

**UNIVERSITY OF HAWAII AT MĀNOA**

OFFICE OF THE CHANCELLOR

August 23, 2007

**MEMORANDUM**

TO: Mānoa Deans and Directors  
Department Chairs/Program Directors

FROM: Linda K. Johnsrud *Linda K. Johnsrud*  
Interim Vice Chancellor  
for Academic Affairs

SUBJECT: Tenure Status for Foreign National Faculty

The purpose of this memorandum is to clarify certain aspects of the new conditional tenure process for foreign national faculty in tenure-track positions.

Enclosed is a copy of the signed Memorandum of Agreement (MOA) between University of Hawai'i Professional Assembly (UHPA), the State of Hawai'i and the University of Hawai'i Board of Regents regarding conditional tenure (deans and directors were sent a copy of the MOA via a July 12, 2007 email from our office). It allows qualified foreign national faculty, without permanent residence status, to be hired into tenure-track positions effective August 1, 2007. Upon successful completion of the tenure review, faculty members will be afforded the rights and responsibilities of tenured faculty. When the faculty member receives his/her permanent residency status, tenure will be granted.

Current foreign national faculty without permanent resident status in tenure-track positions should have been transferred to probationary status effective August 1, 2007. This means that the faculty member's tenure clock began on August 1, 2007, and will proceed according to rank, unless the faculty member applies to have his/her probationary period shortened or lengthened. It is the responsibility of each department to make the appropriate changes in Peoplesoft and on the Personnel Notification Form. The System Office of Human Resources provided instructions on how to make these changes in a June 12, 2007 email; a copy of that email is enclosed. Please ensure that this information is distributed to appropriate staff members. Additionally, each unit should notify

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faculty members impacted by this action, advising them of the changes to their status.

Foreign national faculty without permanent residence status who are not in tenure-leading positions (on limited term contracts) have no change to their status. If they apply for and are appointed to a tenure-track position, then they would be probationary faculty, as is the case for any new faculty. Faculty members who have served in non-tenure leading positions may apply to have the time spent in non-tenure leading positions count toward tenure.

If you have any questions, please contact Program Officer Beverly McCreary at 956-9429 or [bmccrear@hawaii.edu](mailto:bmccrear@hawaii.edu).

Enclosures

c: Chancellor Virginia Hinshaw  
Vice Chancellor Kathy Cutshaw  
Vice Chancellor Francisco Hernandez  
Vice Chancellor Gary Ostrander  
Director Peggy Hong  
Program Officer Beverly McCreary  
Administrative/Personnel Officers  
Executive Director J. N. Musto

## **MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into between the University of Hawai'i Professional Assembly ("UHPA"), the State of Hawai'i ("State") and the Board of Regents of the University of Hawai'i ("BOR").

WHEREAS, on April 24, 2003 the UHPA, the State and the BOR entered into a collective bargaining agreement ("Agreement") governing members of bargaining unit 07 (faculty of the University of Hawai'i) for the period July 1, 2003 through June 30, 2009; and

WHEREAS, the parties hereto amended Articles VII, Faculty Travel, and XII, Tenure and Service, of the Agreement effective January 1, 2006; and

WHEREAS, the parties wish to further amend Article XII, Tenure and Service, of the Agreement.

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

1. Article XII, Tenure and Service, Paragraph E. Tenure Application, Review and Notification, shall be further amended to read as follows:

1. Tenure Application, Review and Notification for Faculty Other Than Foreign Nationals Without Permanent Resident Status

All eligible Faculty must apply for tenure by their final year of probationary service according to a timetable established and published by the Employer, provided previous years of probationary service have been rated as satisfactory. Following review of the application, the Employer through its officers shall notify the Faculty Member by June 30 following the date of application whether it will grant or refuse to grant tenure at the beginning of the next academic year. If tenure is refused, the Faculty Member shall be offered a terminal year's contract commencing August 1. If notification of refusal of tenure is not given in writing by June 30 of the final year of probation, the Faculty Member shall receive a year's extension of probationary service with the option of reapplying for tenure during that year. Personal delivery of the notice in writing, or the mailing of the notice by certified or registered mail to the last recorded residence of the Faculty Member, on or before June 30, shall constitute an effective notification. A Faculty Member who fails to apply for tenure during the final year of probationary service shall be given a one-year terminal contract commencing August 1.

