

**Memorandum of Agreement  
Tenure of Service for Foreign Nationals without Permanent Resident Status**

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 August 1, 2007, UHPA, the State and the BOR entered into a Memorandum of Agreement regarding conditional tenure that allowed qualified foreign national faculty, without permanent residence status, to be hired into tenure track positions effective August 1, 2007; and

WHEREAS, on January 16, 2010 the UHPA, the State and the BOR entered into a collective bargaining agreement ("Agreement"), ratified by the membership on January 26, 2010, governing members of bargaining unit 07 (faculty of the University of Hawai'i) for the period July 1, 2009 through June 30, 2015; and

WHEREAS, pursuant to §89-10(a), HRS, the parties wish to further continue the Memorandum of Agreement, dated August 1, 2007, to amend Article XII, Tenure and Service, of the Agreement.

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

Article XII, Tenure and Service, Paragraph F. Tenure Application, Review and Notification, is amended by adding additional language to read as follows:

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

All eligible Faculty Members 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 on the following July 1. If tenure is refused, the Faculty Member shall be offered a terminal year's contract commencing July 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 (1-year) terminal contract commencing August 1.

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 Hawaii 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 July 1, 2009 through June 30, 2015.


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

STATE OF HAWAII  
UNIVERSITY OF HAWAII


UNIVERSITY OF HAWAII PROFESSIONAL  
ASSEMBLY

  
Chairperson, Board of Regents

  
Its Executive Director

  
Vice Chairperson, Board of Regents

  
Its President

  
President

  
Chief Negotiator, State of Hawaii

for