be consolidated is implemented. The second recommendation aimed to develop a more coherent classification plan aligned with benchmark institutions. The proposed plan moves UH from seven tenure eligible classifications to five. It specifically consolidates I, J, R, and S into a single F classification. It also provides clarification and updates to the policy language. The major changes are:

- Inclusion of language regarding policies being applied prospectively.
- Clarification of tenure and non-tenure track faculty classifications.

- Revision to faculty categories to reflect recommendations from BOR.
 - Specifically, the creation of the F classification and consolidation of the I, J, R, and S classifications.
 - The creation of a Professor of Practice non-tenure classification.
- Replacement of M classification with H for faculty in all health fields (rather than just medicine), including John A. Burns School of Medicine (JABSOM), Nancy Atmospera-Walch School of Nursing, and UH Hilo's School of Nursing and School of Pharmacy.
- Clarification of the clinical faculty (H2) classification and expansion to all health fields.
- Revision to language in III(E) to recognize that Community College (CC) faculty, extension agents, and librarians may have different professional standards than F faculty.

Executive Policy Revisions

To fully implement the BOR recommendations, revisions to Executive Policies will be made as well. Proposed amendments to the Executive Policies as a result of consultation have also been completed. These include revisions to:

Recommendation 1: Develop a formal process for addressing the few instances when the productivity of a faculty member has declined and they are unable to perform faculty duties satisfactorily

- **EP 9.203** Evaluation of Faculty and Administrative, Professional & Technical Employees
- **EP 9.214** Teaching and Workload Assignments for Faculty

Recommendation 2: Modify faculty classifications to create greater alignment with benchmark institutions through a process involving the Administration, the faculty, and the University of Hawai'i Professional Assembly.

- **EP 5.221** Classification of Faculty
- **Attachment to EP 5.221:** Classification of 4-year Faculty.

Recommendation 3: Develop guidelines for general faculty "buyout" of teaching assignments with extramural or other funding sources in a manner consistent with the new work assignment template for faculty.

- **Development of new policy:** EP 12.226: Faculty Course Buy-Out

Once the Regents' Policies are approved, the final revisions to Executive Policies will be completed to align with the language of the Regents' Policies. These revisions will be submitted to the President for review and approval. Once the Regents have adopted the new classification plan, the Administration can also complete impact bargaining with UHPA to address the areas where the contract is impacted by the new classifications.

Consultation

Informal consultation with UH Officers, the Council of Chief Academic Officers (CCAO), the Council of Senior Student Affairs Officers (CSSAO), and the Office of Human Resources regarding policy changes commenced in December 2022.

On February 10, 2023, formal consultation on the proposed revisions to Regents' and Executive Policies related to the Working Group recommendations was initiated via written notification to all Faculty Senates, the Vice President for Administration, the UH System Office of Human Resources, the Council of Chancellors, CCAO, CSSAO, and UHPA requesting that consultation occur with their constituents and governing bodies. The UH Mānoa Faculty Senate Executive Committee requested that adoption of the proposed policy changes be deferred until the Fall semester so there could be additional consultation time. The UH Hilo Faculty Senate provided initial comments in Spring 2022. Initial comments via the online feedback form were also collected from across the UH System during Spring 2022. The President requested, and the Board granted, the extension of consultation time at the April 20, 2023 meeting. Thus, following the initial consultation during the Summer of 2023, the Administration reviewed all comments received to date, continued to meet with campus administrators and human resources personnel, and adjusted the proposed revisions accordingly.

On September 1, 2023, the Administration disseminated the updated proposals to the same governance groups for further consultation, with a deadline of October 1, 2023. The UH Mānoa Senate Executive Committee requested that the President again extend the time for comments, which was moved to October 19, 2023. The Administration reviewed all comments received via the online comment form, email, and through numerous meetings and discussions with Faculty Senates, various campus units, and UHPA. Additional meetings were held with the Office of Human Resources and the VP for Administration. In consideration of the feedback received, final updates were made to the proposed amendments to the respective BOR policies. Final review by the Office of General Counsel was completed.

The Administration received numerous comments and recommendations regarding the policy changes. Many provided constructive recommendations for proposed policy language. Most concerns focused on the newly created F classification. However, the new classification plan and classification documents achieve the BOR goal of a streamlined classification plan. The policy revisions also clarify what constitutes faculty work while providing flexibility to campuses to assign percentages across the categories of teaching, scholarship, specialized educational services, and community service.

The second most substantive set of comments involves proposed changes to the classifications of librarian and extension agents. After consultation with the relevant stakeholders, these classifications receive only minor alterations. In response to comments from JABSOM and other health fields, the M classification was revised into an H classification so that all health fields across the system might utilize it and reflects the needs of these disciplines while still ultimately reducing the number of tenured faculty classifications. This change also helps achieve the BOR's recommendation to create greater alignment with benchmark institutions.

Board Chair Nahale-a

November 8, 2023

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ACTION RECOMMENDED:

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Attachments:

RP 9.202 original, redline, clean

RP 9.213 original, redline, clean

RP 9.214 original, redline, clean

c: Yvonne Lau, Executive Administrator and Secretary of the Board of Regents