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**GENERAL EDUCATION COMMITTEE  
MEETING MINUTES**

**MEETING DATE:** March 27, 2020 11:00 AM–12:10 PM  
**LOCATION:** Online via Zoom  
**ATTENDANCE:** [P = Present; A = Absent; E = Excused]

MEMBERS		MEMBERS		MEMBERS		MEMBERS	
Garrett Apuzen-Ito	P	Mike Nassir	P	Christine Beaule	P	Lisa Fujikawa	P
Shana Brown	P	Jon Pettit	P	Ronald Cambra	A	Vicky Keough	P
Garrett Clanin	P	Halina Zaleski	P	Ryan Yamaguchi	A	Cari Ryan	P
Betsy Gilliland	P	Andy Chu (ASUH rep)	P	Carolyn Stephenson (SEC liaison)	P	Sheela Sharma	E
Kalikoaloha Martin	P						

SUBJECT	DISCUSSION / INFORMATION	ACTION / STRATEGY / RESPONSIBLE PERSON
CALL TO ORDER	Meeting was called to order by Garrett A-I.	Meeting was called to order at 11:00am



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INFORMATION  
ITEMS

The meeting began with a presentation from Derrick Higginbotham, Chair of Committee on Professional Matters (CPM) with contributions by Kathryn Hoffmann (CPM Member). Truc Nguyen (SEC Liaison to CPM) was also present. They raised concerns about the Nov 20, 2019 MFS meeting where the GEC proposed that all Focus designations be moved to a course-based model. CPM wonders if this GEC proposal infringes upon the academic freedom of UHM instructors. CPM hopes that this discussion will help GEC bring back the proposal to the MFS. They have four concerns:

- 1) CPM asks if there is a fixed list of courses that are GenEd to which this proposal was to apply; does the proposal apply to graduate courses or major specific courses too?
- 2) CPM wonders if there are any concerns for students working towards graduation. Is there any data that shows a documented need for this change? This will help people grasp the scope of the problem.
- 3) CPM feels that there was not enough consultation between the GEC and various groups at UHM. They note that the GEC did consult with the Council of Chairs. They ask if there is a way to strengthen consultation at the faculty level.
- 4) CPM says that smaller departments and units will have an especially difficult time due to faculty rotation. Will faculty members have less control over their teaching work? How can we mitigate any potential problems in their work?

The CPM's presentation is followed by a discussion of academic freedom. Garrett A-I says that there is a current list of approved courses that change each semester (the Focus status list on the GEO website), and Garrett C. clarifies that departments have the freedom to choose if they want course-based or instructor-based proposals. Mike says that some departments have committees that make these discussions and have consensus in their department to make this choice. Betsy notes that Focus designations are integral to the SLOs of a course. It is not something added on top, but something that should be integral to the course.

Derrick H. notes that there are complications when different faculty members substituting for each other to teach courses. Kathryn observes that basic courses in her department are very old (100+ years) and the Focus

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designations are applied as they are best fit for the instructor's personal pedagogy.

Halina notes that from the students' perspectives there is difficulty when the Focus designations change each semester. Derrick agrees this could be a problem, but there is no data to judge how pervasive this problem is at UHM.

Garrett A-I redirects the discussions to talk about the infringement on academic freedom. Kathryn says that most instructors are willing to liaise directly with GEO, but in some cases a department might dictate which Focus designations an instructor must teach.

Christine reads from academic freedom in the UHPA contract (see Appendix 2), and notes that GenEd designations do not fall under the purview of academic freedom. Kathryn responds that the Focus designations impinge on the content of the course. For example, W and O designations require 40% of the grading to be tied to the focus. Derrick responds with a commonly accepted definition of academic freedom (see Appendix, and #2 especially) that includes the freedom to control the intellectual content and our pedagogic practices in the classroom. Garrett A.I. indicates that what is most important is that there is a concern about the ability of instructors to teach courses in the way they want that needs to be better addressed, regardless of whether or how this relates to Academic Freedom as formally defined in different documents.

Shana says that she does not want to lessen academic freedom in the classroom, but from her perspective as department chair, the current system often has adverse impact on the students who need Focus designations but who lose opportunities to take expected classes due to situations like faculty members going on unexpected leave.

Garrett A. I. asks for advice on how to gather data on this issue. Derrick recommends sending a survey to advisors to gain a sense of the scale of this problem. Another way might be to compare to how other peer institutions conduct their course-based designations. This will help to quell faculty members' concerns, and make this transition seem less disruptive and invasive.

