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The impact of collective bargaining policy upon faculty participation in university governance: A historical review and commentary on the University of Hawai‘i experience

Kardash, James Daniel, Ph.D.

University of Hawai‘i, 1994
THE IMPACT OF COLLECTIVE BARGAINING POLICY UPON FACULTY PARTICIPATION IN UNIVERSITY GOVERNANCE: A HISTORICAL REVIEW AND COMMENTARY ON THE UNIVERSITY OF HAWAI'I EXPERIENCE

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAI'I IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN

POLITICAL SCIENCE

MAY 1994

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J.N. Musto, UHPA’s chief negotiator and executive director, inspired this endeavor. As a nationally recognized faculty and higher education advocate he sets the standard for those aspiring to make a contribution to university governance policy through the collective bargaining processes. I wish to express my appreciation to Donald Fukuda, former UHPA legislative and political action committee chairman. His view on university governance and the political interplay in Hawaii provided a unique perspective. His belief in faculty unionization and this research served to continually provide needed encouragement and to reinforce my confidence.

I also wish to express appreciation to my family. They were the primary source of my positive energy.
ABSTRACT

In this dissertation, I analyze the administration of public sector collective bargaining policy in Hawai'i and discuss the forces that create it. It identifies the experience of faculty unionization nationally. By approaching the topic from a national context I am able to address the issue of how the state's collective bargaining statute and its implementation frame and shape University governance. I conduct a survey of "expert" opinion and follow-up interviews, identify and discuss conflicting issues and practices, and sort through the political interplay that led to the 1983 faculty strike. Participants include the Governor, state legislators, directors of the departments of Budget and Finance, Personnel Services, Office of Collective Bargaining, and University Board of Regents, president, budget director, and other University executives, public sector union leaders, media representatives, and political players.

The legislature's failure to implement Hawai'i's Constitutional recognition of University autonomy and the UH-BOR's failure to challenge in the courts the State's interference in University matters contributes significantly to how collective bargaining takes place. The survey findings illustrate how the experts' high degree of loyalty to the Governor's political and economic objective did not preclude recognition of the Union's contributions to University governance. I discuss how this attitude led to a wide recognition of the deteriorating condition of the University and the role of the strike in identifying the locus of University governance. The findings suggest that Chapter 89, like the strike, is an enormously important symbolic device; political interplay reflects a system of human relations that is controlled by the Governor and has significant costs in terms of a quality University; and that experts support the existence of multiple perspectives of Chapter 89 and the conclusion that ideals and alliances are intimately connected.
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<td>-------------</td>
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<tr>
<td>&quot;AAUP&quot;</td>
<td>American Association of University Professors</td>
</tr>
<tr>
<td>&quot;AFT&quot;</td>
<td>American Federation of Teachers</td>
</tr>
<tr>
<td>&quot;B&amp;F&quot;</td>
<td>State of Hawaii Department of Budget and Finance</td>
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<tr>
<td>&quot;Chapter 89&quot;</td>
<td>Hawaii Revised Statutes, Section 89, Public Employees' Collective Bargaining Law; Hawaii's Labor Relations Act</td>
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<td>&quot;CUPA&quot;</td>
<td>College and University Professional Association</td>
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<td>&quot;EMPLOYER&quot;</td>
<td>DPS, B&amp;F, OCB, and UH-BOR serve as the Employer for faculty negotiations</td>
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<td>&quot;DAGS&quot;</td>
<td>State of Hawaii Department of Accounting and General Services</td>
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<td>&quot;DPS&quot;</td>
<td>State of Hawaii Department of Personnel Services</td>
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<td>&quot;HEA&quot;</td>
<td>Hawaii Education Association</td>
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<td>&quot;HFCT&quot;</td>
<td>Hawaii Federation of College Teachers</td>
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<td>&quot;HGEA&quot;</td>
<td>Hawaii Government Employees Association</td>
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<td>&quot;HLRA&quot;</td>
<td>Hawaii Labor Relations Act; Public Sector Collective Bargaining law</td>
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<td>&quot;HLRB&quot;</td>
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<td>&quot;OCB&quot;</td>
<td>State of Hawaii Office of Collective Bargaining</td>
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<td>&quot;STATE&quot;</td>
<td>Governor, OCB, B&amp;F, DPS, DAGS, and UH-BOR</td>
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<td>&quot;UH&quot;</td>
<td>University of Hawaii</td>
</tr>
<tr>
<td>&quot;UH-BOR&quot;</td>
<td>University of Hawaii Board of Regents</td>
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<tr>
<td>&quot;UHM&quot;</td>
<td>University of Hawaii-Manoa Campus</td>
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<td>&quot;UHPA&quot;</td>
<td>University of Hawaii Professional Assembly</td>
</tr>
<tr>
<td>&quot;WASC&quot;</td>
<td>Western Association of State Colleges</td>
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<td>&quot;WICHE&quot;</td>
<td>Western Interstate Commission for Higher Education</td>
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Chapter I.

INTRODUCTION

While the state and University of Hawaii (hereafter UH or University) goals and objectives for faculty participation in governance are presented in public policy statements, it seems to me that much of the vision has yet to be realized. The choice of this dissertation topic results from more than sixteen years of day-to-day contact with persons who have had a say in how the University is governed. During this period I was a researcher for the faculty union, the University of Hawaii Professional Assembly ("UHPA"), and interacted with key government decision-makers as a lobbyist before the state legislature. I analyze the politicization of governance and faculty participation in collective bargaining at the University of Hawaii, and discuss the forces that create it. By approaching the topic from this perspective I am able to address how the state's collective bargaining statute and its implementation frame and shape University governance.

Central to the analysis is an examination of the political interplay that led to the 1983 UH faculty strike. Where they exist, I cite public records. Due to the nature of this inquiry, limited empirical data is involved. Moreover, a significant amount of data is cited without attribution in part because to do so would be to reveal the political positions of some key participants--an outcome that they have often avoided.
Therefore, in order to obtain relevant data I conducted a survey of "expert" opinion and follow-up interviews. Participants fell into one of six categories: state executives including the Governor and the directors of the departments of Budget and Finance ("B&F"), Personnel Services ("DPS"), Accounting and General Services ("DAGS"), Office of Collective Bargaining ("OCB"), and University Board of Regents ("UH-BOR") hereinafter referred to as the "Employer"; UH administrators including the president, budget director, and other University executives hereinafter referred to as the "University Executive"; public sector union leaders hereinafter referred to as "Union Leaders"; media representatives; political players; and state legislators. The use of a survey and interviews of expert opinions helped identify conflicting issues and practices. I interviewed as many principal "actors in the scenario" as possible. My comments on these interviews are from the "insider" viewpoint and put the series of events in perspective. I was able to accomplish this through the personal relationships established with the participants at the bargaining table, during legislative processes before the UH-BOR, and in legislative activities. For purposes of succinctness when applicable, the term "State" is used to refer to the Governor, OCB, B&F, DPS, DAGS, and UH-BOR.

By further identifying certain political events and showing their relationship to the strike, I explain Governor Ariyoshi's reason for wanting to treat faculty as equal to all other state employees--what I hold to be his "hidden agenda"--and how some legislators and UH management tried to "crush" UHPA. I also explain how decision-making power within the
University governance structure inhibited change as the faculty union sought to negotiate what from its perspective was a fair and just contract. This project is a historical review and commentary on how the UHPA, State, and UH-BOR negotiated principles of good governance.

Chapter II presents three parallel histories that contextualize the process of American higher education collective bargaining. The first illustrates the role of education in the development of the U.S. economy and documents how it became politicized. The second serves to document the development of U.S. labor policy in clarifying the interests of labor and management. The third supports the argument that the politics of university governance is impacted by faculty's participation in collective bargaining and the contractualizing of various traditional values within academic culture such as academic freedom and tenure. I argue that there is an interdependent relationship among the capitalist economy, public higher education, and labor policy. As the economy expanded from the early 1960s to the early 1970's and higher education received increased funding, a new type of higher education employee was hired to support the academic program. This management professional tended to see university governance processes as congruent with business management methods designed for efficiency. These changes did not fit readily within higher education institutions. This national historical context sketches the value and philosophical bases for those events that would play out in the collective bargaining drama in Hawaii.
Chapter III provides a historical account of the introduction of public higher education and labor policy in Hawaii. By comparing this account with the history of U.S. labor law I argue that the State deliberately politicizes faculty participation in collective bargaining processes by contesting and ultimately denying the collegial nature of university governance. The link between the professoriate and the rest of the state with respect to university governance is demonstrated by relating the purposes of higher education at the University of Hawaii to the overall capitalist economy. The local context for higher education is highly correlated with America's struggle to support the capitalist economy.

A hybridized form of collective bargaining exists in Hawaii that the Governor uses as a vehicle to further his political and economic agenda. I support this position by synthesizing the elements of chapters II and III. These historical factors are used in explaining the development of this hybrid process, the existence of competing interpretations and competing realities, and their impact upon faculty unionization. Reviewing the faculty struggle to organize and attain a meaningful role in University governance under the stewardship of the UHPA illustrates how the State came to control the process of University governance. The State's strategy was not unique to Hawaii, but reflects governance patterns in other states. Like other members of the professoriate nationwide, the UH faculty decision to unionize responded to a need for a balance between academic values and bureaucratic capitalist priorities. The interpretation of Hawaii's labor policy became a new source of political tension among interest groups.
within the University governance process. The structural duality of the Employer--two members of the UH-BOR and the directors of B&F, DPS, and OCB--in faculty negotiations precluded the development of normal give and take expected during negotiations.

Chapter IV addresses the origin of competing interest groups and argues that the hidden State agenda which seeks to maintain control while ostensibly promoting an open collective bargaining process effectively defines the politics of public collective bargaining. While not all decision-makers agree as to how University governance is supposed to work, there is agreement about its importance. Illustratively, one of UH's more vocal Regents has commented about the complexities involved: "it is the most challenging type of governance--with its various constituencies, numerous needs, multi-campuses, and different missions." He also believes that evaluation models of university governance are "dependent upon where one sits on the problem." Citing a personal experience, he compared the public higher education system in the State of Colorado, where the Board of Regents, unlike the UH-BOR, does not oversee all of higher education. His conclusion: "not only is Hawaii unique but its faculty union is the strongest union of any kind anywhere."

These processes have come to constitute competing and conflicting realities. By revealing the competing realities facing interest groups and their conflicting interpretations of Chapter 89, the undermining of faculty participation in collective bargaining and the principles of good governance is more clearly understood.
The State and Union have produced contrasting accounts of the strike. Through the use of ambiguities and contradictions in the implementation of Hawaii's hybrid collective bargaining law, and his interpretation of the faculty strike, the Governor succeeded in achieving his political objective. The Governor's leadership is an issue in the process; his unwillingness to negotiate or arbitrate unresolved issues reflected a fundamental refusal to accept the premise that faculty were different from other public employees.

In contrast to the Governor's interpretation of Chapter 89, experts reject a single explanation for the complex problems facing University governance. The real crisis is the impact of this issue upon certain checks and balances in University governance and the State's negotiations with faculty. This strike is explained as the Union's only legal means to undermine the functioning of the State's oppressive practices in the bargaining process. In chapter V, I present a statement of the conclusions resulting from this historical review and commentary.
Chapter II.

HISTORY OF THE U.S. CAPITALIST ECONOMY, HIGHER EDUCATION, UNIVERSITY PROFESSORIATE, AND LABOR POLICY

In this chapter I present three parallel time continua that identify developing factors of the U.S. capitalist economy, U.S. labor policy, and faculty participation in collective bargaining. From the information presented in the first time continuum, I draw a relationship between the increased role in supporting the economic system and the politicization of U.S. universities. Individual and group expression and orderly dissent are the essence of American governance and its political processes. The antecedents of the individual expression of dissent lie in the American Revolution and the colonists' struggle for independence from British influence.

The second continuum supports the argument that politics is an important part of U.S. labor policy. The third explains how the politics of university governance and faculty's participation in collective bargaining are related. The history of U.S. economic development, industrialization, labor policy, and university governance illustrates how special interest groups sought to influence public policy through political action.

University governance shares with other forms of public policy a tendency to be shaped by political economic agendas. The struggle over university governance has had social, political, and economic implications.
for special interest groups such the faculty, UH administration, UH-BOR, legislature, and state executive. Federal collective bargaining policy set the stage for faculty participation in unionization. State public employee collective bargaining statutes provided faculty with a legal right to participate in the governance process. For this reason, conflict among special interest groups appears more public and has fueled the debate over related issues such as whether the university ought to be run first as an educational institution. State lawmakers, political leaders, and other interest groups have been drawn into competition over defining the academic program and its role in state economic stability.

The American university has experienced many social, political, and economic battles. Its national context, academic field of study, and institutional structure have contributed to the increased influence of special interest groups. While attributes such as tolerance of competing ideas and adaptability are widely recognized, the locus of university decision-making power continues to be a source of debate between faculty and the university community. Faculty have stood up and fought to be included in the governance of U.S. institutions of higher education.

One purpose of relating these three parallel histories to higher education and to American collective bargaining is to illustrate Hawaii's hybridization of the National Labor Relations Act ("NLRA") in the form of its public employee collective bargaining law ("Chapter 89"). Within this context, the politicization of University governance becomes more apparent.
History of The U.S. Capitalist Economy and the Role of Higher Education

Robert C. Bone (1977), an officer with the department of state foreign service from 1946 to 1954, states that the Declaration of Independence represents the principles fundamental to America's early success in governance and economic development. The birth and institutionalization of civil liberties, capitalism, and the U.S. economy, Bone points out, resulted from the government's centralized administration in the thirteen colonies and the freedom granted the individual to seek economic security as a protected civil activity. These factors, says Bone, signify the political philosophy of the American Revolution, which represents the foundation for American capitalism. The events presented in Chart I. support Bone's premise and help to explain the emergence of capitalism from the time of the American Revolution (1775-1783).

Creel Froman (1984), a political economist on the faculty at the University of California, Irvine, offers a correlative argument that the democratic system represented by American government during this period was designed primarily to protect property and its owners. Citing Madison's Federalist Papers #10, Froman contends that neither economic equality nor political equality was ever intended by the Constitution. Protection of personal property was as important as the ideas of freedom of speech, press, and religion. American ideological pronouncements which protect the economic and assets of property came from the business and corporate sector. He believes that their close working relationship
with government is overwhelmed by the constant rhetoric of the
democratic creed. A few people make decisions for the majority.
Everyone's vote is not equally weighted. America's representative form of
democracy is not what people are led to believe. A corporate political
system dominates the political actions of the individual.

The clash between the ideal of the American democratic form of
government--how people thought government was suppose to function--and
ultimate control of the economy by a few influential industrialists and
political decision-makers characterizes the emergence of American
capitalism. Geopolitical struggles in Texas, Mexico, and Latin America
during this time period illustrate the dominant capitalist principles of
economic expansion and success. Under the control of a few powerful
men, industrial empires emerged and paved the way for entrepreneurial
capitalism.3

Through strained economic times following the Civil War, a number
of events eventually transformed American capitalism from its
tenrepreneurial form in 1865 to its corporate form in 1960.4 Significant
events were the Middle Class Revolt (Progressive Movement of 1890); the
introduction of welfare programs (1910) whereby the character of
proletarianization changed to include the white-collar labor; World War I;
the collapse of U.S. capitalism (1929); and World War II. The following
comments address what was it about these events that contributed to this
transformation.
CHART I. DEVELOPING FACTORS OF THE U.S. CAPITALIST ECONOMY

1800-1830
- Marshall Court
- Industrial Expansion

1830
- Entrepreneurial Capitalism

1862
- Morrill Act

1870
- Emergence of New Academic Sciences

1890
- Public Sector Participation in Collective Bargaining

Modern Capitalism

1900s
- Quantitative Growth
- Higher Education Receives Increased Support
  - Increased enrollment
  - States establish systems of Higher Education
  - Declining Resources
  - Increased Accountability
  - Fewer New Institutions
- Business/Corporate Approach to Univ. Governance

Corporate Capitalism

1910
- Introduction of Welfare Programs

1929
- Collapse of U.S. Capitalism

1930
- Great Depression

1775-1783
- American Revolution

1800-1850
- Economic Depression

1861-1865
- American Civil War

1914-1921
- World War I

1929-1945
- Great Depression

1960
- Workforce Reductions
- Mergers
- Takeovers

1970
- University program eliminations

1980
- 1990

1990s
- Qualitative Growth

- Cut-Backs in State Funding
- Workforce Reductions
- Mergers
- Takeovers

1870
- Emergence of New Academic Sciences

1862
- Morrill Act

1861-1865
- American Civil War

1890
- Progressive Movement (Middle Class Revolt)

1900s
- Quantitative Growth

1920s
- Introduction of Welfare Programs

1929
- Collapse of U.S. Capitalism

1930
- Great Depression

1945
- World War II

1990
- Mergers
- Takeovers
Stuart Ewen (1976), professor of media studies at Hunter College of City University of New York, examined the emergence of American industrial culture. His work reveals the theme of social control within the history of industrialization. Social control, Ewen concludes, was part of industrial thought. Neutralizing social unrest, which had emerged in response to industrial management, a retooling of worker-industry relationships, evolved as part of the industrial form of capitalism. Changes to centuries of pre-industrial life were met with resistance and antagonism. In addition, as part of a socialization process developed to stabilize the work force, industries instituted welfare programs. Ewen concludes that the evolution of American capitalism centered in the industrial leaders’ attempt to control the entire social realm and not just industry, arguments supported by Bone and Froman.

