

# Information Sheet for a Vote of No Confidence in Hawai'i State Senator Donna Mercado Kim As Chair and Member of the Senate Committee on Higher Education

Below please find information and context in support of a vote of no confidence in Hawai'i State Senate Senator Donna Mercado Kim as chair and member of the Senate Committee on Higher Education.

## Evidence Supporting a Resolution of No Confidence in Senator Kim

### 2022 Legislative Session

#### Tenure, Faculty Classification, and Administrative Authority

##### [SB 3269 SD1](#)

Makes state legislators the employer of UH faculty, precludes support faculty from tenure, and imposes a redundant and unnecessary requirement for UH faculty to “participate in a periodic review at least once every five years” (a requirement that is already in place)--responsibilities currently shared among the UH's Board of Regents, administrators, and faculty. This does not belong in a legislative bill - this is a management right, as stated in the state constitution and in state statute.

Additionally, [SB 3269 SD1](#) jeopardizes the accreditation of the entire UH System, specifically Western Association of Schools and Colleges (WASC) standard [1.5](#) and Accrediting Commission for Community and Junior Colleges (ACCJC) standard [IV.C.4](#), both of which protect the institutional integrity and educational mission of the UH from undue influence or political pressure. **In her repeated attempts to oversee and intrude on the internal operations of the UH, Senator Kim risks the accreditation of all campuses in the UH System.**

The hearing for [SB 3269 SD1](#) should also be taken into consideration. Despite unanimous oral and written testimony from UH administrators, faculty, students, the University of Hawai'i Professional Assembly (UHPA), and concerned citizens opposing the bill, Senator Kim and the other members of the Senate Committee on Higher Education voted unanimously--and quickly--to approve the bill. A careful review of the [recording of the hearing](#) strongly suggests that Senator Kim and members of this committee had previously discussed the bill and made up their minds to approve it without considering opposing arguments. Additionally, when reflecting on whom Senator Kim invited to participate in this hearing and the length of time she allowed

individuals to testify, there are legitimate questions about her impartiality and ability to make fair and informed judgements about legislation that will greatly impact the UH and the citizens of Hawai'i.

### **Regent Autonomy**

**SB3186** - Constitutional Amendment to eliminate Board of Regent (BOR) Council Advisory Committee and exclusive jurisdiction of the BOR over the internal structure, management, and operations of the university.

**SB3187** - Upon ratification of the Constitution, SB3186 authorizes the governor to directly appoint members to the UH BOR from lists provided by the Speaker of the House and Senate President.

### **Administrative Authority**

**SB3267** - RCUH Contracts, Sponsored Projects, Employees - enter into contracts for supporting or facilitating sponsored research and training activities or for advancing innovation and entrepreneurship. This restricts the ability of RCUH to assist in the processing of extramural grants.

**SB3268** - Board of Regents, Athletic Director, Coaches, Contracts, Salaries, Termination - Authorizes the BOR with the responsibility to not only manage the Athletics Department but to remove all lines of authority and reporting from the President and places it directly under the Regents.

## **2021 Legislative Session**

### **Contractual Violation**

Senator Kim unilaterally [terminated a UH faculty member](#). In May 2021 Senator Kim inserted a faculty position number into the budget worksheet for deletion with neither the consent nor the knowledge of many other legislators. The position was still occupied by the former director and tenured professor of the UH Cancer Research Center, Carl-Wilhelm Vogel. The UH retained Vogel by moving him to a new position number. The effort could have set a dreadful precedent wherein the legislature has the authority to act as the employer of UH faculty.

### **University System**

**SB589,SD2, HD2, CD1** - This bill required the Cancer Research Center and the John A. Burns School of Medicine to reorganize and report to the provost of the University of Hawai'i. The bill could have jeopardized the accreditation of the Cancer Research Center.

**HB 200 HD1 SD1 CD1** - On Page 1133 of 1157 Item #2004-001 - Senate Higher Education Chair, Mercado-Kim inserted into the budget bill during conference committee to “Reduce (1) Permanent position for University of Hawaii, Manoa (UOH100/AH). Details list: (1) Researcher 11-Mo. AND THEN THE BILL PROVIDES THE INDIVIDUALS ID# and SALARY) - This means Senator Kim, or any legislator, can do this to any faculty member under the cloak of darkness as the conference committee is not required to disclose publicly what legislators will put into the bill, nor does it require public input.

**SB 1328** - Academic Tenure - This bill would have limited tenure to faculty positions of which the primary duties are instructional in nature with a commitment to student achievement and success. This bill did not pass.

**SB 1394** - Research Faculty; Salary; Extramural Funds; Research and Training Revolving Funds - This bill would have required that twenty-five percent of research faculty’s salary be paid by extramural funds and a research and training revolving fund by the unit in which the faculty holds tenure. This bill did not pass.

## **2019 Legislative Session**

### **Contractual Violation**

Senator Kim unilaterally proposed to eliminate [121 UH faculty positions](#), many of which were still occupied, of which nearly half were federally funded or funded by grants. The faculty positions included active researchers as well as leaves without pay, sabbaticals, retirements, and terminations. As Senator Kim is currently proposing in [SB 3269 SD1](#), and as she attempted to do when inserting an active UH faculty member’s position number into the budget spreadsheet for deletion, this effort would have made the legislature the employer of UH faculty.