



NEWS RELEASE

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FOR IMMEDIATE RELEASE

University of Hawaii Professional Assembly's (UHPA) Statement Regarding Cancer Center

The University of Hawaii Professional Assembly is aware of the tensions between the UH Manoa Chancellor Apple and the Cancer Center Director Dr. Michele Carbone (Director Carbone). UHPA is very concerned about this situation and the consequences to our bargaining unit members and the integrity of the Cancer Center.

In the interests of addressing the numerous inquiries we have received, UHPA is issuing this statement in the hopes that the University of Hawaii will be able to deal with a managerial dispute within the context of its authority and discretion in dealing with executive employees.

UHPA's relationship with Cancer Center Director Carbone is a result of being the exclusive bargaining representative to ensure the contract with the Board of Regents is implemented appropriately.

Since 2008 when Director Carbone was initially appointed director, UHPA has processed numerous complaints, grievances, and violations of faculty academic freedom rights involving the Director. The number of violations has been substantial and well beyond the experience in any other unit within the UH system. The UH Manoa Chancellor's office has needed to repeatedly involve itself in attempted resolution of these grievances, because the pattern is that Director Carbone's administration does not resolve them.

The issues confronted by UHPA have impacted the working conditions of over 25 current or past faculty members in the Cancer Center. This is half of those presently employed.

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Examples of the grievances and complaints since November 1, 2008 when Dr. Carbone became director are as follows:

Grievances

Failure to Provide Adequate Workspace for Laboratory Operations.

Allegations: Violations of HRS Chapter 89 by failure to bargain over lab space allocations that have significant and material impact on terms and conditions of employment; Director Carbone's intentional and willful misdirection in responding to UHPA information requests; the incorporation of falsehoods into the Director's response to the grievance; and misuse of faculty to make managerial decisions.

Resolution: One grievance pending and one settled in favor of the grievant.

Non-renewal of Contract for a Temporary Faculty Member UHPA Prevails in Arbitration.

Allegations: Director Carbone failed to renew an employee's contract as required by the collective bargaining agreement.

Resolution: UHPA prevailed with the arbitrator overruling the decision of the Director.

Placement of Inappropriate Materials in Personnel Files Without Employee Notification.

Allegations: Director Carbone placed derogatory materials into personal files without notification to the faculty members affected. The materials contained inappropriate information designed to harm the professional reputation of the faculty members.

Resolution: The inappropriate materials were removed and destroyed. The director was told by UH Manoa administration to send a letter to all faculty members that a grievance had been filed regarding personnel files and faculty members were encouraged to review the contents of their files. UH Manoa administration required that any Cancer Center employees handling personnel information will be given training to ensure confidentiality is maintained.

Academic Freedom Complaints

Allegations: Director Carbone placed restrictions on a faculty member's access to his research materials; and removed the faculty member as the person responsible for



National Institute of Health grant activities. This grant was awarded to the faculty member by NIH.

Resolution: UH requires Director Carbone to remove all restrictions on the researcher; requires Director Yaa-Yin Fong of ORS to withdraw a letter to the National Institute for Health removing faculty member as the Principle Investigator; and allows faculty member to consult with University of Southern California.

Allegations: Director Carbone denied a research grant request that was directly related to the expertise of the faculty member.

Resolution: A violation of academic freedom was found and Director Carbone was ordered to accept the grant. UH Manoa administration required that the Director develop a procedure to deny grants that is based on sound reasons for a denial.

Allegations: Director Carbone tried to impede the faculty member's grant work and damage his reputation.

Resolution: Director Carbone violated the faculty member's academic freedom by improperly interfering with his oversight of the National Institute of Health (NIH) grant. UH Manoa administration reminded Director Carbone that he must stop contacting NIH regarding internal UH matters.

Allegations: Unilateral Replacement of the Faculty Member as Person Responsible for a Grant. The grant had been awarded by NIH to the faculty member.

Resolution: UH Manoa administration found that the Director's actions were not in compliance with NIH policies and the Principle Investigator (PI) structure of grants will not be changed unilaterally. The Director will implement the guidelines for Chancellor Apple.

Privacy Violations

Allegations: Complaint to UH Manoa Administration Regarding Distribution of a Report by Outside Consultant Kim Payton, Ph.D. Entitled "Organizational Assessment of the UH Cancer Center". The report was sent to persons outside the Cancer Center and contained references to specific faculty members.

Resolution: No response from the administration.



Allegations: Faculty Members are Informed Their Mail is Being Intercepted by the Director's Office to be Reviewed.

Resolution: The UH Chancellor resolves the issue and directs Director Carbone's office to stop the practice of screening personal mail.

UHPA Consultation Failures to Engage in Formal Consultations as Required by HRS Chapter 89.

Faculty Transfer of Program to Other UH Manoa Departments.

Allegations: Director Carbone directed that certain programs and grants no longer be considered part of the Cancer Center mission. Faculty members were instructed to make choices to leave the Cancer Center, move their grants and contracts to other UH Manoa departments, or find other work that fit with the Cancer Center mission. Such actions demanded consultation with UHPA on a change in working conditions.

Resolution: Faculty members transferred to other UH Manoa departments or left the University for other employment. Consultation as required with UHPA never occurred.

Management Duties Performed by Faculty Members.

Allegations: Director Carbone is improperly using faculty members to perform managerial duties.

Resolution: UHPA has filed a HLRB Unit Clarification Petition seeking to have the employees deemed managerial.

Workplace Violence Complaints.

Allegations: Eight to ten faculty members have cited a hostile work environment within the Cancer Center. Formal complaints have been filed in some cases.

Resolution: Some complaints have been resolved through the UH administration. Others are still pending a resolution.



UHPA will continue to pursue the necessary actions that ensure appropriate implementation of the collective bargaining agreement with the UH Board of Regents. Our activities include using both administrative and legal means to ensure the rights of faculty are not harmed by managerial actions within the Cancer Center. UHPA is also investigating managerial authority at the Cancer Center, to ensure that private entities and individuals do not exert improper influence over employees of this public facility.

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About University of Hawaii Professional Assembly

The University of Hawaii Professional Assembly (UHPA) represents nearly 4,000 faculty members at 10 campuses in the University of Hawaii system statewide. It has been the exclusive bargaining agent for all UH faculty since 1974.