Between 1775 and 1795 a fourfold increase in wage workers occurred as substantial capital was invested in the labor force. As the factory system expanded, corresponding opportunities for independent livelihood decreased. Traditional employment opportunities outside the factory and manufacturing declined by two thirds. With the onset of industrial capitalism (1830), the population began to shift from rural areas to the emerging cities, radically altering the relationship between the family and the system of production, a pattern that has continued throughout the industrial period.

The economic changes resulting from the American Revolution deeply affected the educational process. At this point in time, the
American capitalist economy and America's educational institution created a symbiotic relationship. The story of their interdependence is central to an explanation of the kind of confrontation represented by the 1983 UH faculty strike. Samuel Bowles and Herbert Gintis (1976), economists from Harvard University and the University of Massachusetts respectively, whose research has focused upon educational reform and the contradictions of economic life, chronicled changes in the early American educational environment. They argue that until around 1783 formal education addressed the needs of two separate groups in society. There were those individuals who earned a living on the plantation or farms and those involved in industry. The basic social unit was the family. When the family unit controlled the educational purpose, elementary schools focused on literacy training. The church, at the next level, sought to inculcate the accepted spiritual values and attitudes. Beyond this level, education tended to be narrowly vocational, class based, church oriented, professional oriented, or governmental (directed to the still inconsequential state bureaucracy).

During these early decades of the Republic, higher education was of "only marginal importance to the processes by which the economic order was reproduced and extended." However, like the new economy and westward expansion, higher education became a road to future opportunities and success for those families who hoped for more out of life for their children than work in the factories, life in crowded cities, and, indeed, a life of poverty. Following the Civil War (1861-1865), those who
reached the western frontier experienced increased pressure at the hands of the railroads, mining companies, entrepreneurial farmers and ranchers, and other businessmen. Capitalist expansion had created new occupations requiring different skills. Education soon became a kind of safety valve. Programs had moved toward more practical expectations and purposes. Many wealthy men, a lot of them who reached financial success through the expansion of the railroad, invested in colleges. Teaching procedures were advanced from old patterns to newer ones that were better suited for the education of larger numbers of students.

The increase in the number and size of educational institutions was government's response to the interests of those who controlled production and wealth--a requirement for the success of the capitalist economy. Bowles and Gintis (1976) point out that "higher education was hardpressed to accommodate a wave of students who were highly politicized by the rapid changes in their class status, and destined for the alienated labor of the new corporate order." Training an economic elite was one thing. Higher education was not prepared for the corporate agenda of education.

Unlike the artisans and cottage industries, which were self contained systems of production and reproduction, industrial capitalism required political and economic control over the means of production, the wage system, and the educational process that supplied the trained workers and managers needed to ensure economic expansion. Paul Westmeyer (1985), professor of higher education, University of Texas at San Antonio, whose account of American higher education spans three and one-half centuries,
has differentiated its role over selected economic cycles. His work supports that of Bowles and Gintis. His documentation of the scope of education prior to the creation of the American Colonies, points out that it was vocational because of the practicality of the population. The major purpose of higher education was to prepare an educated clergy. There was no time for that "foolishness research" in which German universities were engaged. However, because this early form of higher education in America was so narrowly religious, it remained unlike the German universities for a long time. This narrowness of focus, Westmeyer concludes, delayed the establishment of the American university.

Prior to the American Revolution (1775-1783) the only colonial or "frontier" colleges included: Harvard (1636), William and Mary (1693), Yale (1701), Princeton (1746), Columbia (1754), University of Pennsylvania (1755), Brown (1764), Rutgers (1766), and Dartmouth (1769). Soon after the Revolutionary War, other colonies also established colleges: Maryland (1782), Georgia (1785), South Carolina (1785), North Carolina (1789), Delaware (1833), Vermont (1791), and Maine (1794).

Westmeyer argues that this post-war period was a critical time for colleges as well as the economy. Financial situations became difficult and many colleges appealed to the states for assistance. The issue that subsequently arose was whether these colleges were public or private. During the fifty-year era between about 1820 and 1870, few new colleges were able to gain and hold support because of the uncertainty of private colleges remaining free from the influence of the state. Westmeyer points
to Dartmouth as a noteworthy example. The New Hampshire legislature and the Dartmouth College trustees argued their opposing views on this issue before the U.S. Supreme Court. Although the Supreme Court (1819), led by Chief Justice Marshall, supported the autonomy of Dartmouth College and its trustees, the decision apparently delayed the founding of new state universities.⁹

Education was viewed by industrial capitalist leaders as a practical means to provide personnel, workers, and management, upon whom capitalism depended. The strong religious influence on higher education institutions before the Civil War provided leaders for the learned professions and public service.¹⁰ The higher education curriculum expanded after the war, reflecting the broadening scope of educational demand. Multipurpose universities were established that more effectively answered the capitalists' call for qualified and credentialed manpower for numerous white-collar occupations. This expanded role for higher education following the Civil War, then, was linked closely with fundamental characteristics of the economy.

Energizing the economy through the expansion of the institution of American higher education was not unanimously supported. Providing incentives for the speedy development of agricultural and mechanical colleges through the federal legislative process was opposed by Southern states because it was seen as a strengthening of the artisan and laboring classes of the North. Supporters of the land-grant policy, such as Jonathan Baldwin Turner of Illinois College, one of the American pioneers
responsible for the establishment of the land-grant colleges, proposed that there should be a university for the industrial classes in each state and that such colleges should have connected with them lands that could be used for experimental purposes.  

Such debate over the expansion of higher education illustrates the increased relationship between higher education and the economy and the interdependence of industrial capitalist leaders, congress, state legislatures, and others who were responsible for the development of America's land grant higher education institutions. Justin Smith Morrill's first land-grant bill, which was introduced and passed in the U.S. House of Representatives in 1857, was vetoed two years later by President Buchanan. The reasons cited included: the federal government was in financial straits, the bill threatened states' rights, it was potentially dangerous to new states, the advancement of agriculture and mechanic arts was a disputed issue in the country, there might be unfavorable results of the bill for existing colleges, and it was unconstitutional. The Civil War and the perspective of President Lincoln had an effect upon the land-grant policy. In 1862, the Morrill Act ensured the federal appropriations of public lands to several states and territories providing colleges for the benefit of agriculture and the mechanic arts. Each state was provided 30,000 acres. In 1887, the Hatch Act permitted the federal government to furnish annual appropriations of $15,000 for support of the land-grant colleges. In 1890, a second Morrill Act appropriated $15,000 (later increased to $25,000) to support land-grant colleges. It was this act that allowed the "separated but
equal" institutions for Negroes. These public policies energized state economies by providing the necessary incentives for the speedy development of agricultural and mechanical colleges.

By the end of the 1860s, new academic sciences emerged from natural philosophy and natural history. Break-away subjects of the post-war period, which contributed to the multipurpose universities: chemistry, geology, astronomy, physics, and biology, began independent academic existences (formerly under natural philosophy/natural sciences). By the end of the century, all but chemistry had formed individual national associations. Moral philosophy (natural history) expanded to make room for social sciences such as political economy and political science (Table 1). The academizing of new subjects dramatically occurred after 1880 as academics sought to explain changes they were witnessing. As the domain of knowledge enlarged, so too was the academic field enlarged. Applied sciences and engineering gave birth to pharmacy, nursing, dentistry, veterinary medicine, and a variety of new professions—education, journalism, engineering in many subfields, social work, accountancy, and finance. Academic institutions responded to the needs of an expanded work force with the emergence of these new academic sciences. The interdependence of the corporate capitalist economy and higher education was showing signs of maturity.

In 1860, Harvard's instructional staff of forty-one was the largest in the United States. By 1910, Yale, Wisconsin, and Cornell faculties had 450, 520, and 750 members, respectively. Universities attracted more
Table 1

Nineteenth Century Academic Disciplines

<table>
<thead>
<tr>
<th>Subjects Prior to the Civil War</th>
</tr>
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<tbody>
<tr>
<td>Classical languages and Mathematics</td>
</tr>
<tr>
<td>Natural Science</td>
</tr>
<tr>
<td>Moral Philosophy</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Subjects of the Post-Civil War Period</th>
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</thead>
<tbody>
<tr>
<td>Chemistry 1820</td>
</tr>
<tr>
<td>Geology 1840</td>
</tr>
<tr>
<td>Astronomy 1860</td>
</tr>
<tr>
<td>Physics 1860</td>
</tr>
<tr>
<td>Biology 1860</td>
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<tr>
<td>Genetics --</td>
</tr>
<tr>
<td>Political Economy 1860</td>
</tr>
<tr>
<td>Political Science 1860</td>
</tr>
<tr>
<td>Anthropology 1860</td>
</tr>
<tr>
<td>History 1880</td>
</tr>
<tr>
<td>Economics --</td>
</tr>
<tr>
<td>Sociology 1893</td>
</tr>
</tbody>
</table>

students and private donations through diversification. The largest academic enrollment in the country was 6,681 at the University of Chicago and access to higher education had increased significantly by 1930.

A comparison of enrollment figures for the number of eighteen to twenty-one-year-olds in college for different economic periods reveals significant growth. From the Civil War (1870) to the post-depression period (1930) there was a 612 percent increase in the percentage of twenty-one-year-olds in college. In comparison to the 1930 total, the number of students enrolled in 1945 had increased more than two and one-half times, and by 1975 the total had increased five fold. By 1990 the totals equalled five million seven hundred thousand students (Table 2).

This opening up of educational institutions helped the capitalist economy by increasing production and stabilizing control. The industrialization of the American economy (1865-1914) led to an expansion of capital--through accumulation by large corporations. The fragmentation of white-collar skills contributed to greater control over the labor force by industrial leaders. This faculty experience reflected the experience of the larger community which in turn had educational implications. Bowles and Gintis (1976) identify "the proletarianization of the once-independent nonmanual producers" as causing a significant basic economic shift. Society could no longer support the traditionally elite independent jobs--entrepreneurial, privileged white-collar, professional, and technical occupations. Professional and small-business people had to face the reality of being reduced to the condition of wage labor. A future of controlling
Table 2
A Comparison of Eighteen to Twenty-One-Year Old Students and Academic Enrollment in Higher Education Institutions for Selected Years

<table>
<thead>
<tr>
<th>Period</th>
<th>Percentage of 18-21 Yr. Olds</th>
<th>Number of Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Civil War</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1870</td>
<td>1.7</td>
<td>_</td>
</tr>
<tr>
<td>1910</td>
<td>4.8</td>
<td>335,000</td>
</tr>
<tr>
<td>1930</td>
<td>12.1</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Post-World War II</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1945</td>
<td>20.0</td>
<td>2,700,000</td>
</tr>
<tr>
<td>1975</td>
<td>50.0</td>
<td>5,029,000</td>
</tr>
<tr>
<td>1990</td>
<td>42.5</td>
<td>5,788,925</td>
</tr>
</tbody>
</table>

their own work process, finding creative outlets in work, or holding decision-making power was fading."\textsuperscript{15} The rise of corporate capitalism at the turn of the twentieth century gave birth to the "progressive movement" and the bureaucratic stratification of education. The progressive movement was "a revolt of middle-class farmers and business and professional men against entrenched privilege."\textsuperscript{16} Its objectives, among others, were the regulating of common carriers, and controlling financial and manufacturing monopolies. The movement sought to protect women and other workers, eliminate child labor, reform municipal government, and "secure the adoption of the direct primary, the initiative, referendum, and recall, and the direct election of U.S. senators."\textsuperscript{17}

According to Bowles and Gintis (1976) the compartmentalization and fragmentation of tasks led to the "demise of the self-employed worker, the integration of white-collar labor into fragmented and hierarchical work roles, and the expansion of corporate capital which brought about the rapid growth of new kinds of work."\textsuperscript{18} The expansion in the community colleges and four-year institutions has led to the training of the middle-level office and technical workers of the future, whereas the traditional university structure had been inadequate to the needs of reproducing the contemporary corporate capitalist system.

This fragmentation of the educational pursuit is only one outgrowth of the conflict between the traditional elite-training function of the university and the greatly expanded numbers of enrolled students. Bowles and Gintis (1976) point to the growth of two-year colleges and post-
secondary technical institutes as significantly contributing to expanded conflict. They argue that the booming community college movement created a class stratification within higher education parallel to the hierarchical relationships of production in the modern corporation. This expansion, they claim, undermined the elite status and function of established institutions. What has resulted is a multitiered system dominated by prestigious state universities, state colleges, and ending with the community colleges.

Again, up until the industrialization of the American economy (1865-1914), higher education was only of marginal importance to the processes by which the economic order was reproduced and extended. Nowhere is the interdependence between business and industry, and higher educational institutions better illustrated than through the enthronement of vocationalism and diversification. What better way to buttress the industrial work force than to channel the increasing number of high school graduates through higher education before they entered a future in industry? The result was the advancement of the vocationalization and stratification of America's higher education structure. Economic inequality was legitimated by the educational system fostering and reinforcing the belief of "an open, objective, and ostensibly meritocratic mechanism for assigning individuals to unequal economic positions."19 Success was dependent upon possession of technical and cognitive skills provided in an efficient, equitable, and unbiased manner on the basis of meritocratic principle. The states saw expansion of the higher education
institution as a means to stimulate the local economy with trained workers and managers, as well as a resource for private business.

Community colleges came to form a vocational bridge between secondary and post-secondary education. Also, the addition of the community college in higher education clearly identified the institution as playing an integral role in the economic system. At the same time the beginning of factory life and the rise of corporate capitalism contributed to increased employment in corporate, state, and nonprofit sectors of the economy. In a few short years, such employment numbers "eclipsed the self-employed professional and the traditional, small-scale entrepreneurial enterprises."20

William Harper of Chicago introduced the term "junior college" into the higher education vocabulary. The earliest institutions were Texas (1897) and Illinois (1902). Westmeyer's (1985) account recognizes the junior college serving two functions: "replication of the lower division work of the university and/or provision of some advanced study for those less capable students who might never be able to attend the university."21 The latter is recognized as the beginning of the vocational training aspect of today's "community" colleges. In states such as California, Texas, Florida, and Illinois, where the junior/community colleges spread rapidly, free or very low student tuition was provided to students. The majority of community colleges today offer an Associate of Arts degree as a terminal degree as well as a two-year program for advanced admission into a four-year college. In the six decades following 1920, 1,141 new American
community colleges were established. The 1992 reduction in the number of institutions seems to reflect the economic downturn of the 1980s (Table 3).

In contrast to the preceding periods of economic development, following World War II higher education helped reproduce and extend economic order. According to Westmeyer (1985) it was during this time that the "purposes" of education became congruent with support and expansion of an economic system that served the interests of private corporations. Responsibilities for higher education governance shifted out of the family to individual state governments. America's institution of higher education was about to take its place alongside other types of schooling and the family as part of the process by which the class structure of advanced capitalism was reproduced.

With competing interests and values in university governance becoming identifiable with a more politicized unit, competition with state government over educational value became significant.

Bowles' and Gintis' (1976) description of education during this period echoes Westmeyer's observations: "education was about politics...about views on economics...about possibilities and limits." Certainly, academic culture began to take on a different look as the institution of higher education expanded in response to increased political influences. This marks the beginning of the interlacing of education and politics of economic development; this is in contrast to the previous era
where religious politics framed higher education. They contend that by the late 1950s, the educational frontier was pressing its limits. More and more students were going to college in search of the equal opportunity for full personal development and the American Dream only to find the "once relatively homogeneous appearance of the system of higher education rapidly giving way to a hierarchy of colleges."^25

Although the success and growth of large corporations increasingly drew workers into the wage-labor market, degrees did not necessarily translate into well-paid jobs. While the number of self-employed
professionals and entrepreneurs fell, the number of salaried managers and professionals increased. This characterized the evolution from an emphasis on the individual in the entrepreneurial form of capitalism to corporate leaders' oversight of workers in the corporate form of capitalism. White-collar labor, then, was integrated into the wage-labor system at the expense of increased numbers of underemployed skilled white-collar workers.26

While higher education outwardly upheld the principle of equal educational opportunity, its legitimization of inequality contributed to acceptance of the unequal distribution of wages in the capitalist economy. The effect was generalized consciousness that inhibited the changing of social and economic conditions. Higher education supplied the economic system with an internalized social structure that reinforced meritocracy and economic disparities.

At this point two events occurred simultaneously that significantly impacted higher education. Since 1950, the myth of equal opportunity increasing came to be seriously questioned.27 There was an increasing level of dissatisfaction with the promises of education. Individuals and groups sought relief through court action by demanding that government reinforce the educational institution. E. Edmund Reutter, Jr. (1982), one of the foremost authorities in school law has analyzed all the decisions of the U.S. Supreme Court dealing with education. Ten areas where the U.S. Supreme Court has issued opinions include: financial aid, religious influences, church-state relations, race-state relations, civil rights and liberties, unequal protection, conditions of teacher employment, child's
health, the mandatory use of English in the first eight grades, and state powers in educational matters. In the case of Brown v. Board of Education the Court stated, "that education is the most important function of state and local governments." Other court cases and civil rights amendments were passed to reinforce an increased promise of equal opportunity for all citizens. Examples include: a) the Civil Rights Act of 1964 codified as Title VI, section 2000d, barring discrimination based on "race, color, or national origin" in activities receiving federal financial assistance, b) the Education Amendments of 1972 codified as Title IX, section 1681, prohibiting discrimination on the basis of sex in education programs or activities receiving federal assistance, and c) in the case of Wisconsin v. Yoder the Court stated, "that education ranks at the very apex of the functions of a state." University and state budget personnel became responsible for addressing these principles.

