

To: Michael Oishi, Faculty Senate Chairperson
Fr: Michelle Igarashi, PhD, Deputy Title IX Coordinator, Student Services Program Officer
Date: February 17, 2021
RE: NH Women Inquiry into TPRC Assignments

Michelle Igarashi consulted with Christine Chun, the UHCC Director of Compliance, EEO/AA, and TIX on February 16, 2021 regarding the question of discrimination against Women of Native Hawaiian descent (NH) in Tenure and Promotion Committee (TPRC) assignments as introduced in Faculty Senate on February 10, 2021. The preliminary analysis is that the facts as alleged most likely would not constitute a violation of the University's policies governing discrimination and harassment. In general for discrimination complaints, usually the reverse situation is cited -- the exclusion of voices from a protected category in decision making discussions. Ergo, in order for this complaint to go forward successfully, the complainants would have to demonstrate TPRC service by NH women leads to or includes some "adverse action" specific to this group, that is based on their protected category (their race and/or gender). An adverse action is usually a material and substantial action that affects their benefits and privilege of employment.

In this case, although it seems like the concern may be additional work being asked of NH women, there are a few factors that weigh against there being a showing that this constitutes an adverse action against this protected group. Specifically:

- My understanding is that there is a maximum number of committees each individual can be assigned to in a given year - three. Thus, there is a cap to the workload being asked of members in this protected group. No one should be asked to serve on more than three committees a year.
- There is currently no showing that NH women are being treated differently than others of different races or genders of the same faculty rank (i.e. other individuals of other races and genders may also be asked to be on three TPRC committees a year, and there have been no data provided that they are actually serving on less committees per year than NH women)
- There is a benefit in terms of service credit provided to the individuals on the committee
- There is currently no showing of how serving on the committees have been a detriment to the individuals in terms of their professional career or their employment

Before filing, Ms. Chun suggests additional information would need to be gathered regarding the area of disparate treatment - whether data shows that this group is in fact serving on more committees than any other group. Since TPRC committees are confidential, it may be the perception that NH women may be asked to be on more committees than others, but the reality may be different. The data would want to include the number of NH women being asked to serve on TPRC committees compared to other demographics, including NH men of the same race, division, campus, rank, etc. equating out all other factors that are considered when assigning TPRC membership in order to establish a link between NH women (race, gender) and assignment inequity.

More importantly, however, is a clear articulation and understanding how serving on these committees would be detrimental to this group. In general, individuals on TPRCs are seen as having the power and authority to make crucial decisions regarding the representation of the faculty community. A diverse voice is important so that hopefully it results in the promotion and tenure of a more diverse body of faculty, and in fact, the federal and state agencies that enforce the discrimination laws require that committees involved in making employment-related decisions are comprised of a balanced and diverse group. If the data does show skewed assignments, could it be attributed to the fact that there are fewer NH women who are tenured at a specific rank and in a particular discipline? In which case, they may indeed be asked to serve more often in order to establish equity of representation in a decision making body, which, one could argue, helps safeguard fellow NH women as they make their way through tenure and promotion.

As you mentioned, I don't know if this can be solved to everyone's satisfaction, but I think at this point, it may be more productive to talk about the root issues leading NH women to feel like they are being disadvantaged in some way. It may be more productive to open a dialogue and address the ways in which NH women feel like they are being affected.