Christine suggests that GEC set up town hall meetings next fall to present the data that was collected last year under the direction of Shannon Johnson, and

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	<p>share what our peer and benchmarks institutions' Gen Ed programs look like. There was broad agreement that this would provide a good opportunity for consultation with a wide range of faculty and chairs.</p> <p>Mike suggests that we get feedback from the Council of Academic Advisors (CAA); Christine notes that this survey has been sent out (40 responses) and there is evidence that instructor-based Focus is a problem. One of the problems with gathering data under our current system is that it is hard to measure students who have problems in finding a class or who are forced to take an extra course. At the November MFS meeting, only 2 out of the 40 responses were negative, and only those 2 were noted during the discussion. She also fears that asking advisors to separately keep track of students who need to register for an extra course or who are frustrated when a course doesn't carry an expected designation will create an undue amount of work. Kathryn recommends that we survey the students. There is general agreement that more feedback from advisors and possibly students should be sought.</p>	
UPCOMING MEETINGS	<p><b>SPRING 2020 MEETING SCHEDULE: Fridays from 11:00 a.m.-12:00 p.m. via Zoom</b></p> <ul style="list-style-type: none"> <li>• April 3</li> <li>• April 17</li> <li>• May 1</li> <li>• May 8</li> </ul>	
ADJOURNMENT		Meeting adjourned at 12:10pm

Respectfully submitted by Jonathan Pettit, Secretary.

Approved on 04/17/2020 with 9 votes in favor of approval, 0 against, 0 abstentions.

**Appendix 1 -- The following is a definition of academic freedom cited by Derrick in his discussion of academic freedom.**

<https://www.insidehighered.com/views/2010/12/21/defining-academic-freedom>

#### Defining Academic Freedom

Penn State professors move to give more leeway to faculty members dealing with controversial issues.

Cary Nelson

December 21, 2010

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Over the course of decades, a great many books, essays, and policies have been written and published about academic freedom. We have learned how to apply it to pedagogical, technological, cultural, and political realities that did not exist when the concept was first defined. Not only faculty members, administrators, trustees, and students, but also parents, politicians, and other members of the public, would now benefit from a concise summary of its major features. Sometimes academic freedom is invoked in situations where it doesn't actually apply. But many within and without higher education are not well-versed in all the protections it does provide. This statement is designed to help clarify both what academic freedom does and doesn't do.

## PART 1: What it does do

1. Academic freedom means that both faculty members and students can engage in intellectual debate without fear of censorship or retaliation.
2. Academic freedom establishes a faculty member's right to remain true to his or her pedagogical philosophy and intellectual commitments. It preserves the intellectual integrity of our educational system and thus serves the public good.
3. Academic freedom in teaching means that both faculty members and students can make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history.
4. Academic freedom gives both students and faculty the right to express their views — in speech, writing, and through electronic communication, both on and off campus — without fear of sanction, unless the manner of expression substantially impairs the rights of others or, in the case of faculty members, those views demonstrate that they are professionally ignorant, incompetent, or dishonest with regard to their discipline or fields of expertise.
5. Academic freedom gives both students and faculty the right to study and do research on the topics they choose and to draw what conclusions they find consistent with their research, though it does not prevent others from judging whether their work is valuable and their conclusions sound. To protect academic freedom, universities should oppose efforts by corporate or government sponsors to block dissemination of any research findings.
6. Academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on students or faculty.
7. Academic freedom gives faculty members and students the right to seek redress or request a hearing if they believe their rights have been violated.
8. Academic freedom protects faculty members and students from reprisals for disagreeing with administrative policies or proposals.



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9. Academic freedom gives faculty members and students the right to challenge one another's views, but not to penalize them for holding them.
10. Academic freedom protects a faculty member's authority to assign grades to students, so long as the grades are not capricious or unjustly punitive. More broadly, academic freedom encompasses both the individual and institutional right to maintain academic standards.
11. Academic freedom gives faculty members substantial latitude in deciding how to teach the courses for which they are responsible.
12. Academic freedom guarantees that serious charges against a faculty member will be heard before a committee of his or her peers. It provides faculty members the right to due process, including the assumption that the burden of proof lies with those who brought the charges, that faculty have the right to present counter-evidence and confront their accusers, and be assisted by an attorney in serious cases if they choose.

PART 2: What It Doesn't Do

1. Academic freedom does not mean a faculty member can harass, threaten, intimidate, ridicule, or impose his or her views on students.
2. Student academic freedom does not deny faculty members the right to require students to master course material and the fundamentals of the disciplines that faculty teach.
3. Neither academic freedom nor tenure protects an incompetent teacher from losing his or her job. Academic freedom thus does not grant an unqualified guarantee of lifetime employment.
4. Academic freedom does not protect faculty members from colleague or student challenges to or disagreement with their educational philosophy and practices.
5. Academic freedom does not protect faculty members from non-university penalties if they break the law.
6. Academic freedom does not give students or faculty the right to ignore college or university regulations, though it does give faculty and students the right to criticize regulations they believe are unfair.
7. Academic freedom does not protect students or faculty from disciplinary action, but it does require that they receive fair treatment and due process.



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8. Academic freedom does not protect faculty members from sanctions for professional misconduct, though sanctions require clear proof established through due process.
9. Neither academic freedom nor tenure protects a faculty member from various sanctions — from denial of merit raises, to denial of sabbatical requests, to the loss of desirable teaching and committee assignments — for poor performance, though such sanctions are regulated by local agreements and by faculty handbooks. If minor, sanctions should be grievable; if major, they must be preceded by an appropriate hearing.
10. Neither academic freedom nor tenure protects a faculty member who repeatedly skips class or refuses to teach the classes or subject matter assigned.
11. Though briefly interrupting an invited speaker may be compatible with academic freedom, actually preventing a talk or a performance from continuing is not.
12. Academic freedom does not protect a faculty member from investigations into allegations of scientific misconduct or violations of sound university policies, nor from appropriate penalties should such charges be sustained in a hearing of record before an elected faculty body.