The 1960s and early 1970s were periods of rapid growth in state budgetary support of higher education. In the early 1960s it was common to find two-year percentage gains of 50 percent or greater. This occurred when states were establishing systems of higher education, when enrollment was increasing rapidly, and when many public colleges, especially two-year community colleges, were being initiated. In contrast, since the late 1960s, the number of state institutions of higher education has not expanded. Westmeyer (1985) observes that "state legislatures were cutting back on appropriations, funding for grants and outside contracts was drying up, and the climate was just not good for growth among institutions.
of higher education." As some universities grew larger, they consumed more resources and pressures grew to run them in a business-like manner. Higher education was faced with the complexity of changing governance roles and forging a new balance between traditional academic leadership and a corporate executive management model. The application of business management methods designed for efficiency did not fit readily within higher education institutions.

The 1970s and 1980s seem to represent a shift in how higher education was managed. If the predominant theme of the previous two decades was the development of new programs and physical expansion representing quantitative growth, then the theme of the following two decades was qualitative growth. Although there was not total agreement regarding the reasons for these changes, student preferences for more job-oriented curricula and changing patterns of majors were widely recognized as contributing to the substantial pressure for internal resource reallocation.

Overall growth in the productivity of American business and industry declined from an average of "three percent per year for the past 150 years to an average of 1.2 percent per year between 1980 and 1990. While federalism was active in setting and funding the social agenda for states in the 1960s and 1970s, during the 1980s, in large part, federalism was characterized by a laissez-faire posture. The federal government cut domestic spending by "$39 per capita between 1979 and 1989, while state and local spending grew by $621 per capita.
To situate these developments in Hawaii, between 1981 and 1991 the number of eighteen year-old students attending the University of Hawaii declined 16.7 percent from a total of 10,969 to 9,139. For the same time period the ratio of part-time to full-time students increased from 39:61 percent in 1981 to 46:54 percent in 1991. The mean age increased from 24.9 years to 26.5 years old. Following the flat years of the middle and late 1970s and early 1980s, the State's renewed investment in UH correlated with a dramatic increase in extramural funds. Between 1983 and 1986, total extramural funds ranged between $60 and $70 million per year. Since 1986, total outside funds coming to the UH increased from $66.3 million to $138.3 million per year. Faculty contracts and grants increased from $52.6 million (1986) to $120.2 million (1991), representing an unprecedented 129 percent increase over five years. These figures represent an extraordinary return on the State's investment in research and training. Another illustration of Hawaii's attempt to adjust to limited resources was government's effort to make the UH more directly relevant to economic development. In 1988 the State legislature approved the creation of a Discoveries and Inventions Revolving fund along with an appropriation of $2.95 million for program development and implementation. Another $175,000 and 8.00 permanent positions were granted to establish a technology transfer and economic development program at the University.

As recent as 1993 the Governor has requested additional belt tightening which could result in the closing of some classes and limiting
enrollment. Other administrative belt tightening measures included efforts to involve faculty in the process of program review and prioritization as a basis for determining reallocations. In testimony before the State Senate Committee on Ways and Means the UH administration stated that these undertakings will help the university meet the "challenge...as a public institution to maintain program quality and accessibility with fewer resources."36

Some scholarly works during this time period focused upon the management of higher education and the university's role in attention to economic developments. Kenneth P. Mortimer and Michael L. Tierney (1979), for example examined the responses of colleges and universities to the changing economic conditions of the period. They observed that "traditional governance patterns...are not well equipped to handle faculty participation in an era of declining resources."37

Tom Chmura of the Public Policy Center of SRI International (formerly Stanford Research Institute) was the principal researcher in a project examining the question of the emerging roles for higher education in supporting the state's economic development. Based upon their findings, the researchers, in looking to the future, concluded "that the key to success was competitiveness in the global economy." Public institutions of higher education, that would act proactively and aggressively to develop their full role in economic development, were seen as exemplifying the number one scenario for supporting the institution and behaving in a manner consistent with purposes and missions in higher education.38
Historically the relationship between the university community and business interests has created tension. This context helps clarify the challenges and tensions in university governance today. Frederick Taylor, an American engineer at the turn of the century, established principles for work design. These are the principles of scientific management which represent the cornerstone for management during the first half of the century. Summarized, they include shifting all responsibility for the organization of work from the worker to the manager; using scientific methods to determine the most efficient way of doing work; selecting the best person to perform the job; training the worker; and monitoring worker performance. Taylor advocated the use of time-and-motion study as a means of analyzing and standardizing work activities. Other classical management theorists who considered military and engineering principles included Englishman Col. Lyndall Urwick, Frenchman Henri Fayol, and American F. W. Mooney. Collectively they set the basis for many modern management techniques, such as management by objectives (MBO); planning, programming, budgeting systems (PPBS); and other methods stressing rational planning and control.

According to Westmeyer (1985), prior to the influence of the capitalist economy upon education and the development of America's institutions of higher education, faculty managed the colonial college. For all practical purposes the faculty managed the colonial college. These colleges, however, operated without the highly specialized professional, who in the modern university is responsible for subordinate administrative
duties such as personnel, student registration, and fiscal related matters. In the colonial college presidents were clergymen, head teachers, and oversaw all aspects of college life. As entrepreneurial capitalism developed, presidential powers grew and actual faculty power declined. With the expansion of administrative duties a new type of higher education employee was hired to support the academic program. These professionals supported the faculty's traditional charge to manage research and instructional matters. With more influential governing boards, including representatives of the business community, the professoriate struggled to maintain control over educational programs. The modern university with its more complex program had to redefine its management strategy. The traditional role of faculty oversight of academic programs which these large institutions had to address became an issue for all interest groups. "Faculty senates replaced the corporation as the real mode for faculty input in governance, and senates have been powerful or weak, depending upon circumstances."40 In the transition from individual capitalism to corporate capitalism (1890-1920) institutions of higher education proliferated when there was a market that they could tap. Similarly, programs also proliferated as long as there were students who would take them. Merritt M. Chambers (1970), who researched U.S. higher educational governance structures for the Brookings Institution, credits the establishment of superboards with increased organization that regulated their colleges and universities. In so doing:
states foreguess competition and supply-demand conditions. The thrust toward bundling the governance of all or many of a state's public universities and colleges into the hands of one state-wide governing board, or the alternative of superimposing a power-laden "coordinating board," deserves careful examination and monitoring. To the extent that this movement diminishes or destroys the autonomy of the university or college by removing decision-making from the campus to the statehouse or some other remote point, creating a species of "absentee landlordism," it tends to short-change and insult the constituency, and to debase the institutions.

Within the fraternity of top-level scholars and scientists there is intercommunication often unknown to administrators and others, and on a level which would be uninteresting and unintelligible to lay citizens and even to professional persons not immediately concerned in the special fields involved. This is insurance of a sufficient degree of "coordination" without the intervention of uninformed fiscal clerks. Wise governing boards and administrators know their best service is to encourage it, not impede it or clumsily meddle with it.41

Westmeyer (1985) observes that not all that resulted from the growth of American universities in the late 1800s and the increased participation by businessmen on Boards of Regents was good. "These individuals exerted influences that undermined the academic activities of a school. Alumni, too, increased greatly in number and it was probably due to their influence that fraternities developed and that sports became a large part of college life. As institutions grew larger the importance of administrators increased with an accompanying decrease in the power and prestige of professors."42 Following the Civil War, the role of sports in higher education took on a special meaning for the professoriate and impacted their role in governance. In exchange for financial support,
Regents permitted Alumni a greater say in management. As a consequence of this attitude, faculty have had only a peripheral role in the regulation of college sports. Business was allowed to assume control over university sports. It was at this time in American higher education history that college sports became essentially a separate entity within universities. James E. Odenkirk, professor of physical education at Arizona State University, has studied how colleges and universities develop into such huge economic enterprises. He points out the most obvious outcome that "by reporting the games and encouraging spectators the press raised funds by turning football into a public relations device."43 As an example, in 1903, the Harvard class of 1878, celebrating its twenty-fifth anniversary, offered $100,000 to the university to build a stadium for track and football. He noted that "games attracting 50,000 or more spectators were good for business and the Chamber of Commerce," and that from "1972 to 1980 television contracts to be shared by the so-called major colleges increased from $12 million to $20 million."44

This illustration of the interdependence between private business and higher education in athletics signifies the impact of corporate capitalism upon the modern university and its meaningful role in the economy. It was in response to defining its role in the capitalist economy that the university began to experience significant conflict over governance issues. On the one hand, the professoriate trains members of such other leading professions as medicine and law, and more recently it has accommodated a host of would-be professions that have come to it for training and legitimization such as
computer science, personnel management, and business administration. It also oversees research, instructional, and community service responsibilities that touch the lives of the general public. On the other hand, this reality within American institutions of higher education is a barrier between academic value as defined by the professoriate, and bureaucratic value that is reinforced by leaders of the capitalist economy through their influence of higher education policy and university governance.

**History of The U.S. Labor Policy**

As mentioned in the preceding subsection, in the nineteenth century the U.S. economic base shifted to a dependence upon an industrialized system of production in place of family farms and businesses. U.S. labor policy and its components, labor development and industrialization, contributed to the introduction of collective bargaining into American institutions of higher education. An explanation of how these factors relate over time is supported by the information presented in Chart II.

Robert J. Gelhaus, a member of the California State Bar, and James C. Oldham, a senior faculty member of Georgetown University (1986) have documented events leading to establishment of U.S. labor law during this period. The development of industrial production and a work force dependent on wages for survival brought about a redefinition of the relationship between workers and employers in a time characterized by
increased worker-employer conflict over wages, working conditions, and job security.

Violence, strikes, and legal actions characterized many labor relations. It is upon this friction that labor was organized. Organizing efforts by local groups such as craft societies were initiated in the U.S. as early as the 1820s. Although these efforts were limited by the depression of the late 1830s, by the 1850s the first national unions were established. Negotiation and arbitration were key principles in the prevailing ideas of collective bargaining. Between 1880 and 1886 the Knights of Labor, a confederation of local and national bodies, was formed "to advocate popular political measures aimed at attacking the perceived evils of the new industrial society."47 In 1886, the American Federation of Labor ("AFL") was established from a coalition of national craft unions. With a total membership of 250,000 and under the leadership of Samuel Gompers the AFL had a significant impact on the course of American unionism over the next forty years. It was Gompers who identified the importance of economic unionism and political action as being beneficial for the worker in dealing with management. Gompers' success gained through the collective bargaining method for achieving economic gains in the 1890s and 1900s paved the ways for other labor contracts. Although it contributed to labor discord, Gompers' concept of exclusive jurisdiction for unions is a basic tenet of organized labor and is recognized in state collective bargaining statutes. The AFL's acceptance of capitalism was a commitment to the principle of economic unionism--political action and
CHART II. A TIMELINE COMPARISON OF FACTORS IMPACTING U.S. LABOR POLICY

1850 Formation Of National Unions

1861-1865 American Civil War

1875-1883 American Economic Depression

1880-1886 Knights of Labor

1890 Progressive Movement

1914 Cooperative Capitalism (War Industries Board)

1914-1921 World War I

1929 Great Depression

1932 Norris-LaGuardia Act

1935 Wagner Act

1939-1945 World War II

1947 Taft-Hartley Act

1959 Landrum-Griffin Act
collective bargaining--as opposed to a dependence upon employers' goodwill to workers through individual contracts that solidified the labor movement in the U.S. and increased worker bargaining power. New labor-management partnerships offered an alternative to employee's rights that had been limited through management practices.

It was the War Industries Board, created during the economic mobilizations accompanying the U.S. entry into World War II, which is credited with government's initial acceptance of collective bargaining as potentially good business practice. Large bank presidents, corporate leaders, and political and other economic decision-makers participated on the Board. In response to the crises of the Great Depression, labor and management relied upon members of Congress to establish a non violent solution to settling labor differences. A national policy of collective bargaining resulted. Participation in collective bargaining for factory workers meant more say over the profits and management practices resulting from new methods of production brought about by industrialization. Unlike earlier guilds that included very few semi skilled or unskilled workers, the Congress of Industrial Organization (CIO) bargained successfully for all workers. U.S. capitalism was forced to accept less absolute control over workers and to provide them with a type of social safety net. While the concept of welfare capitalism was widely applied, industrial leaders had no intention of conceding any control over the process of production. The federal collective bargaining structure was a direct result of U.S. production coming more directly under the control
of the industrialists and a labor movement of increased strength that politicized its role in industry.

Within this context, national legislation both legitimized and circumscribed worker participation in collective bargaining. The Norris-LaGuardia Act (1932), labor's Bill of Rights, set codes of fair competition for business and encouraged voluntary employer participation in collective bargaining. The National Industrial Recovery Act (1933), and the National Labor Relations Act (Wagner/1935), each helped to shift political power toward farm and labor groups. These national laws were designed to legitimate and also circumscribe union activity. As a result, union membership increased from three million to fifteen million out of a workforce of 52.3 million. As unions became increasingly more powerful, industry leaders felt the effects of some unions imposing restrictions on membership, secondary boycotts, and union abuses of closed shop contracts.

Furthermore, Congress responded again in the 1940s and 1950s with increased rights and protection for union members. The Labor Management Relations Act, more commonly referred to as the Taft-Hartley Act (1947), and the Landrum-Griffin Act (1959) were directed at attacking union corruption and the lack of democratic procedures. Although the U.S. Supreme Court had ruled the National Industrial Recovery Act (1933) unconstitutional, government's message to industry was that the labor-industry structure was changing and that codes of fairness were to be expected. Even though the partnership between labor and management
was formed under the conditions of mutual support, state legislatures maintained the flexibility to determine the degree to which public policy reflected those principles represented in federal bargaining structures. The difference between state and federal policy illustrates the nature of the conflict among social, political, and economic interests. This is what the U.S. labor climate was like when academic bargaining came on the scene.

**History of Higher Education and The Professoriate's Role in University Governance**

This third history is that of higher education and the changing role of the professoriate in university governance. Factors are juxtaposed upon the same historical events that helped to describe the development of the capitalist economy and the role of higher education and labor policy (Chart III). The Constitution's silence on education contributed to a decentralized approach to education locating it firmly in the "private" sector of the society. With the growth of industrial capitalism the introduction of a public education system allowed increased control over the means of production. Family units and trade guilds with whom they were closely associated were replaced or lost political leverage over the means of production. The guilds' power weakened as the influence of factory system owners over the education process increased. Cottage industry and artisan production eventually gave way to the political influences of the capitalist economy. With no explicit reference to education in the U.S. Constitution, individual states assumed responsibility and authority for determining
CHART III. A COMPARISON OF KEY FACTORS TO FACULTY PARTICIPATION IN COLLECTIVE BARGAINING

1915
American Association of University Professors (AAUP) was established

1857
National Education Association (NEA) was established

1960
Academic Economy on Downturn

1966
State of Michigan

1967
State of New York

1968
State of Pennsylvania

1970
State of Hawaii

1992
Number of Campuses Represented

NEA: 364
AFT: 276
AAUP: 60

1990-92
Fiscal Crisis Higher Education

26 States Permitted Faculty Unions

28 States Permitted Faculty Unions

34 States Permitted Faculty Unions

1861-1865
American Civil War

1914-1921
World War I

1929
Great Depression

1939-1945
World War II

1966
Faculty Participation in Collective Bargaining

1988-1992
Academic Economy on Downturn
education policy. In fact, within the limits of other constitutional provisions, states became sovereign in educational matters.

It is this very context from which faculty had to develop strategies, such as participation in the collective bargaining process, to reestablish a meaningful position in the educational process once experienced through the family units, trade guilds, and church colleges.

In the late eighteenth century we can locate the origins of a bureaucratic corporatism which appears to be related to a corresponding decline of family and guild control of education. As Harold Perkin, professor of history, at Northwestern University since 1985, and former director of the Centre for Social History, University of Lancaster, England, argues bureaucratic corporatism "infiltrates higher education itself and tends to set up an opposition between the academics and the full-time administrators." 49 He cites the conditions present at the time of the eighteenth century English university: "insofar as the university needs freedom in which to pursue and disseminate knowledge, it thrived intellectually when the forces of control were decentralized and weak. Insofar as it needed resources to fuel its operations and depended on the support of the wealthy and powerful in church, state, or marketplace, it thrived materially when the forces of control were strong, but these very forces might, and frequently did, attempt to exercise control in ways inimical to the freedom of teaching and research. Hence, the paradox that when the university was most free it had least resources and when it had most resources it was least free." 50
In the modern period as well, these differences are recognized and nurtured within the university community and contribute to the uniqueness of the professoriate and university governance. Although higher education has developed a multilayered system dominated at the top by Ivy League institutions and great, often public, research universities, academic work at all levels requires faculty involvement in university governance because of their unique expertise. Unlike those bureaucratic institutions that were controlled by strong outside factors, "faculty governance" today has become an accepted accreditation standard for all of higher education.51

In contrast to other government workers the faculty members' work experience, point of view on issues relating to their subject matter, and traditional involvement in university governance make the profession unique. No other profession requires its members to be accountable for research, teaching, and community service—not even doctors in hospitals—and certainly not blue collar work. Within academe these differences are considered assets to be consciously nurtured. Faculty are expected to participate in governance activities and when in their judgement it is in the interest of academic values, to challenge the status quo. These are the vital elements of academia that resist policy-making without meaningful faculty involvement. Even during the Great Depression professors did not experience layoffs when work was slack and a recall when work picked up. Nor could the introduction and manipulation of part-time faculty members, or financial exigency be characterized as layoffs in the sense of blue-collar work.
industry. These elements of academia differentiate the professoriate from other American workers.

