

Memorandum of Agreement  
Regarding the Roles and Consultation Protocols Involving  
UH Management, UH Professional Assembly, and UH Faculty Senates

General Statement

The University of Hawai'i Board of Regents Policy 1.210 recognizes the critical role played by faculty in the academic governance of the University and authorizes the establishment of Faculty Senates to "advise the administration (primarily at the campus and unit level) on matters impacting and/or relating to the development and maintenance of academic policy and standards to the end that quality education is provided, preserved, and improved." University of Hawai'i faculty are also represented by the University of Hawai'i Professional Assembly (UHPA) as their exclusive collective bargaining agent. Under Chapter 89 H.R.S. the University has a responsibility to bargain matters as defined by law and/or to consult with UHPA on matters affecting the working conditions of faculty. The purpose of this memorandum is to establish the protocols that the University administration will use in consulting with both the Faculty Senates and UHPA.

Faculty Senates

The Faculty Senates on each campus shall have responsibility for deliberation and providing advice to administration on

- 1) Initiation, review, and evaluation of proposed, probationary, or established research, instructional and academic programs;
- 2) Initiation, modification, and review of courses, general education requirements, student and program learning outcomes, and degree requirements;
- 3) Policies related to admission, transfer, attendance, grading, and other academic matters;
- 4) Policies relating to assessment of courses and programs;
- 5) Policies relating to the classification of faculty, the expectations of faculty by rank, and the criteria, but not the process, used in determining contract renewal, tenure and promotion, and faculty five-year review;
- 6) Policies governing student-faculty relations and student rights, other than matters involving discipline of faculty. This responsibility is shared with other recognized governance groups such as student government;
- 7) Review of the University and/or campus mission, strategic planning directions and goals, and related budget and assessment decisions. This responsibility may be exercised through campus budget and/or planning committees that may include other shared governance entities.

- 8) Participation in recruitment, selection, and evaluation of academic administrative leadership at the campus and system level. This responsibility may be shared with other shared governance entities.

The University will make every effort to assure that consultation with Faculty Senates occurs in a timely manner during the academic year but it is recognized that some decisions, particularly externally imposed budget restrictions and the consequence of those restrictions, may occur when the Faculty Senates or Senate Executive Committees are not available for consultation.

#### University of Hawai'i Professional Assembly

The following topics are the responsibility of UHPA, as Exclusive Responsibility of Bargaining Unit 07 under Chapter 89, H.R.S.

- 1) All topics recognized as bargainable by Chapter 89, H.R.S., or the Hawai'i Labor Relations Board, including wages, hours, contributions to health funds, and other terms and conditions of employment;
- 2) All topics addressed in the collective bargaining agreement between the University of Hawai'i Professional Assembly and the Board of Regents of the University of Hawai'i, as it may be amended from time to time;
- 3) Policies relating to the process of evaluation or periodic review of faculty;
- 4) Policies that directly and significantly affect workload, ability to gain contract renewal, promotion, or tenure within established criteria, compensation in any form, leaves with or without pay, discipline, or intellectual property of faculty;
- 5) Policies or programs providing supplemental compensation;
- 6) Policies or programs providing housing for faculty, where provided at clearly sub-market rates;
- 7) Policies that directly affect the health or safety of employees;
- 8) Reorganizations that impact any members of the bargaining unit

#### Joint consultation

Some proposed policies or topics may include elements of both academic policy and matters that may be subject to the legal duty of the University to consult with UHPA under Section 89-9(c) H.R.S. On such matters, the University may submit the request for advice and consultation to the Faculty Senates and UHPA. The commitment to simultaneous referral includes the commitment to make the referral early in the University's decision-making process so that consultation with both organizations can have an impact. It is also recognized that the University may solicit advice and consultation from other governance groups or exclusive bargaining agents if the proposed policy or program impacts those parties.

If the proposed policy turns out to be bargainable under Section 89-9(a) H.R.S., the University will withdraw it from the Faculty Senate(s) and pursue it solely with UHPA. The University and UHPA will confer with each other promptly if a bargainable topic is identified.

The following topics are recognized as shared responsibilities for the Faculty Senates and UHPA

- 1) Major reorganizations of the University or branches of it;
- 2) Classification of faculty;
- 3) Allocation of programs between campuses;
- 4) Conflicts of interest or commitment including establishing a canon of ethics and an effective means of professional maintenance of those ethics, including faculty self-discipline;
- 5) Changes in tuition or fees that have a material impact on budget items;
- 6) Major changes in academic calendar;
- 7) Proposals that affect all University employees, including but not limited to health and safety programs, housing for employees, tuition waivers, and similar programs.

Other matters not listed above may arise that may require the University to enter into simultaneous consultation.

#### Additional Consultation

Some faculty consultation may occur directly with department or college faculty and not through the formal consultation process with the Faculty Senate and/or UHPA. Examples of such consultation include advice and consultation on emeritus status for faculty, internal budget allocations, scheduling of courses and management of the academic activities of a college or department, college or department based criteria for evaluation of programs and faculty, and other operational concerns.

#### Modification of this document

The University, UHPA, and the Faculty Senate shall review this document at least every two years for the purpose of clarifying or modifying the consultation protocols.