These points are mostly adapted from nearly 100 years of American Association of University Professors policy documents and reports. Since its 1915 founding, the AAUP has been the primary source of the documents outlining the basic principles of faculty rights and responsibilities. It is also the source of perhaps the single best statement of student rights. Putting the principles above into practice, of course, requires a goodly amount of additional detail, information the AAUP continues to provide and update.

## Appendix 2 -- UHPA section on academic freedom

<https://www.uhpa.org/contracts/2017-2021-uhpa-bor-contract/article-ix-academic-freedom/>

### ARTICLE IX, ACADEMIC FREEDOM

#### A. ACADEMIC FREEDOM

Faculty Members are entitled to freedom in the classroom in discussing subjects of expertise, in the conduct of research in their field of special competence, and in the publication of the results of their research. The Employer recognizes that Faculty Members, in speaking and writing outside the University upon subjects beyond the scope of their own field of study, are entitled to precisely the same freedom and are subject to the same responsibility as attaches to all other individuals. When thus speaking as an individual, they should be free from censorship or discipline.<sup>2/</sup>

The commitment to academic freedom in the conduct of research does not imply that a Faculty Member's research is not subject to critical review and judgment as to its quality and significance.





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## B. PROCEDURE FOR DEALING WITH ALLEGED INFRINGEMENTS

1. A Faculty Member may discuss possible violations of her or his academic freedom with the Department or Division Chair, or the appropriate Administrative Officer, in an attempt to resolve the issues.
2. Provided that a grievance alleging a violation of Paragraph A above has not been filed, if a satisfactory adjustment of the matter does not result, the Faculty Advisory Committee on Academic Freedom (FACAF) will be convened by the appropriate Administrative Officer within twenty (20) calendar days of the receipt of the written request from the Faculty Member. If such a grievance has been previously filed, the Faculty Member may not request that a FACAF be convened. The Faculty Member may present a case, confidentially and orally, to the FACAF, which will then informally inquire into the situation to determine whether there is a probable violation of the provision on academic freedom, and attempt to effect an adjustment.
3. If the committee concludes that academic freedom is in jeopardy by the probable violation of Paragraph A above, and that no adjustment can be effected, it will then request a written statement from the complaining Faculty Member and proceed to collect all factual materials available relating to the case.
4. After consideration of these materials, the FACAF will make a recommendation to the appropriate Administrative Officer within thirty (30) calendar days from the date in which the Committee was first convened. The Administrative Officer shall take action, based upon the recommendation of the FACAF, within twenty (20) calendar days after receiving the Committee's report. A copy of the Committee's report and recommendation and a written statement of the action taken by the Administrative Officer shall be sent by the Administrative Officer to the appropriate Chancellor or Vice President and the Faculty Member.
5. If the Administrative Officer takes action which does not satisfy the Faculty Member, and the Faculty Member believes the action violates Paragraph A above, the Faculty Member may file a grievance at Step 1 of the Grievance Procedure (Article XXIV).

## C. ADVISORY COMMITTEE ON ACADEMIC FREEDOM

The Faculty Advisory Committee on Academic Freedom shall consist of five (5) members appointed from the Faculty Personnel Panel, with exceptions made under the exclusion option pursuant to Article XV. A majority of the committee shall be from the campus in which the alleged infringement occurred. Additionally, at UH-Manoa and the UH-Hilo, at least two (2) members of the majority from the respective campus shall be from the school or college of the Faculty Member.

## D. PROCEDURE FOR DEALING WITH ALLEGED BREACH OF PROFESSIONAL ETHICS AND/OR CONFLICTS OF INTEREST IN RESEARCH OR SCHOLARSHIP





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Because the Faculty possess unique and expert qualifications to assess breaches of professional ethics, including conflicts of interest in research or in scholarship, the President or designee may, at his/her option, appoint not more than five (5) Faculty Members to investigate an allegation thereof, before imposing discipline, on the following conditions:

- the accused Faculty Member and the Union are informed in writing that such an investigation is about to be conducted, and are informed of the names of the appointed Faculty Members; and
- the Faculty Members who are appointed do consent to serve; that the appointed Faculty Members are disqualified from participation in any departmental personnel deliberation or decision whatsoever during the period of their appointment as investigators, and from any personnel deliberation or decision whatsoever involving the accused for a period of three (3) years following the termination of their appointment as investigators.

The investigators may render their opinion regarding whether a breach of professional ethics and/or a conflict of interest has occurred, and an opinion regarding the severity of the breach and any curative steps that ought to be taken in amelioration thereof. They may not, however, express an opinion regarding the appropriate discipline, if any, to be imposed by the Employer. Any disciplinary action arising out of the investigation shall be in accordance with Article XVIII.