



TESTIMONY

TO: BOR Committee on Personnel Affairs

FROM: J. N. Musto, Executive Director

DATE: April 2, 2015

RE: Faculty Workload and Periodic Faculty Review

As the Committee on Personnel Affairs reviews its policies with respect to agenda topics referred to as "Faculty Workload and Periodic Faculty Review", I would call your attention to the following aspects of BOR policies and the relationship of those policies to the negotiations between UHPA and the BOR leading up to the current contract, 2009-2015 Agreement between the University of Hawaii Professional Assembly and the Board of Regents.

1. With respect to the provisions of workload and evaluation, UHPA has filed prohibited practice charges against the UH administration beginning with HLRB Decision 199 (1984). Although the HLRB decision upheld the right of the BOR to enact these policies, the decision made it clear that the impact of the policies on faculty employment was subject to negotiations, not just consultation. The HLRB made it clear that where a policy has a notable impact on *workload*, it is subject to *bargaining* and cannot be unilaterally implemented. As a result, the UH administration reached out to UHPA in an effort to reach resolution over the impact of the BORP 9.15 and 9.16 on faculty employment. The parties were able to reach an agreement.
2. Both BORP 9.213 (Evaluation of BOR Appointees) and 9.214 (Teaching Assignments for Instructional Faculty) were implemented as the result of a joint UHPA/Administration Committee that developed the procedures for Teaching Equivalencies during the 1986-1987 Academic year. In subsequent contracts, the parties continued to work on the development of teaching equivalencies for the respective campuses. The parties also agreed to specific procedures that implemented periodic evaluation of faculty members in bargaining unit 7, termed 5-year reviews.
3. Since the original joint agreement on the procedures for 5-year reviews and the development of teaching equivalencies, UHPA has adhered to the expectation that
 - a. All departments (or divisions) were required to establish teaching equivalencies based on the original BORP and those equivalencies once adopted were to be transmitted to both UHPA and respective campus administrations for review to assure that they complied with the terms of the Agreement and the BORP.

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- b. All faculty members were subject to 5-year reviews, based on the agreed upon language in the campus based documents. It was the responsibility of the administration to assure the implement of the 5-year Review Procedures, including the identification of individuals who fell under its provisions in each academic year.
4. Neither the original teaching equivalencies requirements or the 5-year Review Procedures were uniformly implemented across the campuses, based on the agreement of the parties, with the exception of the Community Colleges.
5. With respect to the Community Colleges, originally part of the unified statewide system, both the requirements of establishing teaching equivalencies and the implementation of the 5-year Review Procedures were met. In addition, amendments to both the procedures and policies have been jointly adopted and accepted by UHPA and Vice President for Community Colleges. Work on revisions to teaching equivalencies continue to the present.
6. UHPA is presently working with Chancellor of UH-Hilo to re-establish the orderly implementation of the 5-year Review Procedures.
7. Teaching equivalencies, 5-year evaluations, and faculty workload are not identical, although they do overlap with respect to the impact of the BOR policies on the provisions of faculty employment.
8. BORM 9.214 (Teaching Assignments for Instructional Faculty) is only one aspect of "instructional faculty" workload. In accordance with BOR policies there are eight (8) separate faculty classifications in bargaining unit 7, and only the "I" classification and the "C" include instructional positions governed by BORM 9.214. Researchers, extension agents, librarians, clinical medicine, specialists, and legal instruction are separate descriptions, even if some of the work includes instruction. Also, this policy does not apply to lecturers who are hired semester by semester. Only 53% of bargaining unit 7 faculty members at UH-Manoa are "I" faculty, falling within the definitions provided in BORM 9.214.
9. The Board of Regents and UHPA agreed upon a policy governing faculty professional responsibilities and workload for all bargaining unit 7 members initially in the 2003-2005 Agreement. The provisions of Article IV continued in the 2009-2015 Agreement and the 2015-2017 Agreement.
10. UHPA and the UH administration agreed that the departments or divisions were required to establish "departmental expectations" that broadly govern the work of faculty, which is in addition to stating teaching equivalencies for Instructional faculty. Classically, an professorial career assumes that the work of the faculty member includes,
 - a. instruction,
 - b. research,
 - c. service to the academic community usually found in matters of governance,
 - d. and service to the community-at-large.



11. The division of time a faculty member is expected to “work” and the nature of the “work” itself is dependent upon the discipline, the classification of the individual, and the long term needs and mission of the institution.
12. All colleges and universities expect that part of a faculty member’s “work” will be scholarly activities, to which a teaching equivalency may or may not be applied.
13. Universities are committed to research as an integral part of its mission, with the expectation that there will be internal resources allocated to support such research. This research is then given a teaching equivalencies for “I” faculty. Research funded from external sources will vary based on the nature of the institution and the discipline emphasis, if any. In most of these cases, but not all, such externally funded research will be carried out by faculty with the “R” classification. In those cases, there is no implied teaching equivalency.
14. All colleges and universities will devote resources to support the academic community through student services, advising, and the collateral aspects of safety, housing, and health. These faculty responsibilities at the 4-year campuses are carried out by “S” faculty members, to which teaching equivalencies are not applicable. Other “S” faculty members carry out a variety of duties, which can include instruction, but again the workload is not determined by teaching equivalencies.
15. All academic institutions must have libraries, and the academic librarians “L” in bargaining unit 7 have workloads that are not instructional, even though some librarians do teach. The same is true for extension agents “A.”
16. Student credit hours are not a measure of faculty workload, and therefore, using teaching equivalences based on student credit hour course assignments is not an accurate measure of workload. Not all 3-credit classes are equal with respect to “work.” To that end, student credit hours are not a measure of student contacts or clock hours.

UHPA believes that before we make further changes to BOR policies, the administration should work to implement the policies and procedures we already have agreed upon over the prior decades. Faculty members have a responsibility to collectively determine and articulate teaching equivalencies. Departments must reach a consensus over the professional expectations they require of each other. The administration must assure that the periodic review of faculty is carried out under the procedures we have agreed to. As always, UHPA stands ready to work with the BOR and the administration in implementation of all of the terms of the collective Agreement.