The time period 1869-1902 is referred to as the "University Era" and is distinguished by the development of scientific research as the new key to knowledge. The fragmentation of duties traditionally held by the professoriate led to a new type of professional mid-management personnel. These new professionals, academic vice presidents and personnel directors, for example, began making inroads into academic decision-making. As governing bodies required increased accountability for the coordination of programs and multicampus mission statements, faculty responsibility became more complex. Government audits and legislative budget processes changed the role of university governance and academic administration. Bureaucrats representing the various branches of government sought to establish an interdependent role with academic leaders. This interdepartmental coordination served the state's economic interests and reflected contributions by faculty and the higher education institution. The increase of nonacademic personnel in university administration and their responsibility for educational budget and policy decisions became of increased concern to faculty, as faculty sought to retain the right to provide input in university governance decisions increased tension among managers and faculty. Defense against unilateral implementation of bureaucratic policies by administrators, in the academic setting, was the professoriates' attempt to protect its right to define standards of academic values such as academic freedom and academic tenure.
As alumni increased in numbers, they became more active in university life. And as universities grew in size, the importance of administrators increased. As an illustration, Paul Westmeyer (1985) argues that among the many advances that American colleges realized in the 1800s including development of instructional methods, elective programs, undergraduate and graduate programs, extension courses and summer programs, quality was not always ensured. For some observers the elective system went too far. It was a time when many better defined special interest groups led by wealthy men invested in colleges. He suggests that as university Boards of Regents in the 1900s became more and more populated with businessmen, in some instances these individuals exerted influences that undermined academic activities. All of these reasons and influences contributed to the professoriate's efforts to formalize participation in university governance through the collective bargaining process.53

With the rise of the American university, scientific research, and the professoriates search for new truths, the issue of academic freedom was defined. The tension resulted from the conflict between the entrenched secular managers and those who sought the move the university toward unregulated research and teaching. Exemplifiers of this conflict include Vanderbilt university which fired a zoology and geology professor, Alexander Winchell, who had written an article on the evolution of man in 1878, and Stanford which had pressured the resignation of a professor of economics, Edward Ross, in 1901. About the same time William Sumner, a
sociology professor at Yale was forced to defend his decision to adopt a text book which was strongly scientific in its orientation. In 1913, Arthur Lovejoy, a young professor from Johns Hopkins university who had left Stanford over Ross' resignation, and John Dewey, as members of a committee representing a larger group of professors associated with the American Economics Association, the American Sociological Society, and the American Political Science Association, called a meeting to form a professional organization to protect academic freedom. Eight hundred and sixty-seven professors from sixty institutions were in attendance. Two years later they would establish the American Association of University Professors ("AAUP"), which on behalf of faculty sought to address issues beyond compensation and decision-making processes. One important issue addressed was arbitrary administrative personnel decisions. Their first statement of guiding principles (1915) which was widely and quickly adopted throughout the academic community emphasized academic freedom; the freedom to teach; and expectations for professional behavior on the part of faculty.\(^{54}\)

These standards defined the difference between faculty and other employees. They served to expand the potential for the American university by linking the professoriate to its management. The professoriate sought to establish academic decision-making as part of university governance. In addition, the AAUP's ability to influence personnel and management associations to accept these principles linked bureaucratic capitalist economic and academic values. The question of
personnel standards in no way impacted the role of the university to support the state's economy. To the contrary, with a clearer statement of how the university was expected to treat its faculty, the university community was able to jointly address its mission statement. AAUP's message to university managers was that traditional academic standards would not easily be replaced because of administrative bureaucratic responses to capitalist priorities without meaningful faculty input.

Since 1913, the AAUP has lobbied for faculty involvement in university governance before congress, state legislatures, and boards of trustees. It was seen as a vehicle for sharing professional concerns as well as an instrument for "authoritative expression" and "collective action." Although collective bargaining for the private sector began in 1890, and public sector bargaining surfaced around 1900, these successes provided a context which would result in the first faculty collective bargaining only in 1966. This was in turn dependent upon President Kennedy's Executive Order 10988 which established the machinery for union recognition and limited collective bargaining for civilian employees of the U.S. government. It gave needed status to federal workers by officially establishing a federal labor-management relations program. It also officially implemented the Lloyd-LaFollette Act of 1912 that established the rights of federal employees to belong to labor organizations and laid the foundations for state workers to belong to labor organizations. Kennedy's action influenced a number of state legislatures to extend collective bargaining rights to public employees including the
professoriate, which rights were earlier granted to private sector employees in response to the National Labor Relations Act. Among the states first to respond were Michigan, Hawaii, and Pennsylvania. These negotiations revealed clearly the centrality of governance issues. Also, as Margaret K. Chandler (1979), professor of business at Columbia University, points out, although the negotiations of contract language about faculty rights was new, the underlying conflict between management and the professoriate had a long history.56

It was not until 1966 in the State of Michigan (Hutchens Act) that faculty formally unionized. As a result of Legislative action in New York (Taylor law) in the following year, faculty employed within the City University of New York system gained bargaining rights. Also in 1967, the Commonwealth of Pennsylvania (Public Employment Relations Act) provided collective bargaining rights for state colleges and centered negotiations in the Department of Education. The fourteen Pennsylvania institutions comprising the state colleges and university system bargain as a single unit.

Walter P. Metzger (1987), professor of history at Columbia University, and long-time AAUP leader, suggests that in the late seventies faculty participation in collective bargaining was in part a reaction to the "downside of the academic business cycle." Increased numbers of part-time faculty members were hired to give instruction at piecework rates. Large numbers of tenured faculty were fired, "not individually for cause with due procedures, but by administrative directive by reason of financial
exigency, or program-reduction, grounds that permitted the summary dispatch of many professors."\(^{57}\) Not even during the Great Depression, when the academic economy suffered after less hefty growth, had institutions acted on the premise that professors could be dropped when work was slack.\(^{58}\)

According to Joseph W. Garbarino (1986), professor of business administration, and director of the Institute of Business and Economic Research, University of California, Berkeley, by the end of 1972, an estimated 285 private and public institutions employing some 84,000 faculty members had recognized unions as exclusive representatives of their faculties. By the fall of 1975, almost 400 institutions of higher education were engaged in collective bargaining with about 100,000 faculty covered by negotiated contracts. Twenty-four states had enacted legislation permitting bargaining at some level of postsecondary education. Since 1975, only California, Illinois, and Ohio have enacted laws that expanded bargaining rights of higher education faculty. These three states put them in effect in 1983. By the end of 1984, there were approximately 547 private and public institutions of higher education formally recognizing and bargaining with their faculty members.

The collective bargaining process was intended to balance the faculty's influence with that of the state legislature, board of trustees, and the business community. The interaction and interdependence of increased funding, civil rights legislation, and collective bargaining suggest the dynamics by which higher education institutions developed governance
structures. Among other things, State decision-makers were required to recognize civil rights legislation and its meaning for students, and faculty. Auditors were to evaluate performances based upon standards that sought to hold policy implementers accountable for their actions.

Something that nonfaculty professionals have failed to understand is that faculty participation in collective bargaining requires shared authority. Faculty are primarily responsible for the product of the higher education institution. Traditionally the faculty's role in decision-making significantly impacts higher education's capability to address its mission. Although university administrators and policy setters recognize this reality, faculty has had to define its role in the decision-making process. The formation of AAUP is one example. Participation in collective bargaining is another. Administrators and policy setters recognize this reality. Both endeavors address the threat of unjust discharge of an underprivileged faculty rank and file at a time when legislators and regents sought unilateral decision-making power.

Although higher education has evolved to the point of shifting the locus of power from the campus to the legislature and regents, the higher education institution remains different from other institutions whose purposes also include support for economic development. Participation in collective bargaining for faculty is a way to modernize collegiality. By contractualizing various traditional values within academic culture the professoriate acquired a meaningful role in the governance processes. The
professoriate's role helped to balance various and sometimes conflicting interests.

The political tension found within university governance can be located in the patterns of bargaining that developed in each state as it recognized collective bargaining for faculty. Garbarino (1976) suggests that faculty bargaining patterns are a function of their state government. In the State of Michigan, where faculty first participated in collective bargaining (1966), a decentralized decision-making model is used. This independence is observed in its higher education institutions and control over tuition rates. The thirteen four-year institutions are essentially independent, single-campus institutions. The State of New York requires its Board of Higher Education to negotiate with exclusive representatives of faculty. At the same time New York City's Office of Collective Bargaining negotiates contracts for other city employees. The governor's Office of Employee Relations handles state bargaining. The governor is responsible for successful legislative action on behalf of the State University of New York.59 Hawaii, New York, and Pennsylvania statutes specified that public college and university employees had the right to bargain collectively.60 As an illustration of the rapid growth of faculty unionization, in only sixteen years, the percentage of faculty with contracts was almost identical to the percentage of workers in the private sector who had taken forty-five years to achieve the same stance.61 From 1975 to 1990 the number of unionized two-year and four-year public institutions of higher education and the number of bargaining agents steadily increased (Table 4). During
Table 4

A Comparison of the Number of Public Sector Higher Education Institutions with Faculty Participation in Collective Bargaining and the Number of Agents for Selected Years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Organized Institutions</th>
<th>Number of Bargaining Agents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Two-Year</td>
<td>Four-Year</td>
</tr>
<tr>
<td>1975</td>
<td>158</td>
<td>76</td>
</tr>
<tr>
<td>1977</td>
<td>176</td>
<td>90</td>
</tr>
<tr>
<td>1979</td>
<td>219</td>
<td>118</td>
</tr>
<tr>
<td>1981</td>
<td>268</td>
<td>114</td>
</tr>
<tr>
<td>1983</td>
<td>275</td>
<td>118</td>
</tr>
<tr>
<td>1990</td>
<td>311</td>
<td>118</td>
</tr>
<tr>
<td>1992</td>
<td>328</td>
<td>133</td>
</tr>
</tbody>
</table>

this fifteen-year period there was a 55 percent increase in organized four-year campuses bringing the total to 118. The number of unionized four-year and two-year campuses increased by 68 percent. The number of bargaining agents increased by 159 or 53 percent.

Faculty unionization, as an economic issue, permits government to support the U.S. capitalist economy by gaining public sector labor peace. In exchange for the predictability that labor peace provides government the professoriate gains political clout. Just as the U.S. capitalist economy evolved from its entrepreneurial form to its corporate form, faculty participation in collective bargaining has contributed to the clarification of academic standards and the university's role in supporting a strong economy. In response to an increasingly interdependent relationship with corporate leaders, America's higher educational institution has become more supportive of economic stability.
Chapter III.

HISTORY OF HAWAII'S PUBLIC UNIVERSITY, COLLECTIVE BARGAINING POLICY, AND FACULTY UNIONIZATION

Political, social, and economic strategies that saw American cane sugar growers overthrow the native dynasty and establish Hawaii as a Republic have also impacted the State's public institution of higher education. In 1840, Hawaii's public school system was formed and funded by general fund revenues. The Morrill Acts of 1862 and 1880, which provided each state with land grants for higher education institutions, benefited Hawaii. Threatened constantly by European nations and Japan who were eager to add Hawaii to their empires, American businessmen began to seek annexation by the United States. The Treaty of Reciprocity was negotiated in 1875 and it brought the advantages of a sugar market free of tariff duties and a new prosperity to Hawaii. American wealth seeking investment increased. Two years following the annexation of Hawaii in 1898, the Hawaii Territorial legislature began studying the feasibility of creating a college in Hawaii. Legislators and business leaders viewed higher education as a catalyst in developing a stronger economy. At stake was the economic satellite that the Hawaiian Kingdom had become. Of the $9.1 million in Hawaiian exports in 1894, almost $9 million went to the United States.\(^1\) In 1905, the Territory of Hawaii sought federal funding under the Morrill Act to develop a land grant institution. In much the same way that American industrialists, a hundred years before, sought to
expand their economy, Hawaii's leaders hoped to generate a healthy business climate by establishing their own university.

In 1907, Hawaii established a College of Agriculture and Mechanical Arts. Implementation of the higher education program was dependent upon securing federal funding. In 1908, after the Hawaii Territorial government changed the name of the College of Agriculture and Mechanical Arts to the College of Hawaii, Hawaii experienced a threshold event when it received a federal draft under the Nelson amendment totalling $30,000.

In 1912, the Territorial legislature set aside ninety acres in Manoa Valley and later established the University of Hawaii. The UH-BOR was established in 1925. By 1930, the University already ranked third nationally in the number of Asia-related courses offered. In 1931, the University created a School of Pacific and Oriental Affairs. In 1935, the Regents created the Oriental Institute.

By the early 1940s, the University was a major beneficiary of the Rockerfeller, Carnegie, and Ford Foundations, making it possible to build the first-rate library that supports UH's international programs. During the 1960s, the East-West Center was created as part of the UH. Although later the Center became independent, close relations have been maintained.

In 1965, a Community College System was established as part of the UH system (four campuses on Oahu; one each on the islands of Kauai, Maui and Hawaii). In 1972, UH became a Sea-Grant College. In 1989, it became a Space-Grant Institution. In 1988, the Regents created a School of
Hawaiian, Asian, and Pacific Studies bringing the total of area-studies centers to ten, some of which are the largest in the U.S. and others of which are unique in the nation. In addition, close to two-thousand students from foreign countries study at UH.

Legislative leaders view UH's role as the engine that drives the economy. Today, UH comprises ten campuses with a budget of $600 million and employs eight-thousand people. Faculty and staff creativity is nurtured, resulting in more than $100 million annually brought into the state through federal research and training contracts and grants. UH is one of the state's largest export industries with educational programs impacting countries around the world. The Manoa campus is consistently listed by professional organizations as one of the nation's leading research universities. This support for higher education might be interpreted as conceding that the UH plays a role in an expanded economy. A comparison of state higher education appropriations for operating expenses for the ten year period 1983-84 to 1993-94 reveals that Hawaii ranks fourth with a gain of one-hundred six per cent. For the most recent two year period 1991-92 to 1993-94 Hawaii ranks eleventh with a nine per cent gain.

Through the Morrill Acts, Congress hoped that states would develop strong public institutions of higher education that contributed to a stable local economy. At the time Hawaii was admitted to the union as the fiftieth State in 1959, it was paying more federal taxes than ten other states, and had a per capita income greater than twenty-six states.
Unequalled in other states, Hawaii's approach to government can be traced back to the days of the Kingdom. King Kamehameha instituted a direct rule that continues today despite long and bitterly contested issues over home rule. Since the early nineteenth century, a strong, centralized executive branch has characterized government in Hawaii. Norman Meller (1955), a former UH government professor and director of the Legislative Reference Bureau, studied Hawaii's governmental system and described its strong centralized form of government as "a metamorphosis from stone-age, native absolutism, through restricted constitutional monarchy, to the status of independent republic." Meller notes that even with statehood, the government continued to be centralized. Health, education, and welfare, traditionally strongholds of local government in other states, are almost totally administered by the State of Hawaii. The strong centralized government has continued to serve the purposes of those that set the dominant political economic agenda. In the nineteenth century, the agenda-setters were the sugar growers. Today the agenda-setter is the governor. This politics of control is visible in the State's budget and legislative processes.

Hawaii's Executive Budget System reflects the principles of classical management theory, introduced earlier, a system of analysis designed to enable those who operate it to objectively judge competing requests. It contains the lines of authority which affect how interest groups participate in university governance and the collective bargaining process. Through a Program, Planning and Budgeting (PPB) system all state departments,
including the University, are required to act as networks of precisely defined jobs--linked together through the scalar chain of command with the governor having the dominant role in the decision-making process. The top-down control over the management of the University's budget has not resulted in an efficiently run institution. As Morgan (1986) points out in his discussion of classical management theory, it is "meaningless to make someone responsible for work if they are not given appropriate authority to execute that responsibility." While some new scientific management theories struggle with "how to get people to work together...to honor and benefit from diversity," and recognize how leadership is "always dependent on the context--established by the relationships we value," the governor's political and economic agenda requires that faculty be treated the same way as all other public employees. This politics of control contributes to conflict between faculty, UH administration, and his policy implementers.

The conflict is clearly over who governs the university. Inherent in this conflict are those differences between management practices based upon classical management theory and faculty involvement in university governance. This is the meaning to which Perkin refers when he argues that bureaucratic corporatism tends to set up an opposition between academics and full-time administrators. When Taylor's principles of scientific management are unilaterally applied to university governance by the legislature or business interests tension is created. For example, when the governor announces that state-wide budget restrictions will be implemented, the university is forced to participate in identifying areas to
be impacted. The discussion of the 1983 faculty strike in chapter IV illustrates this point.

Legislative committees openly discussed faculty performance evaluation, and workload standards. Similarly the university administration attempted to reclassify faculty positions into non faculty BOR appointments in order to reduce the scope of unionized faculty. The University's request to reclassify the director of admissions and records to an excluded position is another example of the governor's politics of control. Legislative proposals to remove academic tenure, or set tenure quotas and workload amounts are similar examples of the politics of control at work. By challenging these issues the university community illustrates that principles of good governance stand in opposition to cost effective management techniques. The governor and legislature's attempt to gain complete control over the outcomes of the university as a consequence of their input is contrary to accepted accreditation standards for higher education. The intent is the same--to define the output of academic programs based upon B&F's and the governor's political and economic agenda.

