



UH Board of Regents Meeting
July 23, 2009

Testimony Re: Approval of Tenure for M.R.C. Greenwood

Dear Chairman Karr, President McClain, and Members of the Board of Regents:

The Board of Regents has listed on its agenda that it will consider, and no doubt approve, granting tenure to the President Designate M.R.C. Greenwood in the John A. Burns School of Medicine. Over three decades I have observed the granting of tenure to various persons hired for administrative positions throughout the university System without prior academic service or tenure in the University of Hawaii. A number of these individuals were not renewed in their administrative positions and fell back into the bargaining unit. In a few notable cases, UHPA found itself representing these individuals in significant grievances, up to and including the present moment.

There was a time in the late eighties and nineties when the Board of Regents decided not to grant tenure to persons hired specifically to administrative positions, including those serving as the chief academic officer of a campus. These individuals were given varying length term contracts, generally five years, after which the Board of Regents, without cause, could choose to simply allow their employment contracts to expire. I do not believe any of those individuals with these term contracts, with perhaps one exception, continue to be employed by the University of Hawaii today. The reasons may be varied for why they left, but they are not part of the university faculty after having left their administrative post.

In this case, the Regents are hiring a President for the University of Hawaii System who is not the academic officer of a campus where some might argue tenure status is necessary. However, I believe that it would be in the best interest of the Board, the institution, and ultimately the State of Hawaii to limit such an appointment to a term contract rather than layer it with a grant of tenure, which establishes a property right in continued employment. Generally speaking, should the Regents decide on a change in the Office of the President, it is then not encumbered with additional difficulties, as was notable with one most recent case of an incumbent president, if they decide to find another leader.

I certainly do not object to persons like President David McClain retaining their tenure while serving in an administrative capacity; even though in those cases, there should be a limit to the time allowed away from the academic appointment before being required to return to the faculty.

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There is a general principle that increased salary and compensation substitute for job security clauses. I believe that the length of the term contract and the attendant total compensation package attached to it is sufficient to the post of President of the University of Hawaii System. Further granting of tenure only provides an individual benefit that is unnecessary to the responsibilities assigned to the position. I know as a fact that in the current search, the advisory committee was interested in identifying "non-traditional" candidates for president that might not have had any academic background, since the skills and expertise that were being sought did not require a prior career in higher education administration.

I have no personal reason to doubt President Designate Greenwood's academic qualifications to be granted tenure at a university. I do not know but I would not be surprised if she has even received Professor Emeritus status from a prior institution in which she held an academic appointment. I am sure that if the John A. Burns School of Medicine had a tenured faculty position available in Dr. Greenwood's discipline, she would meet the qualifications for appointment. However, I do not believe that we must or even should tie these two systems of selection together in one decision to hire her as president and then tenure her in a position to which she'll have no duties unless she is no longer president.

I am sure that you will be told or have been informed that it is the expectation of all university presidents to be granted a fallback tenure position in the institution hiring them. It would not surprise me that Dr. Greenwood made this a condition of her willingness to accept a contract with the University of Hawaii. All of that being said, the Board of Regents are not obligated to follow this "industry" practice or accept as a *fait accompli* that tenure must be attached to the position of President for the University of Hawaii System. Even as the Regents choose to move forward in granting tenure in this case, as I suspect you will, I would hope that there would be some conversation, thought, and discussion about this issue prior to the next time we set about looking for a new president. Please consider not offering tenure; let it suffice that the salary and benefits will exceed all other compensation given to public employees or elected officials in the state of Hawaii, save the UH Manoa football coach.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. N. Musto'.

J. N. Musto, Ph.D.
Executive Director

JNM:pt