2. Tenure Application, Review and Notification and Effective Date of Tenure for Foreign Nationals Without Permanent Resident Status

Foreign Nationals who have not yet applied for or received permanent resident status who have been hired into a tenure track faculty position shall undergo the tenure review process following the procedure provided

in Paragraph 1 for tenure application and review process provided for all faculty. Foreign national faculty who have successfully undergone tenure review shall be notified that they will be granted tenure upon receiving permanent resident status. Pending receipt of such status, the Faculty Member shall be accorded the normal rights and benefits of tenured faculty, e.g., automatic promotion, if applicable; membership on the Faculty Personnel Panel; etc. If permanent resident status is denied, the Faculty Member shall be terminated from the University at the end of the current academic year or until the Faculty Member can no longer legally work at the University, whichever occurs sooner. Termination for failure to obtain permanent resident status shall not be grievable. If the Faculty Member is denied tenure, subject to continuing eligibility to work legally for the University of Hawai'i for the period mentioned herein, the faculty member shall be offered a terminal year's contract commencing August 1. If notification of refusal of tenure is not given in writing by June 30 of the final year of probation, the Faculty Member shall receive a year's extension of probationary service with the option of reapplying for tenure during that year. Notification shall be made as provided in paragraph 1. A faculty member who fails to apply for tenure during the final year of probationary service shall be given a one-year terminal contract commencing August 1.

2. This Memorandum of Agreement shall be effective August 1, 2007 through June 30, 2009.

IN WITNESS WHEREOF, the UHPA, the State and the BOR have executed this Memorandum of Agreement.

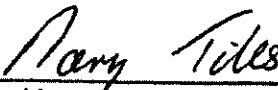
STATE OF HAWAI'I  
UNIVERSITY OF HAWAI'I


UNIVERSITY OF HAWAI'I PROFESSIONAL ASSEMBLY


  
Chairperson, Board of Regents

  
Its Executive Director

  
Vice Chairperson, Board of Regents

  
Its President

  
President

  
Chief Negotiator, State of Hawai'i  
On behalf of the State of Hawai'i

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**From:** owner-uhm-hr-l@HAWAII.EDU [mailto:owner-uhm-hr-l@HAWAII.EDU] **On Behalf Of**  
Carole Teshima  
**Sent:** Tuesday, June 12, 2007 3:37 PM  
**To:** UHsys HR  
**Cc:** 'Carole Teshima'  
**Subject:** Conditional Tenure

As a result of the Memorandum of Agreement signed by UHPA and the University of Hawai'i, effective August 1, 2007, foreign national faculty without legal permanent resident status (LPR) who occupy tenure-track positions, will be converted to probationary status. This MOA has been posted on the OHR homepage under HR Documents/Collective Bargaining/Bargaining Unit 7.

To effectuate this change, two new codes have been added to PeopleSoft.

FPP (Faculty – Probationary Pending Legal Permanent Residency)

FTP (Faculty - Tenured Pending Legal Permanent Residency)

Each unit will be responsible to enter this 08-01-07 row into PeopleSoft as follows:

**Applicable to 11-month faculty:**

Pers Act Rsn = DTA 940 (Change of Record – Tenure Status)  
Appointment Period: reflect the two year initial contract: 08-01-07 to 07-31-09

The data on the Employment Information Panel, Tenure Data section should reflect data as if the person has LPR. Insert the following row:

Effective Date: 08-01-07

Tenure Code: FPP

Year: enter the appropriate year that tenure is scheduled to be received according to the faculty member's rank.

Locus of Tenure and Tenure Line: enter appropriate codes

If LPR is received during the probationary period, the tenure code should be changed to FPR (Faculty – Probationary)

**Applicable to 9-month faculty:**

Nine-month faculty are due for the collective bargaining adjustment on 08-01-07. Use the same codes as for 11-month faculty; however, you would need to re-do the generated PNFs (coming out early July) to also reflect the change in tenure status.

**Applicable to both 9- and 11-month faculty:**

Probationary faculty without LPR can undergo the tenure review process and after a successful review, be notified that they will be granted tenure upon receipt of LPR.

At this time, the tenure code should be changed to FTP (Faculty – Tenured Pending Permanent Residency), and when LPR is received, the code should be changed to FTN (Faculty – Tenured).

Questions regarding these PeopleSoft instructions may be referred to the hotline.

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