The faculty's response has been to seek independent verification of the quality and relevance of its academic programs and units as a way to balance the academic and economic priorities facing decision-makers. It is one way the university provides accountability to the people of the State of Hawaii. On several occasions accreditation teams from the Western Association of Schools and Colleges (WASC), which is the accrediting
Commission for Senior Colleges and Universities, visited UH. The standards of performance, and criteria employed, are well established and widely accepted in the higher education community. In 1978, partly in response to the criticism of several accrediting team reports in the past, Hawaii's Constitution was amended to give recognition to the right of the UH-BOR to have "exclusive jurisdiction over the internal organization and management of the university." A contrasting notion which states, "This section shall not limit the power of the legislature to enact laws of state-wide concern" created ambiguities that have never been clarified by a higher court. Since 1978, the State has interpreted this language to include the power of the legislature to exercise budgetary, civil service, and other controls. Accreditation team reports have consistently and continually described this consequence as "excessive governmental intrusion" and in violation of standards established for accreditation.

For example, in 1985, WASC issued a warning to the UH. The warning stated that the UH must show progress toward freeing itself from outside interference and protect the quality and integrity of the university, the effectiveness of the administration, and the morale of the faculty. In their final report the accrediting team noted that the university has "fallen behind other public research universities" and that one of the problems is that "the collective bargaining approach appears to place the faculty in the same position as other unionized state employees." They concluded that "while it is politically difficult to differentiate the faculty from others in determining pay improvements...the faculty will have to assume leadership
in seeking a resolution to the problem." An illustration of this faculty leadership is UHPA's support for autonomy legislation. The principle is that effective institutional management requires local accountability for all major policy actions. Joint attempts by UHPA and UH administration partially succeeded in gaining greater university control from the state over purchasing and other budget practices in the 1980s. Similar attempts by universities throughout the nation are noteworthy. For example, the nine New Jersey State Colleges are experiencing a new era of governance and accountability through decentralization. This occurred through legislation signed by Governor Thomas K. Kean in 1986. In 1993, Washington State's Governor, Mike Lowry, signed into law a bill that would free public colleges from some state controls over purchasing, the use of tuition money, and contract negotiations.

In Hawaii, Governor John Waihee, during his 1994 State of the State address to the legislature, proposed the UH be granted autonomy by providing it a lump-sum budget. Since this year represents the completion of his second and final four year term in office, the timing of this support raises a question about his intentions. Rather, the failure of his administration to deal directly with the ambiguities in Hawaii's Constitution which both grants exclusive jurisdiction over internal organization and management of the University and the power of the legislature to enact laws of state-wide concern highlights his own politics of control.

UH administrators and Regents who lobbied faculty to reject unionization did so upon the simple-minded conception that faculty
unionization has to be adversarial. Faculty who chose to believe this representation juxtaposed unionization against an academic model and viewed it as a form of corruption of academic ideals. AAUP's policy statement served as a counterbalance: "...When legislatures, judicial authorities, boards, administrations, or faculty act on the mistaken assumption that collective bargaining is incompatible with collegial governance, they do a grave disservice to the very institutions they seek to serve...."\(^1\) The following case study reveals, the concept of the industrial sector and industrial model of unionism was something from which faculty wanted to distance themselves.

**Unionization: Structuring Representation**

Hawaii's public sector collective bargaining policy provided an opportunity for the UH faculty to assume leadership in seeking a resolution to the politicization of university governance. The Faculty sought to be more visible to the public and to distinguish itself from other public employees and the university from other state departments. Under the authority of Chapter 89, the Hawaii Public Employment Relations Board (HPERB) began implementation of a 1968 amendment of the Constitution of the State of Hawaii (Article XIII, Section 2) that recognized the rights of public employees to organize and collectively negotiate labor-management agreements. Until the 1968 State constitutional convention, public employees had no collective bargaining rights. Although faculty membership in associations provided limited services such as group
insurance rates and the articulation of professional standards, there was no mention of a unionized faculty. Rapid growth in the number of faculty and University administrators in the 1960s led to an increase in employer-employee and bureaucratic problems such as unfair and inequitable compensation and personnel policies unfairly administrated. When the state legislature in 1970 passed the Hawaii Labor Relations Act (HLRA/Chapter 89), granting collective bargaining rights for public employees, faculty and University administrators found themselves at a turning point in their relationship. Nationally, UH faculty were among the first public sector higher education employees to organize. Only the faculty in Michigan (1966), New York (1967), and Pennsylvania (1967) preceded Hawaii.

Neither the UHM faculty nor University administration wanted unionization. Nevertheless, both bodies recognized that Chapter 89 would impact all state labor relations. Within two years, more than forty thousand public employees had selected union agents and negotiated contracts. UH faculty were the exception. Some UH administrators argued that faculty participation in collective bargaining made them the same as other public employees. One executive in the University administration commented that, "administrators would no longer be able to effectively lobby on behalf of the faculty with the Regents and legislators." His argument was based upon personal knowledge of the University President's and Regents' successful lobbying efforts. Under the new policy, the OCB, department of B&F, and DPS preempted involvement by legislators in the
full review of cost items addressed in the collective bargaining agreements. How the UH administration and Regents help the governor to implement his political and economic agenda--without providing faculty a voice in the legislative or political process--was not seen as a problem.

Although faculty participation was expected, the Governor and his negotiators chose not to prepare for an academic approach toward the collective bargaining process. Employer team members offered their insights as to why this situation was allowed to develop. "OCB wanted to settle with all other employee groups," one participant stated. The State, at the time, was not knowledgeable of higher education issues. The strategy to stall faculty negotiations, to whipsaw faculty behind the other unions, was characterized by another Employer team member when describing the new law "as a tool of the Executive designed to build his constituency comprised of the other public employee unions." A number of State negotiators believed that the strategy could not fail because "the law provided for only a limited right to strike...and given the individuality of faculty members the Union possessed no real power, while the State controlled all decision-making."12 As these comments illustrate, State negotiators who were responsible for securing labor agreements with public employee unions sought to exclude faculty from the politics of collective bargaining.

During the period 1970-1974, this attitude supported the Governor's political-economic interests by minimizing UH faculty wage costs and was counter to joint decision-making with the faculty union. If the faculty
wanted its share of the economic benefits expected through a negotiated agreement with the State it would have had to meet the legislative deadlines. The State did not believe that the faculty would strike. A faculty's limited right to strike would minimize the consequences for the State and the Governor's position as an elected official. If the legislative deadlines were not met then the State would save on faculty salaries and other cost items until an agreement was negotiated and ratified by the faculty and legislature. Meanwhile, the Governor would have successfully developed his new constituency comprised of all other public employee unions that reached an early settlement.

While the balancing of academic values and political economic interests was of concern to faculty, the Governor viewed this academic approach toward collective bargaining as a direct challenge to his interests and excluded faculty from the politics of public sector collective bargaining. Consequently, according to a member of the 1972 State's bargaining team, "the first faculty union faced uncompromising and unreasonable State negotiators who had no intention of entering into joint decision-making with academics." The following case study of UH Representation reveals the impact of the governor's hidden agenda—a failed negotiations that lead to the decertification of the first faculty union. State and BOR negotiators supported what they perceived was in the best interests of the governor's political and economic agenda.

Edwin C. Pendleton and Joyce M. Najita (1974), researchers with the UH Industrial Relations Center, College of Business Administration,
documented the UH faculty's introduction to the collective bargaining process. The significance of their account, *Unionization of Hawaii Faculty: A Study in Frustration* is twofold. First, their close proximity to the various faculty groups gave them immediate access to campaign literature, debates, and interaction among candidates seeking the right to represent faculty in the collective bargaining process. Second, in that the Industrial Relations Center was established by the BOR "to promote in the community a sound understanding of labor-management problems, labor-management techniques and policies..." their work is germane to explaining the nature of UHPA and its leadership's decision to take strike action.

In October 1972, the Hawaii Public Employee Relations Board ("HPERB") held the first of three representation elections. The results exemplify the diverse opinion held by faculty about the structure of their own Representation. Contenders included: the AAUP; the UH Manoa Faculty Senate; the Hawaii Educational Association; the Hawaii Government Employees Association ("HGEA"); and the AFT.

The AAUP's standards of managing the American university were widely accepted. AAUP's definition of governance principles was not absolute nor somehow free of pragmatic considerations. Each was a judicious weighing of competing forces, a balancing of rights and responsibilities, and a search for the middle ground. When university administrators deviated from these standards they were not pleased to learn that they faced AAUP censorship.
The second contender, the Manoa Faculty senate possessed recommending and advisory powers granted by the BOR. It established an organization called the UH Faculty Association that eventually worked out an agreement with the AAUP. By agreement the Faculty senate and the AAUP appeared on the first representation ballot as the Alliance.

The third contender, the Hawaii Educational Association ("HEA"), NEA's local chapter, under a restructuring action, represented different educational groups. This group was renamed College and University Professional Association ("CUPA").

The fourth contender, the Hawaii Government Employees Association represented Administrative, Technical, and Professional non-faculty, and secretaries on campus. The AAUP Chapter had an affiliation agreement with the HGEA for the purposes of providing special services and because it claimed lobbying and political know-how.

The last participant, the AFT was the only organization of the trade union model. It had organized a number of elementary and high school teachers as the Hawaii Federation of Teachers and lost a representation election to the Hawaii State Teachers Association ("HSTA"). A small AFT membership existed at Hilo College and at UHM. The AFT local for University faculty appeared as the Hawaii Federation of College Teachers ("HFCT") on the UH representation ballot.

In the first election held in October, approximately 2,034 faculty members participated. This figure represents 80 percent of a state-wide total of 2,523 faculty. After challenged ballots were discounted the total
number of valid votes equalled 1,955. UHM participants equalled 1,816 or 75 percent of its faculty members. This total compares to 91 percent for all remaining faculty. Of those faculty voting for "No Rep" two hundred and thirty-nine or 18 percent were from UHM, while forty-eight or 7 percent were from other campuses. Although no winner was declared in the first election, campaigning by the three nationally recognized faculty unions: AAUP, AFT, and NEA contributed to the debate over the form of faculty representation.

The election results reveal which organizations the faculty judged as credible representatives. See Table 5. Of the five choices three faculty groups each received over one-fifth of the vote. The Alliance (Faculty Senate/AAUP), AFT/HFCT, and CUPA (HEA/NEA) received over one-fourth of the votes. "No Rep" and HGEA were not competitive.

For the most part, Pendleton and Najita (1974) believed that the UH faculty experience in collective bargaining would be dominated by the State. They saw restricted faculty involvement in university governance. A number of factors were cited that seem to imply a political agenda established by those outside the university community.

For example, they observed that the university provided no direct testimony during the legislative deliberations in 1970 addressing the makeup of the various bargaining units. The differences among the faculty's wide variety of activities, jobs, and positions for the two-year and four-year campuses, the University campus at Manoa, and a questionable
community of interest were cited as examples. They described the UH situation as a "geographically scattered and polyglot academic structure."^{14}

In November, 1972, a second representation election was won by HFCT. Although UHM voted in the majority for the Alliance by one hundred thirty votes, HFCT's ability to carry Hilo College and the Community Colleges gave them a state-wide lead by a vote of 995 to 805. As the following comments reveal, the ability of AAUP and NEA to again play a meaningful role in the election results was significant.

These two national faculty advocates individually or in partnership with other faculty advocates sought to represent UH faculty in the collective bargaining process. The second campaign for the runoff election clarified their different approaches to faculty advocacy. The Alliance protested a unilateral decision by the University president not to grant merit increases or equity adjustments. This gave the Faculty Senate and the Alliance added credibility. One Alliance leader commented: "You make the need for collective bargaining abundantly clear to all of us. The collective bargaining agreement must now become the instrument whereby we make the concept of shared authority come alive."^{15} The Alliance developed a platform advocating local autonomy, opposition to outsiders, non-trade unionism for faculty, academic freedom, professional faculty rights, and self-government. Its campaign for a runoff election was based upon AAUP's ability to bargain a successful contract, while emphasizing its primary goal to empower the faculty.^{16}
Prior to the runoff election, the HFCT sought to secure a coalition with CUPA/NEA, which had outdistanced all other alternatives in the first election. NEA's experience and successful negotiations, local achievements, and professionalism were key to CUPA's campaign. Its statement of principles included faculty sovereignty, academic freedom, the encouragement of professional growth, and the improvement of faculty remuneration, benefits and professional conditions of employment. It was committed to collective bargaining as the most effective way to validate the proper role of faculty in the governance of the University. While HFCT had organized on the trade union model and appealed to the more militant faculty, the NEA offered faculty liability and "malpractice" insurance, association liability insurance, fiduciary bonding, computerized membership recordkeeping, reimbursement of legal expenses in defense of faculty members, and expertise in negotiating strategies.

Instead of clarifying the structure of faculty representation the runoff election resulted in a representative whose foundation was weakened by a willingness to agree to three year term agreements for faculty in exchange for academic tenure. In part as a result of a lack of a State government surplus for the years 1972 and 1973, HFCT and the State were beset with bargaining difficulties, and also faced the crisis of a legislative attack on the University via tenure rights, and budget cuts threatening positions, programs, and planned layoffs. The contract tentatively agreed upon for the period from September 1, 1973, to August 31, 1976, with a reopener in 1975 on salaries failed to be ratified. Pendleton and Najita
Table 5
October 1972 Faculty Representative's Election Results

<table>
<thead>
<tr>
<th>Polling Place</th>
<th>CUPA</th>
<th>AFT/HFCT</th>
<th>Alliance</th>
<th>HGEA</th>
<th>No Rep</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manoa</td>
<td>224</td>
<td>330</td>
<td>465</td>
<td>55</td>
<td>239</td>
</tr>
<tr>
<td>Honolulu C.C.</td>
<td>38</td>
<td>34</td>
<td>10</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Kapiolani C.C. &amp; Windward C.C.</td>
<td>56</td>
<td>37</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Leeward C.C.</td>
<td>39</td>
<td>72</td>
<td>11</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>All Oahu Total</td>
<td>357</td>
<td>473</td>
<td>487</td>
<td>67</td>
<td>262</td>
</tr>
<tr>
<td>UH at Hilo</td>
<td>57</td>
<td>31</td>
<td>38</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Kauai C.C.</td>
<td>7</td>
<td>18</td>
<td>0</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>Maui C.C.</td>
<td>27</td>
<td>17</td>
<td>5</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>All Neighbor Islands Total</td>
<td>91</td>
<td>66</td>
<td>43</td>
<td>24</td>
<td>14</td>
</tr>
<tr>
<td>Mail Ballots</td>
<td>12</td>
<td>13</td>
<td>30</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Total Number</td>
<td>460</td>
<td>552</td>
<td>560</td>
<td>96</td>
<td>287</td>
</tr>
</tbody>
</table>

(23.5%) (28.2%) (28.8%) (4.9%) (14.6%)

(1974) point out that "one of the basic problems faced by negotiators in writing a contract covering a state-wide higher educational system was to provide for the differences in work requirements for a variety of personnel all under the general term of 'faculty' or 'employee' in the bargaining unit." As a primary reason for the lack of faculty support for the contract, they cite the wide variety of positions in differently structured divisions of the University and the claim by various interest groups such as librarians, county agents, and similar personnel that they were being left out. The CUPA condemned the wage package. The AAUP claimed that faculty would be giving up rights if the contract were ratified. Other comments from individuals included "tenure destroyed," "management rights, no faculty rights," salary increase is "a disgrace and insult," and "worse than an industrial contract." The faculty voted the contract down in November 1973.

A HFCT union convention in December resulted in the resignations of the union negotiators, and the election of a new contract team, which included a member each from AAUP and CUPA. This apparent disarray lead to a question of whether the University administration would resume bargaining. Subjected to severe criticism, HFCT faced a challenge.

In 1974, AAUP and CUPA formed a coalition to broaden their power base and the UHPA was born. UHPA was established solely for collective bargaining purposes. In their agreement of principles, AAUP and CUPA-NEA agreed to "reserve to themselves all other functions of a professional nature not specifically ceded to UHPA." UHPA quickly
proposed autonomy for faculty decisions at the department level; recognized the faculty senate as a meaningful part of the governance process; and assumed responsibility for overseeing negotiations and legislative processes regarding economic benefits. The Union's commitment to open discussion of issues and of collegiality was the basis for measuring future success.

Although twenty-eight states had adopted some form of collective bargaining legislation by the end of 1971, the selection of two national affiliates by UH faculty was unique. The AAUP had established acceptable standards for managing the American university. It served as a national affiliate for several other ventures into collective bargaining, doing so almost reluctantly, certainly not aggressively. AAUP's definition of governance principles is not absolute nor free of pragmatic considerations. Each is a judicious weighing of competing forces, a balancing of rights and responsibilities, and a search for the middle ground. When university administrators deviated from acceptable standards in the U.S., they were subject to censure by the AAUP. With its dual affiliation, UH faculty made a significant impact. A former UHPA president stated: "Institutions thus censured found it difficult to remain in the mainstream of American higher education by attracting and retaining good scholars, and usually took corrective action to remove such blemishes from their reputations."²⁰

NEA was, and still is, the oldest educational professional organization in the U.S. and the only one ever chartered by Congress. It once regulated deviant elementary and secondary school administrations
with a system of investigation and censure. It brought to UHPA a history of gaining favorable legislation for faculty and increased federal support for education.

