

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNIVERSITY OF HAWAII, BOARD OF REGENTS AND
THE UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY
UHM, INSTITUTE FOR ASTRONOMY POS. NO. 86321T**

This Memorandum of Understanding (“MOU”) is entered into between the University of Hawaii Professional Assembly (“UHPA”), the State of Hawaii (“State”) and the Board of Regents of the University of Hawaii (“BOR”).

WHEREAS, in 1974 the University of Hawai’i entered into a Tripartite Agreement with the National Research Council of Canada, and the Centre National de la Recherche Scientifique (France), to design, construct and operate the Canada France Hawaii Telescope (CFHT) observatory facility located on Mauna Kea;

WHEREAS, per the Tripartite Agreement, the University of Hawai’i shall provide one resident astronomer (1.0 FTE) to the CFHT located in Waimea, Hawaii. Position No. 86321T was created by the University of Hawai’i to fulfill this obligation;

WHEREAS, per CFHT appointment policies, resident astronomer positions require the approval of the CFHT Board and are normally appointed for three (3) years, with the possibility of renewal. The CFHT Board can make indefinite appointments but in such cases the Board reserves the right to terminate the appointment after the initial three years and with one year’s notice;

WHEREAS, the CFHT does not grant “tenure” for resident astronomer positions, and the University of Hawai’i is therefore not in a position to grant tenure in this particular position. The position and its incumbents must remain temporary in order to retain the necessary flexibility, while at the same time meeting the University’s obligations under the Tripartite Agreement with Canada and France;

WHEREAS, on February 20, 2009, UHPA, the State and the BOR entered into a Memorandum of Understanding exempting Article XIII, Faculty Appointments Not Eligible for Tenure, Section B, Conversion of Temporary Appointments to Probationary Status for the Institute for Astronomy (IFA) (IFA position number 86321T); and

WHEREAS, pursuant to § 89-10(a), HRS, the parties wish to further continue the Memorandum of Understanding, dated February 20, 2009.

NOW, THEREFORE, in consideration of the mutual promises contained herein the parties specifically agree as follows:

1. It is necessary to seek exemption for the Institute for Astronomy (IFA) Position Number 86321T which shall be exempt from the provisions of Article XIII, Faculty Appointments Not Eligible for Tenure, Section B, Conversion of Temporary Appointments to Probationary Status.

2. Incumbents of pos. no. 86321T shall not be converted to probationary status in the event the appointment(s) exceed seven (7) years.
3. UHPA agrees to the specific exemption for Astronomy position number 86321T regarding the provisions of Article XIII, Faculty Appointments Not Eligible for Tenure, Section B, Conversion of Temporary Appointments to Probationary Status. This agreement applies only in this instance and should not be construed to establish a practice or UHPA agreement regarding other existing positions and/or future positions established under similar circumstances.

With the exception of the above-stated conditions, all other provisions of the Bargaining Unit 07 agreement shall apply.

This MOU shall be effective July 1, 2015 through June 30, 2017.

IN WITNESS WHEREOF, the UHPA, the State and the BOR have executed this MOU.

STATE OF HAWAII
UNIVERSITY OF HAWAII



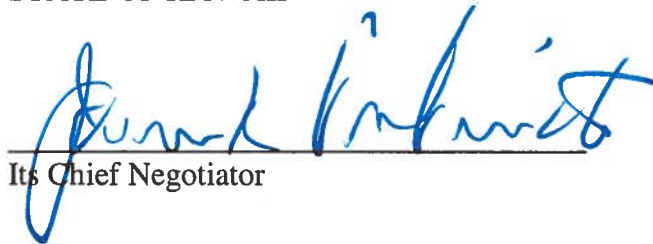
Its President

UNIVERSITY OF HAWAII PROFESSIONAL
ASSEMBLY:



Its Executive Director

STATE OF HAWAII



Its Chief Negotiator