UHPA's joint affiliation with AAUP and NEA was viewed by State negotiators as a challenge to the existing public employees' collective bargaining balance of influence. If the UH faculty had decided to remain independent, as in the case of the State of Hawaii Organization of Police Officers, the police officers' union, or had Faculty decided to affiliate with the Hawaii Government Employees' Association (HGEA), the largest public sector union, they would have been more readily accepted as being a "team player." These two national affiliates by their size and tradition were seen as the UHPA's attempt to tilt the balance of power toward the union to gain "clout" in the collective bargaining process. Some experts believe that Hawaii's version of the national collective bargaining policy was to ensure that outside influences, such as the AAUP and NEA, would be minimal.

UHPA's collective bargaining platform included professionalism, shared authority, and local autonomy with emphasis on established AAUP principles-goals and objectives considerably closer to traditional university faculty-administration relationships than those of the HFCT. Prior to the March 1974 decertification election, UHPA announced that it would take a dual track approach to the contract. Accordingly, faculty would be viewed as having two roles as both academic professionals and State employees. UHPA would negotiate an economic contract as soon as possible, then negotiate a full contract to include professional rights. A dual track was
also proposed for grievance procedures: one for faculty appeals having to do with professional matters, and one for employee grievances.  

Before a runoff election took place, UHPA and HFCT, in separated charges, requested that HPERB help resolve issues of dispute. In the meantime, the legislature had adjourned on schedule in April and the faculty were the only public employees without a contract. In August 1973, the HPERB dismissed all of the charges, including the charge that UHPA representatives met with University administrators and agreements or understandings were reached that (1) UHPA would be preferred over HFCT; (2) the University management team would be easier with UHPA than it had been with HFCT; (3) the state's chief negotiator would be removed from the management team if UHPA became the faculty agent; and (4) the University wished UHPA's assistance and support in pursuing actions which would avoid having to bargain with HFCT. UHPA won the March 1974 runoff election.

The election results revealed that UHPA was the faculty's choice over HFCT. From the information provided in Table 6, the source of UHPA's support and victory was from UHM and Maui Community College. Seventy percent of the faculty voted. UHPA received the majority of votes on UHM and Maui Community College campuses. HFCT carried Hilo College and the remaining four Community Colleges. The first faculty collective bargaining agreement was signed on March 18, 1975, and covered the period of March 1975 through June 1977.
In his April 2, 1974 report to the BOR, UH President Harlan Cleveland reported on topics of interest at the Western College Association. Following a front-page article in the March 1974 edition of the *Chronicle of Higher Education*, which had described the UH experience with collective bargaining as a "mess," President Cleveland described his view on the two previous years and the passage of the collective bargaining act: "as the free and open decision of the faculty to opt for bargaining under the law, the faculty's failure to read the law, the difficulty of fitting the many-sided, consultative, implicit, horizontal governance of the major university into the two-sided, adversary, legalistic, vertical, industrial-union model required by the law."\(^{22}\)

In a *Postcript* (sic), Pendleton and Najita (1974) offered their rebuttal to critics of collective bargaining at the UH by describing the process as a "product of forced change, brought about by the enactment of the public employment bargaining law and the expectation of the state legislature that all employees would take advantage of the law if they wished economic gain. No matter how the law is interpreted, there is nothing in the statute which compels the parties to act as if they were an industrial organization nor does it compel the parties to negotiate an industrial model contract. A contract could well be written to suit the particular nature of the university and be wholly in compliance with the law."\(^{23}\) It would seem to follow that if the State were to include faculty as a participant in the politics of public sector collective bargaining, then their contract would reflect differences with contracts for civil service.
Table 6  
March 13 and 15, 1974 Faculty Representative's Election Results

<table>
<thead>
<tr>
<th>Polling Place</th>
<th>UHPA</th>
<th>HFCT</th>
<th>No Rep</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manoa</td>
<td>541</td>
<td>248</td>
<td>186</td>
</tr>
<tr>
<td>Honolulu C.C.</td>
<td>27</td>
<td>68</td>
<td>10</td>
</tr>
<tr>
<td>Kapiolani C.C. &amp;</td>
<td>13</td>
<td>57</td>
<td>9</td>
</tr>
<tr>
<td>Windward C.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leeward C.C.</td>
<td>29</td>
<td>56</td>
<td>14</td>
</tr>
<tr>
<td>All Oahu Total</td>
<td>610</td>
<td>429</td>
<td>219</td>
</tr>
<tr>
<td>UH at Hilo</td>
<td>45</td>
<td>72</td>
<td>18</td>
</tr>
<tr>
<td>Kauai C.C.</td>
<td>7</td>
<td>28</td>
<td>2</td>
</tr>
<tr>
<td>Maui C.C.</td>
<td>35</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>All Neighbor Islands</td>
<td>87</td>
<td>118</td>
<td>23</td>
</tr>
<tr>
<td>Islands Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mail Ballots</td>
<td>110</td>
<td>73</td>
<td>47</td>
</tr>
<tr>
<td>Total Number</td>
<td>807</td>
<td>620</td>
<td>289</td>
</tr>
<tr>
<td>(47%)</td>
<td>(36%)</td>
<td>(17%)</td>
<td></td>
</tr>
</tbody>
</table>

employees. The State's action to treat faculty as the Governor wished to
treat other employees served to implement his political economic agenda.

A Collegial and Bureaucratic Organization

The parallel histories of the U.S. and Hawaii demonstrate that
Hawaii's economic development was based upon principles of governance
existing almost a century earlier when the U.S. economy gained stability.
Another category of events helps to explain how University governance
evolved and faculty gained credibility as an interest group in Hawaii.
Statehood in 1959 and the adoption of the State Constitution resulted in a
significant change in the legal status of the UH. Until statehood, the UH
was a product of the legislature (Act 27; 1907). In 1959, the UH was
constitutionally established as a body corporate with title to all real and
personal property set aside or conveyed to it. Article IX, section 5,
provides for a board of regents (BOR) with power "in accordance with
law, to formulate policy, and to exercise control over the University,
through its executive officer, the president of the University, who shall be
appointed by the board." As stated earlier, the 1978 Constitutional
amendment gave the BOR "exclusive jurisdiction over the internal
organization and management of the university."24 It distinguished the
university from most other agencies of the state government and required
the university to be treated differently from these other agencies. In the
same year, the State's Attorney General interpreted the University to be a
constitutionally autonomous body and not an administrative or executive
agency of the state. While this paints a picture of autonomy, the Regents' powers are far from "exclusive."

For example, the constitutional provision was never spelled out in the statutes. A lack of affirmative action by both the legislature and the executive branches of government clearly indicated a desire to continue exercising control over the internal organization and management of the university. In 1979, the State legislature requested a management audit (Act 214) of the UH to assist it in assessing the role and management performance of the university and in making resource allocations. The Office of the Legislative Auditor is a public agency attached to the Hawaii state legislature. Its primary function is to strengthen the legislature's capabilities in making rational decisions with respect to authorizing public programs, setting program levels, and establishing fiscal policies and in conducting an effective review and appraisal of the performance of public agencies.25 Clinton T. Tanimura (1981), Legislative Auditor, pointed out that a composite approach to the UH audit was followed:

The university must be seen as both a collegial organization and a bureaucratic organization. It must also be seen as an entity where both centralization and decentralization of decision-making may be quite appropriate. The university must further be recognized as an important social, political, and economic institution which acts and is acted upon by the myriad of social, political, and economic forces present within the environment in which it exists. As a consequence of these foregoing factors, the university is surrounded by and helps to create considerable ambiguity concerning its role within the community--an ambiguity which places heavy demands upon presidential leadership.26
Although Tanimura was concerned with the appropriateness and effectiveness of management actions in coping with the complex environment, his office was particularly interested in "whether actions are based on a purposeful, reasoned management design, or whether they are merely expedient responses to crisis situations."27 One transcending theme in the Auditor's recommendations was to more effectively delegate authority and responsibility. In the University's initial response to the audit, Tom T. Shibano, Chairman, BOR (1981) pointed out that the board's capability to address the concerns raised will continue to be conditioned by constraints that have not been adequately considered due in large part to, "our complex and sometimes ambiguous relationships with other agencies of state government, and the fact that resolution of the ambiguities is not solely under our control."28 This observation falls short of blaming the legislature for failing to implement the constitutionally intended autonomy. It identifies reasons why the State government should have differentiated the UH from the other state agencies and required that the two be treated differently.

Consequently, while a completely autonomous institution is able to control its own management and operations, Hawaii's executive and legislative branches of government retain control over the UH's fiscal and budgetary matters. The level of financial support the UH receives each year is appropriated by the legislature but allocated by the governor. The governor has line item veto power over the budget. The legislature is responsible for providing tax measures that result in revenue.
Furthermore, executive line agencies such as the OCB; DPS; DAGS; and B&F are vested with administrative powers and are responsible for managing personnel. These responsibilities overlap with those of the university administration and limit university autonomy.

The impact of executive control over the University budget process requires a set of limited procedures: the BOR submits its budget for review before it becomes part of the executive budget; and the University is required to lobby the legislature for passage of the executive's version of its budget, while the Governor controls the University's budget process by unilaterally making recommendations to the legislature. Although the internal allocation of appropriations is left up to the University, the director of B&F has the authority to actually retrieve funds, and "special funds" created from specific revenue sources and lump sum appropriations are made for selected programs. In spite of constitutional recognition of the UH-BOR to formulate policy, and to exercise control over the university, the concept of autonomy is lost to politics.

Three Types of Faculty Empowerment

Chapter 89, like the NLRA, contributed to predictable management-labor costs through negotiated agreements and more stable budgets and was designed to ensure a procedural form of justice that was effective, more informal, timely, and yet in keeping with state ideology. It significantly changed the University's governance process. It established procedures for deciding the makeup of the bargaining units, conducting proceedings on
complaints of prohibited practices by employers, employees, and unions, and overseeing impasse procedures during employee-management disputes.

In comparison with federal labor law, Chapter 89 provides for significant state control over the definition of bargaining units, the scope of negotiations, and the impasse process. Nevertheless, legislators expected public employers to take a more active role in the fulfillment of their responsibilities and functions. According to Hawaii's State Senator Sakae Takahashi (1970), "Only in a few instances in the past have public employers spearheaded any major change in wages, hours, and other terms and conditions of employment." He further stated that, "it is the responsibility of an Employer not only to implement, but also to establish, policies governing employer-employee relations."29

Chapter 89 changed the process for determining faculty salaries. The UH budget process, which had authorized a decision-making role for university administration and academic administrators, was repealed. In its place the faculty union was granted a meaningful role in the governance process. Comprising five Employer votes needed for a tentative agreement were two Regents and directors of the DPS, B&F, and OCB. Upon ratification by the Employer and UHPA, the legislature would allocate funding for the cost items contained in the agreement. Impacting general fund appropriations was the primary mechanism used to influence the direction of the institution.

Through participation in collective bargaining, the UH faculty increased its influence in the budget process and management decisions
relating to personnel matters. Prior to 1970, redress of faculty grievances was limited to a BOR-created faculty senate, the chain of command within the university community, and AAUP with its well-established, but noncontractualized list of professional standards. All major policies affecting faculty relations were presented in a *Faculty Handbook*. The Secretary of the University, whose responsibility it was to ensure interpretation of BOR policy, prepared the *Faculty Handbook*. All policies and procedures were codified. In 1962, the Regents approved the charter of the Faculty Senate of the University of Hawaii, which established its charge to serve as a policy-recommending body "so far as it affects any of the following: a) the purposes or goals of the university; b) the nature and scope of its program; and c) its standards of teaching, research, and scholarship." Furthermore, the senate could consider and recommend specific means of ensuring the continuance of academic freedom. Under its policy relating to procedures on suspension and dismissal, the BOR had final decision-making power after receiving a recommendation from its senate. In order for faculty to receive salary increments, they were required to be reviewed by peers and secure a satisfactory work performance rating. Merit increases were awarded upon recommendation of representatives of the chain of command: personnel committee, appropriate college dean, and chancellor.

Participation in collective bargaining significantly changed the faculty's role in governance. The union's duty to represent faculty was one source of empowerment--something the faculty senate and AAUP outside
of collective bargaining could never give faculty. This new form of faculty advocacy had a positive impact upon morale. For the first time in UH history a single body, UHPA, represented faculty state-wide with a single voice. The following comments address this new source of faculty empowerment exemplified by UHPA's pro-active attitude: a) successfully delaying implementation of the Regents' policies on "faculty workload" and "post-tenure review"; b) successfully challenging an arbitrary and capricious administration's personnel decision to deny academic tenure to a qualified applicant; and c) demonstrating strong union leadership in the university community to fend off state mandated university budget reductions. The union's capability to increase faculty participation in governance through its state-wide network was welcomed in some administrative circles.

One example of faculty influence is illustrated in the duty of its union to advocate successfully in a denial of tenure case. In October, 1977, a faculty member following the university's approved guidelines and procedures applied for tenure.

In December, 1977, the application received positive reviews at two levels of peer review and at the first level of management review from the dean. In April, 1978, the dean changed his mind about his support for the application and removed his endorsement for tenure. The chancellor's office accepted the change in recommendation. Given management's response to the application the university denied the faculty member tenure.
In May, 1978, the faculty member appealed the tenure denial through UHPA. Procedures for the review of tenure denial cases appeared in the collective bargaining agreement between the UH-BOR and UHPA for the period 1977-1979. Following these procedures the matter was subsequently turned over to an arbitrator.

Article XII, Grievance Procedure, Step 4. Arbitration, of the 1977-1979 UHPA and BOR contract presented these guidelines concerning the use of an arbitrator:

The decision of the Arbitrator shall be final and binding upon the Assembly, its members, the Faculty Member(s) involved in the grievance, and the University. There shall be no appeal from the Arbitrator’s decision by either party, if such decision is within the scope of the Arbitrator’s authority as described below:

a) The Arbitrator shall not have the power to add to, subtract from, disregard, alter, or modify any of the terms of this Agreement. His award must be consistent with the terms of this Agreement.

b) In any grievance involving the employment status of a Faculty Member, the Arbitrator shall not substitute his judgment for that of the official making such judgment unless he determines that the decision of the official is arbitrary or capricious.

c) When the Arbitrator finds that any disciplinary action was improper, he may set aside, reduce, or otherwise modify the action, and may award back pay to compensate wholly or partially, for any salary lost.\textsuperscript{31}
On July 11, 1980, the arbitrator in his decision and award ruled that the UH administration's decision to deny tenure was arbitrary and capricious and that the grievant was entitled to tenure.

The University administration appealed the arbitrator's decision to the Hawaii Circuit Court. In September, 1980, the judge vacated the arbitrator's order. UHPA appealed the decision to the State Supreme Court. On February 18, 1983, the high court overturned the lower court's decision and asked that the arbitrator take another look at the facts while adding:

In this case, the record reflects that the arbitrator did not abuse his powers in finding that the Director and the Dean acted arbitrarily and capriciously in recommending that tenure be denied the Grievant. His findings were based on proper criteria and entered only after extensive hearings, briefings, and deliberation were conducted...we thus direct that the arbitrator rehear this matter in accordance with this opinion. If, upon rehearing, the arbitrator determines the appointing University officials acted arbitrarily and capriciously, he may 'substitute his judgment' for that of such officials and award tenure and back pay to the Grievant.32

In January, 1985, the arbitrator reaffirmed his earlier decision to grant tenure stating:

The amount of time that has passed is unconscionable and the Grievant, through no fault of her own, has become the victim of a system which permits the continuation of litigation through appeals to the continued "(substantial disadvantage to the Grievant) in terms of time and money spent in the arbitration process and in litigation," a fact well recognized by
the Supreme Court in Decision (Grievant's name has been deleted). In short, this matter should be brought to a close since the essence of the arbitration process, approved by our Supreme Court, is that the function of an arbitral award is to put the dispute to rest.\textsuperscript{33}

The University administration appealed to the Circuit Court a second time. In May, 1985, another judge set aside the arbitrator's findings and ordered that a new arbitrator be appointed. UHPA appealed to the Hawaii Supreme Court. On February 5, 1986, the high court ruled in favor of the faculty member by a vote of 5-0 and ordered the arbitrator's findings be reinstated. Seven years and eight months after the University administration's arbitrary decision to deny tenure, the faculty member was granted tenure and back pay.

This case exemplifies the power of UHPA to hold the State accountable for its decision to grant or not grant tenure based upon the performance of the applicant. Does the faculty member possess the expertise that the college requires to meet its long term needs? In this case, the State's redefinition of the issue enabled it to challenge the authority of the arbitrator. UHPA refused to allow the faculty member as an individual to become the secondary issue. The issue of justice for the individual did not become lost in the process. Therefore, UHPA successfully supported the individual grievant without being intimidated by outside issues.

This case is significant in that it makes a distinction between the denial of applications for personnel action for academic reasons versus a denial for reasons outside of academic considerations. It reveals the fragility of claims by the State that its institutions act in the best interests of
its people. It reinforces the observation that the State through its institutions exercises control over all perceived threats.

Whether the State will recognize the authority of an arbitrator in future cases is unclear. Subsequent contract language describing the authority of arbitrators has been weakened. This language did not prohibit the State from "arbitrary and capricious" behavior. This language change came about as a result of the delays of this grievance case over seven years and eight months.

This case reveals that UH management personnel were compelled to give greater weight to reasons outside academia than to the individual rights of faculty. Until UHPA's strong advocacy, non-academic personnel felt that they could act arbitrarily and without being held accountable for their actions. Therefore, the University administration's issue was not whether the grievant should receive tenure, but whether any neutral third party could restrict the State's arbitrary or capricious behavior. The redefined issue characterized the Employer as the victim, and had the impact of victimizing the grievant for a second time.

A second example of faculty empowerment occurred in 1982 following the BOR's attempt to implement its recently past Policy 9-15 Evaluation of Board of Regent's Appointees. At that time UHPA filed a prohibited practice complaint with the Hawaii Public Employees' Labor Board (HPERB) claiming that the issues of workload and post-tenure review were appropriate subjects for the bargaining table. Although the complaint was dismissed in 1984, HPERB in its Conclusions and Order
(Decision No. 199) stated that the Regents ought to enter into meaningful negotiations with the union over the impact of implementation of both of its policies.

At this time the University administration and the Union seized upon the opportunity to form two joint subcommittees to review the policies and potential impact they might have if implemented. During these discussions, the administration recognized that the Union was not opposed to evaluation or a reasonable definition of workload, provided that the fundamental principles of tenure and academic freedom were maintained. Subsequently, in 1987, parameters for University-wide participation in the development of procedures for implementation were established. The work load policy was maintained at a status quo level while a mutually agreed upon evaluation procedure for tenured faculty was jointly approved.

Even after systematically attempting to undermine the faculty's right to full participation in Hawaii's hybrid collective bargaining law in the late 1970s, this experience of joint decision-making in the mid-1980s led the University administration to recognize collective bargaining as a new form of collegiality. This newly created faculty influence over university governance stood in contrast to the traditional employer interaction with the academic senate.

A third kind of faculty empowerment became visible when UHPA's leadership significantly helped fend off an attempt by the state department of B&F to impose a ceiling on UH's 1983-85 budget.
In August, 1982, after joint faculty-administration committees worked hundreds and hundreds of hours to come up with a sober and realistic budget, which was then approved by the Regents, the Governor imposed unilateral across-the-board budget reductions. UHPA recognized the responsibility of the Governor to ensure that the overall state budget finally decided upon was within the constitutional limits. However, the Governor disregarded the fact that under the Constitution the University was not just another branch of state government, subject to the whims of an executive agency such as the department of B&F. The Regents were not permitted to transmit their budget directly to the legislature for full consideration by elected representatives. In August 1992 the Governor announced that the BOR budget was to be reduced by $16 million for 1983-1984 and by $22 million for 1984-1985.37

Although the responsibility of the Governor and his various cabinet members was to ensure that the overall state budget finally decided upon was within the constitutional limits, the department of B&F required that the BOR budget be subordinate to the executive budget. In December 1982 the BOR announced that the Governor had put a freeze on all hiring and travel. The union challenged the Regents, University administration, and faculty to stand united behind the budget they jointly prepared until it could be reviewed by the legislature. The immediate response was positive. President Matsuda stated his firm resolve to continue the dialogue with B&F to minimize any cuts to the Regents' budget.
These different kinds of faculty empowerment support the argument that the struggle over who governs and who does not govern at UH is an economic and political issue that implements the Governor's hidden agenda.

Differences in Policy Interpretation

The UH administration's inability to implement negotiated contracts in good faith raises questions about its desire to perform its duties in a rational manner. The following comment illustrates how questionable the appearance of nonrational administrative actions increased labor-management tension.

Through the negotiations process the UH administration and UHPA agreed upon fair criteria, scholarly activity, minimal qualifications, and procedures for the review of applications for tenure and promotion. Faculty were encouraged to seek redress through the governance process provided in the BOR/UHPA contract when they believed the process was unjust. The frequency by which faculty members exercised their right to use the grievance process seems to indicate a major difference of opinion about good faith and responsible personnel administration.

During the period March, 1975, through January, 1983, UHPA filed two hundred sixty-three grievances. Thirty-nine arbitration awards were issued. It took arbitrators an average of nine and one-half months to issue an award after hearings were concluded. Seven arbitrators issued decisions within two months. Four arbitrators needed more than twenty-seven months to issue their decisions. Nine awards were appealed, seven by the
University administration and two by UHPA. The quality of contract administration necessary to achieve a share of joint decision-making with the University administration required an adversarial position in many grievances.

The University administration's denial of promotion and tenure applications together with non-tenure/promotion related cases, for the period June 1, 1976 to June 30, 1979, contributed to an increasingly adversarial atmosphere, resulting in the relatively large number of grievances indicated in Table 7. Nineteen percent were tenure related, another 19 percent were non-tenure and non-promotion related, while 62 percent were promotion related. Ninety-seven grievances were by faculty members already tenured. A total of forty-five grievances were filed on behalf of a class of faculty members.

A summary of grievances, arbitrations, and legal cases prepared in January, 1981, revealed thirty-three outstanding cases. Of these, nine continue in the grievance process at the level of University administration, seven before an arbitrator, one before HPERB, twelve at the Hawaii Circuit Court, and twelve at the Hawaii Supreme Court. In 1989, ten years later, the number of grievances totaled sixteen. For the years 1992 and 1993 the total number of grievances equaled thirteen and twenty-three respectively. While the reduced numbers seem to point toward improved relations, in fact the decisions served to help define contract language.

The above three examples of faculty empowerment were introduced to help characterize the tension between the University administration and
Table 7
A Numerical Summary of Grievances Processed
For the Period June 1, 1976 to June 30, 1979

<table>
<thead>
<tr>
<th>Grievance</th>
<th>Individual</th>
<th>Class</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promotion Related</td>
<td>60</td>
<td>37</td>
<td>97</td>
</tr>
<tr>
<td>Misapplication of Criteria</td>
<td>7</td>
<td>n/a</td>
<td>7</td>
</tr>
<tr>
<td>Questionable Scholarly Activity</td>
<td>22</td>
<td>n/a</td>
<td>22</td>
</tr>
<tr>
<td>Minimal Qualifications</td>
<td>13</td>
<td>10</td>
<td>23</td>
</tr>
<tr>
<td>Procedural Errors</td>
<td>12</td>
<td>n/a</td>
<td>12</td>
</tr>
<tr>
<td>Discrimination</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Others</td>
<td>2</td>
<td>23</td>
<td>25</td>
</tr>
<tr>
<td><strong>Total Number</strong></td>
<td><strong>115</strong></td>
<td><strong>45</strong></td>
<td><strong>157</strong></td>
</tr>
</tbody>
</table>

UHPA. In the grievance process used to challenge the UH administration’s arbitrary and capricious denial of academic tenure to a qualified applicant, UHPA expended considerable resources in taking the case to the Hawaii Supreme Court. In this key verdict the Court stated that the role of an outside arbiter in determining whether or not an arbitrary and capricious decision existed could only improve upon and depoliticize the university. The BOR's attempt to unilaterally pass and implement policies on faculty workload and post-tenure review is an example of the deteriorating relations that lead up to the strike. Further discussion of these issues clarifies the differences in policy implementation between the faculty and University administration.

The Evaluation of Tenured Faculty. At their June 1973 meeting the BOR requested that the University administration formulate guidelines regarding: "the proportion of tenured faculty members and the proportion in each rank in each department, uniform criteria for evaluation of faculty members and its uniform application for tenure and promotion, and review of tenured faculty members every five years." The State's limited participation at the bargaining table failed to define the context for this activity.

In October, 1975, former UH President Fujio Matsuda, testifying before the State House Higher Education Interim Committee on the Effect of Collective Bargaining on University Governance, recognized the challenges facing university interest groups. While expressing hope that the parties would work together toward a better university, Matsuda stated,
"this does not mean, of course, that I do not expect sharp differences when we are unable to resolve issues."\textsuperscript{41} Hard bargaining with compromise or a process of grievance and possibly even binding arbitration were identified as possible forms of resolution. Given the State's political economic agenda, this attitude was normal for faculty bargaining.

At their July 1976 meeting the BOR adopted a directive to the University administration that mandated that each Unit headed by a Chancellor develop and maintain a "Faculty and Staff Renewal and Vitality Plan." In December 1976, the Hilo College Senate and the Hilo College Chapter of UHPA reacted aggressively:

Faculty vitality is a factor of paramount importance, but it is ultimately the responsibility of the faculty to establish and maintain standards. It is a serious enough problem that the Administration seeks to impose its own definitives of excellence but it becomes reprehensible when it (uses) a mechanism designed to expand its own power. (It is) a thinly disguised attempt on the part of an overly large and inefficient bureaucracy to establish a power base for its own existence. The Vitality Directive is a distinct effort to deprive the faculty of tenure.

The threats to tenure and sabbatical as well as the implication that personnel criteria can be articulated through a non-negotiated vitality document are illegal, clear violations of the collective bargaining agreement.\textsuperscript{42}

The State's administration of Chapter 89 failed to take into consideration the potential contribution of faculty at the bargaining table in addressing the problems facing the university. If there was an approach toward
problem-solving that embodied the presumed national principles meant to underlie Chapter 89, it was not evident at the bargaining table.

The BOR's Attempt to Unilaterally Increase Faculty Workload. On May 10, 1977, the UH administration proposed a policy change designed to increase the workload from nine hours to twelve hours. Although the University administration, citing its responsibility under Chapter 89-9(c), offered to consult with UHPA on May 27, 1977, the timing was bad. Less than a month earlier, on April 14, 1977, the State, BOR, and UHPA had ratified their 1977-1979 Collective Bargaining Agreement.43

On August 2, 1977, an arrangement was agreed upon by UHM Faculty Senate and UHPA to participate in a joint Courseload Committee to study the matter with the UHM Vice-Chancellor. In October, 1977, when the University administration disregarded the Committee recommendations, UHPA declared that the issue of courseload was a matter for negotiations. On October 16, 1981, the BOR enacted Section 9-15, Evaluation of Board of Regents' Appointees, and on January 22, 1982, it enacted Section 9-16, Teaching Assignments for Instructional Faculty.

On May 10, 1982, UHPA filed a petition with HPERB (CE-07-78) claiming that the UH administration and BOR had participated in a prohibited practice by implementing the new policies. HPERB held formal hearings during the later part of June and the early part of July, 1982.

B&F Cuts the UH Budget. In its attempt to fend off an attempt by the State to impose a ceiling on UH's 1983-1985 budget, UHPA assumed a
leadership role in the University community to overcome and dispel the attack on the BOR budget process. UHPA threatened court action, lobbied the legislature, and began looking at increased action at the polls. The response was positive. UHPA's President and Executive Director met with the UH President three times before the fall semester duty period began and were able to secure a commitment that the University administration would resolve itself to continue the dialogue with B&F with a view: "to causing them to change the premises upon which their budget ceiling has been drawn, and to continue to work through the Governor's review of the budget and through the legislative session to minimize any cuts to the Regents' budget."44 Together the University administration and UHPA succeeded in minimizing budget reductions while maximizing faculty input.

On October 5, 1984, HPERB issued its Conclusions and Order (Decision No. 199) and dismissed the charges. However, in its statement was the conclusion that "consultation is insufficient..." and also a contradictory statement that the BOR had the right "to pass a policy in the areas potentially affecting working conditions, as long as those policies have no effect on the employment status of individuals."45 This situation was exacerbated by a University administration that deliberately set about to undermine and destroy UHPA by use of a variety of unfair labor practices: public assertions that collective bargaining would never raise faculty salaries to their proper level; the circulation of windfall salary schedules said to be attainable only outside collective bargaining; unveiled invitations to groups of faculty in clandestine meetings to work actively for
decertification, claims that collective bargaining is out of place in a university of quality, coupled with continued refusal to engage in the true negotiations that are necessary for it to work. Decertification attempts were evident on the Manoa campus and a topic of conversation in the corridors of the Capitol building.46

UHPA appealed the HPERB Order to the Hawaii Supreme Court. Arguments were heard on July 23, 1986, and on August 8, 1986, a Memorandum Opinion was issued. The high court upheld the HPERB Order. Coincidentally and ironically, when the Memorandum was received by the UH administration and UHPA they were attending a joint leadership retreat in anticipation of the next round of negotiations. By September, 1986, both sides had agreed to form two joint committees to review the policies and the potential impact they might have if implemented.

Nevertheless, concurrently with the UH administration's reliance on the Manoa Faculty Senate, a creation of the BOR to solicit input from faculty the UH administration disregarded the Chapter 89 requirement to consult with the UHPA. This attitude minimized UHPA's authority to represent faculty in university governance, and created an unnecessary barrier to UHPA's emersion into the governance process.

Impact Upon Contract Negotiations

The State's inability to negotiate UHPA/BOR agreements in three out of the first five contracts, during the period 1975 to 1983, in a timely fashion raises a question about its desire to negotiate in good faith. Information presented in Table 8 seems to support the argument of a
hidden State agenda to exclude faculty from bargaining collectively. Mediation was required five times; HPERB was required to appoint a Fact Finding Panel four times; a 60-day cooling off period was necessary on three occasions; and a strike vote occurred twice. This information indicates that the events that led to the 1983 faculty strike may not be unique but rather characteristic of all negotiations. It appears as if the Governor's objective was not to settle with faculty but rather by managing conflict exercise the State's right to govern the university.

The Fact-Finding Panel in 1976 (Case No. I-07-22 f) expressed a frustration with the parties when it was moved to comment that "good faith bargaining should have narrowed the differences between the parties"47--the Union's position exactly. In 1979, no public service union and the State were able to reach an agreement and subsequent to activating the impasse procedures, the unions formed a coalition in order to argue their case in the media.

Following the two-day faculty strike in November of 1983, UHPA joined three other public employees unions in issuing a unified state-wide public sector strike notice. While an eleventh hour negotiation session with the Governor averted a coalition walkout, only faculty had unresolved non economic proposals. It appeared that the other unions sought to prevent embarrassment to the Governor.

In 1983, UHPA filed a request for the declaration of impasse with HPERB claiming that the State's "first and final salary offer" was bad faith negotiations. Two years, later HPERB received similar charges from
UHPA. On March 22, 1985, the Fact-Finding Panel expressed a concern that seems to transcend the Union's attempt to negotiate in good faith:

...the panel cannot escape the conclusion that the necessary give and take essential to any collective bargaining process has not sufficiently occurred. The parties must not only be aware of but believe in the legislature's statement of findings and policy in Sec. 89-1, Chapter 89, Hawaii Revised Statutes, which reads in part:

"the legislature finds that joint decision-making is the modern way of administering government. Where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective."

This clearly states that the legislative intent in passing Chapter 89, Hawaii Revised Statutes, was to promote joint decision-making and cooperative labor-management relations through collective bargaining.48

Why should there be any philosophical differences on this issue, the Panel queried. It concluded that "there need be no conflict between the essential nature of collective bargaining and the traditional collegial participation in higher education." The Panel was forced to deduce from the facts before it that many of the basic issues in dispute were not based on factual differences but were based on fundamental philosophical differences on the purpose and role of collective bargaining in the decision-making process affecting wages and working conditions involving faculty.
Furthermore, they concluded that the outstanding issues at impasse are "so many and of such complexity that it is difficult for neutral outsiders to adequately research and consider all essential factors required for the resolution of the impasse in the time available."49

Characteristic of all faculty contract negotiations regardless of whether or not the impasse procedures have been activated is the duality of the Employer and how this condition undermines good faith negotiations. The Employer, as represented by the Governor's designees, has three of five votes necessary for a settlement. The Regents have two votes. The common understanding among the designees is that the Regents have the right to reject any non-economic issues, while the State controls the level of any cost-related settlements. In its March 22, 1985, Fact Finder's Memorandum the Union argued that even if the Regents, "...agree with the Union's assertion that faculty salaries and other economic conditions need massive improvements, they are precluded from reaching an agreement by the State. Conversely, even if the State were predisposed to agree to an important non-economic item, they would defer to the Regents' current position of rejecting all substantive changes. This duality of the Employer separating economic and noneconomic items, precluded the normal give and take between issues."50 This reality was common to all contract negotiations.

George W. Angell (1975), director of the academic collective bargaining information service in Washington, D.C. has studied numerous issues facing higher education in the United States including the
Table 8
A Comparison of Faculty Contract Settlements By Date and Impasse Activity

<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Contract Period</th>
<th>Legislative Deadline</th>
<th>Contract Expiration</th>
<th>Mediation</th>
<th>Fact Finding</th>
<th>Cooling Off</th>
<th>Strike Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>9th</td>
<td>1993-95</td>
<td>Not met</td>
<td>Expired</td>
<td>No&lt;sup&gt;a&lt;/sup&gt;</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>8th</td>
<td>1989-93</td>
<td>Not met</td>
<td>Expired</td>
<td>Yes</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7th</td>
<td>1987-89</td>
<td>Not met</td>
<td>Expired</td>
<td>No</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>6th</td>
<td>1985-87</td>
<td>Met</td>
<td>--</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>--</td>
</tr>
<tr>
<td>5th</td>
<td>1983-85</td>
<td>Not met</td>
<td>Expired</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>4th</td>
<td>1981-83</td>
<td>Met</td>
<td>--</td>
<td>No</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>3rd</td>
<td>1979-81</td>
<td>Not met</td>
<td>Expired</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2nd</td>
<td>1977-79</td>
<td>Not met</td>
<td>Expired</td>
<td>Yes</td>
<td>Yes</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Reopener</td>
<td>1975&lt;sup&gt;b&lt;/sup&gt;</td>
<td>Met</td>
<td>n/a</td>
<td>Yes</td>
<td>Yes</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>1st</td>
<td>1975-77</td>
<td>Met</td>
<td>--</td>
<td>No</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

Note: <sup>a</sup>The 1993-95 agreement was ratified in February 1994, and <sup>b</sup>The 1975-77 agreement allowed either party to request that negotiations be reopened. The union did request the reopener and these discussions lead to activation of the impasse procedures; A Memorandum of Agreement covering salaries was signed April, 1976; and "n/a" means not appropriate to the process. Source: UHPA files.
relationship among decision-makers. In response to questions from administrators and trustees in about eleven states, he studied the implications of the University Chief Executive Officer or the Board of Governors serving as the Employer.\textsuperscript{51} Legislatures considered his findings when drafting collective bargaining bills that would enable faculties to unionize. Trustees and others expressed interest in the findings as a means to develop increased integrity and ability of their institutions to govern themselves.

Angell concluded that perhaps the most important question posed by policy-setters is "who is the employer for the state university, a state college, or a community college?" To the specialists in labor relations, trustees, legislators, and university administrators with which he consulted in this work he reported that:

> When the higher education community permits this question to go unanswered, the uninformed legislature often permits a state agent outside the university to be the employer. This may create a hiatus within the university by requiring faculty to bargain with someone such as a commissioner of administration. In addition, impasses and grievances may be settled outside the authority of the university. Faculty and students as well as trustees and administrators find that their ability to govern "collegially" may be seriously weakened. Some institutions want the chief executive officer to be named as the "employer" for the purposes of bargaining.\textsuperscript{52}

Angell's observations seem parallel to those identified by HPERB, UHPA, and the UH administration. The BOR's and UHPA's inability to discuss bargaining issues possessing cost implications as part of the larger
negotiations package of issues challenges the integrity of the bargaining process. When the State chooses not to participate meaningful negotiations do not occur.

In the collective bargaining process faculty differentiated themselves from other employees and the University from other departments. UHPA's successful advocacy of faculty in the budget process, in personnel actions, and mandatory evaluation reflected an increased influence in selected university decision-making processes. Nevertheless, the influence resulted only after a fight. Observers have to wonder if there is any substance to faculty participation beyond the support for the State's political economic agenda.

The research of others has also addressed the need for a clearer statement of who is to be involved in institutional decision-making in order to meet the economic challenges of the twenty-first century. Barry Bluestone, the Frank L. Boyden, professor of political economy at the University of Massachusetts at Boston and Senior Fellow at the John W. McCormack institute of public affairs, and Irving Bluestone, professor of labor studies at Wayne State University and former vice president of the United Auto Workers' Union, recently completed a study on how a new approach to labor-management relations can help America compete in world markets. President Bill Clinton has described this research as rejecting the zero-sum thinking of traditional labor-management relations in which two parties face each other as adversaries. As a result of a lifetime of research in the field of labor economics, the Bluestones have
identified an "enterprise" compact that is based upon shared strategic decision-making. They argue that unions might be the critical missing element in a national campaign for global competitiveness. They go beyond the growing consensus that companies must adopt employee involvement systems to become more competitive. And, they say workers must have input at every corporate level--right to the top. The consequences of an industrial collective bargaining model for faculty autonomy serve to reinforce Hawaii's tradition of centralized decision-making in the State, and weaken the faculty role in academic related matters.

In the discussion of their formula for management and labor success, the "enterprise compact," they cite the joint strategic action at UH between UHPA and UH President Al Simone's administration as a case in point.

From a rocky beginning, the relationship between the university administration and the union has grown cordial, polite, even friendly. There is mutual respect between them. The Board of Regents, more often than not, now makes certain that the administration has shared with the union any plans for change before putting them into practice. The executive director of the UHPA now attends all meetings of the Board of Regents and planning meetings of the administration. What makes all this work is a basic agreement between the parties on the goals of the university and the nature of the working relationship among the union, the administration, and the Board of Regents.

There is a potential problem, however. The close working relationship is not formalized. Most of the procedures used by the union and management to come to agreement on budget priorities and other issues are not written down. Hence, with a
change in administration—or in union leadership—the relationship could change overnight. Consequently the next step is to codify the working relationship between the parties and negotiate the terms guaranteeing the union’s role in strategic planning within the university. This will not be easy, particularly as there are elements in state government, other unions, the administration, and even the faculty that would like to see a return to the old days when strict union-management lines were drawn. Many of these critics remember the personal power they had under the old regime and only warily gave it up.53

The Bluestones’ work seems corollary to that of Angell. Both seem to agree on the idea of there being one identifiable Employer in institutions of the higher education. Also the UHPA, HPERB, and UH administration are of a like mind in this regard. One Employer who can be held accountable for their decisions is more likely to lead the University community toward a quality institution. Accordingly, the future faculty participation in university governance depends upon the State’s commitment to the UH as an educational institution first. UHPA has been willing to work with either the UH President or the Regents as the single Employer for the purpose of collective bargaining. The State’s unwillingness to relinquish its authority is consistent with the Governor’s political and economic agenda.
Chapter IV.

THROUGH THE LOOKING GLASS: COMPETING INTERPRETATIONS AND COMPETING REALITIES

Harold Perkin (1984) whose views on the post-industrial society were discussed in chapter II used the concept of a holograph to explain higher education as "a three-dimensional model projected in light--the light of informed intelligence--and viewable from any direction." With the use of a time dimension he revealed change and stability in this comprehensive multiperspective. The order gained through the time dimension was described as "embracing a reality that changes with the depth of focus back to where the lines finally converge, not at the present synchronic horizon but at the point of origin in the more or less distant past."1 The use of the metaphor "Through the Looking Glass," refers to identifying different foci in explaining the politics of public sector collective bargaining and the factors that allowed this process of establishing influence to gain strength in governance at the University of Hawaii. By synthesizing the elements of chapters II and III I argue that there has been a hybridization of collective bargaining in Hawaii. Conflicting interpretations of Hawaii's hybrid policy and their use by the Employer and UHPA are examined. Conflicting interpretations of Chapter 89 are revealed through a discussion of two dominant themes, the use of "sign" in textual analysis, intertextual themes, and comparing three State personnel systems. I present the origin and nature of the competing political realities experienced by UHPA and other interest groups associated with university governance by discussing
findings gleaned from the questionnaire and interviews. The events leading up to the 1983 strike exemplify the politicization of university governance and faculty participation in collective bargaining processes. I explain how the Democratic leadership in Hawaii were successful in raising the standard of living of public employees, and how the State implemented Chapter 89 so it could control university governance practices.

**Hawaii's Hybrid Policy**

In 1970, the manifestation of a hybrid collective bargaining policy, Chapter 89, passed the legislature. A comparison of the NLRA and Chapter 89 illustrates two policy approaches to labor-management relations and helps explain the fundamental elements of hybridization. The NLRA encourages a process whereby labor and management peace can be achieved in a predictable manner. For example, it spells out all mandatory subjects upon which the other side must bargain if one side requests it. Refusal to bargain when requested permits an Unfair Labor Practice charge by the rejected party. Impasse can be reached on the negotiations; a strike can be triggered as a result; and no unilateral implementation of changes is allowed on the difference. The Employer must maintain the status quo pending impasse after expiration of the contract.

Permissive topics include those upon which the two parties may agree to bargain, but either one can refuse with impunity. Adamant refusal to bargain is not unlawful. No strike or impasse occurs if a party refuses to bargain over a permissive subject. Once bargaining begins, either party can change its mind and refuse to bargain further. Illegal subjects are
topics so determined by law despite the agreement of the parties. A legal strike may occur after the expiration of a contract provided the union has given management a sixty-day notice.

By contrast preface to Chapter 89 contains a statement encouraging joint decision-making. However, its body contains significant ambiguities that turn the balance of power in favor of the executive. As will be discussed below in greater depth, the policy language did not create a negotiation environment where labor and management would be equally motivated to reach a settlement. For example, negotiable topics, impasse procedures, and the right to strike were defined very narrowly. For faculty this means that there are fewer reasons for reaching a settlement with the State and BOR. Instead of encouraging the parties to creatively construct an acceptable benefits package and agreement that reflect the faculty's needs such as fully paid health fund premiums, a portable retirement plan, and tuition waivers for family members, these restrictions reflect the governor's prerogative to participate or not participate in a meaningful exchange of ideas.

Mandatory and permissive bargainable topics are established through decisions of the HPERB. Decisions by the Board placed important restrictions on declaration of impasse and strike. Under Decision #104 the test of whether a topic is a term or condition of employment is whether or not that topic is a benefit that has a "significant and material relationship to conditions of employment."2
Occasionally, HPERB has resorted to a distinction between the making of a policy decision and its implementation. For example, Decision #147 states, "the implementation of a proper unilateral repricing action by the Employer is a separate and distinct subject from the initial decision to reprice and such implementation is negotiable because the timing of the implementation impacts directly on the wages of the affected employees."³

Chapter 89 is also restrictive in what it considers to be negotiable subjects upon which parties are permitted to reach an agreement. As an illustration, the exclusive representative (Union) shall not agree to any proposal which:

...would interfere with the rights of a public employer to (1) direct employees; (2) determine qualification, standards for work, the nature and contents of examinations, hire, promote, transfer, assign, and retain employees in positions and suspend, demote, discharge, or take other disciplinary action against employees for proper cause; (3) relieve an employee from duties because of lack of work or other legitimate reason; (4) maintain efficiency of government operations; (5) determine methods, means, and personnel by which the employer's operations are to be conducted; and take such actions as may be necessary to carry out the missions of the employer in cases of emergencies.⁴

In comparison with the NLRA, which allows strikes under restricted circumstances, Chapter 89 requires that stricter criteria be met before a union can take legal strike action (Table 9). Accordingly, if the criteria were met and the procedures took the maximum number of available days to complete, the earliest date a union could take strike action equates to the
Table 9
A Timetable for Strike Action According to Chapter 89

<table>
<thead>
<tr>
<th>Impasse Procedures</th>
<th>Time Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impasse Declaration *</td>
<td>3 days</td>
</tr>
<tr>
<td>Appointment of Mediator</td>
<td>18 days</td>
</tr>
<tr>
<td>Appointment of Factfinding Board</td>
<td>10 days</td>
</tr>
<tr>
<td>Report to Both Parties</td>
<td>5 days</td>
</tr>
<tr>
<td>Cooling Off Period</td>
<td>60 days</td>
</tr>
</tbody>
</table>

* upon determination by HLRB

ninety-seventh day but only after it issues a ten-day notice of intent to strike.

Chapter 89 established thirteen bargaining units. It also defined essential employees, justifiable impasse, a valid strike, management's rights, and limited the scope of negotiations. Furthermore a limited mediation provision contributes to the polarization of positions with a cap on the time available.

The NLRA takes a laissez-faire approach. It offers a broad scope for bargaining issues; provides no limits on the length of negotiations; does not provide a definition of union members; and in cases involving strikes that imperil national health or safety requires mandatory mediation. Under the NLRA labor and management recognize that it is the needs of the employees and employer that dictate settlement. If labor wishes to take less
compensation in salary in exchange for added personalized health or 
retirement benefits, labor and management can include such benefits in 
their agreement. Likewise if management refuses to negotiate, labor can 
call a strike of the workers at any time so long as there is no agreement in 
effect at the time.

Many experts viewed Hawaii's collective bargaining policies as being 
less progressive than the Constitutional promise of a right to negotiate a 
collective bargaining agreement. For example, James L. Stern (1984), 
professor of economics and industrial relations, University of Wisconsin, 
attempted to place Hawaii's public employees' right to strike law in 
perspective when he addressed the Hawaii Chapter of the Industrial 
Relations Research Association: "Although Hawaii was one of the first 
states to provide a legal right to strike, I have the impression that this 
"right" is so hedged in by court and HPERB rulings that the right is 
somewhat illusory. In fact, given the liberal tradition of Hawaiian politics 
and dominance of the Democrats, it is somewhat surprising to find that 
unionized public employees in Hawaii probably have a less favorable 
situation than comparable local government employees in most northern 
states of a similar political complexion."5 Since Hawaii's State Constitution 
recognizes collective bargaining for private and public sector employees, 
the State's behavior in faculty negotiations implies another agenda. In light 
of the State's responsibility to bargain with each union separately, its 
limited participation in negotiations, and repeated prohibited practices, it 
appears that Governor Ariyoshi's hidden agenda was to treat faculty as he
wanted to treat other employees. This hidden agenda serves as evidence that the collective bargaining process under Chapter 89 does not mean that the State will bargain in good faith with faculty.

Modern semiotics was designed to explain myths. It postulated that normalized language mediates the process of decoding how we understand the world. The notion that unassertive objects can be used as signs of accepted opinion provides analysts with a unique tool to explain political activities. The use of semiotics helps to interpret what meaning Chapter 89 holds for the State and faculty given this hidden agenda. According to Murry Edelman, the George Herbert Mead professor of political science at the University of Wisconsin, Madison, the "spectacle" of politics is a concept that defines the significance of prominent social groups by identifying a set of symbols and signifiers. For example, it can be argued that Chapter 89 is a spectacle that stands for a rational process for resolving differences between the State, BOR, and UHPA. The interest groups in this case, all but UHPA, seem to support the same symbols and signifiers which the State intends to reinforce the governor's agenda.

The identification and translation of the governor's hidden agenda gives the appearance that Chapter 89 is more of a spectacle than a mechanism for joint decision-making. The signification of the rational process is not substance. It is rather a correlation of the public's acceptance of the sign of Chapter 89 as a rational process, and the public's confidence in the governor's judgement to use his authority to do what is best for Hawaii. Semiotics helps to reveal that the hidden agenda has the
simultaneously effect of restraining the attainment of faculty rights and leading the public to believe that collective bargaining works. Through semiotic theory the paradox between the rational theme of Chapter 89 and the governor's unwillingness to negotiate or arbitrate with faculty is illustrated and becomes more understandable.

Deborah A. Stone, Brandeis University, deals with the condition of multiple understandings of what appears to be a single concept. Policy analysis, she argues, is "a constant struggle over the criteria for classification, the boundaries of categories, and the definition of ideals that guide the way people behave." Understandings about what policies mean are created and manipulated as part of political strategy. Edelman's and Stone's use of the semiotic form helps identify and clarify the signifiers of the governor's authority and power. The following is a brief discussion of common signs which contribute to the paradox of Chapter 89 for UH faculty.

"Signs" as Vehicles to Alternative Interpretations. Marshall Blonsky (1985), a teacher and researcher of semiotics and a faculty member of the New School for Social Research in New York, observes that the use of "sign" in textual analysis is helpful in identifying other meanings found within public policy: "Signs are not related to the things or states of the world they appear to designate, but they stand for, they stand in front of, quieter, words and deeds." The following comment on signs within Chapter 89 reveals numerous meanings that could be placed on a continuum charting types of writing from the ideological to the political.
Issues as a Sign. The bargaining issue is an example of a sign used in the text of Chapter 89. As a sign, the bargaining issue represents a kind of territory whereby participants come to know the boundaries of potential negotiations. State negotiators required that the Union present its proposals with rationales for the separate proposals offered. This served to order the issues in high, medium, and low priority level categories. From this perspective, bargaining issues served to reinforce the sign message that meaningful negotiations can take place only within well-defined boundaries.

Chapter 89 contains three kinds of bargaining issues: a) mandatory, which requires that the other side bargain if one side requests it; b) permissive, in which two parties agree to bargain, or in which one side may refuse with impunity; and c) illegal, which by law is not permitted even if there is agreement between the parties.

Bargaining issues, as a sign, enable the State to disregard the principles that the Union raises. For example, discourse that contrasts non negotiable issues and issues such as are addressed in the legislative process represents a dimension outside of the negotiating table. In 1985, the Union sought to negotiate the topic of sick leave for "instructional" faculty claiming that it had a "significant and material relationship to conditions of employment." The State chose not to negotiate this issue claiming that it was a matter for the legislature. In 1986, UHPA sought legislative redress by seeking to amend Chapter 88-63, Credit for Unused Sick Leave. Upon learning of the legislature's intent to approve the necessary amendment, the
State agreed to negotiate the sick leave issue at the bargaining table in lieu of a statutory directive. Various dimensions serve as vehicles for the State during contract negotiations and enable bargaining issues as a sign to complicate the negotiations process.

Procedures governing salary adjustments are another highly visible exemplifier of the governor's use of issues as a sign. In January, 1990, UHPA and representatives of the UH agreed to pursue the negotiations of salary adjustments under dispute in the prohibited practice charge CE-07-128 filed by UHPA with the HLRB in the Spring of 1989. Subsequently, the parties commenced extensive discussions in an effort to arrive at a mutually accepted set of principles, criteria, and procedures to govern salary adjustments which had been made under the titles of retention, preventive retention, equity, and market. Documents which resulted are titled: a) principles and objectives governing a rational salary system, b) temporary procedures for allocating special salary adjustments, c) criteria for retention, market, and equity adjustments, and d) merit awards. In a joint statement to the university community the presidents of UHPA and UH indicated that the effort that it took to draft these documents reflects "the urgency of addressing these issues in order to provide the University and faculty with an opportunity to resolve the critical problems inherent in these salary issues." In May, 1990, the Regents approved the Temporary Procedures for Special Salary Adjustments, and indicated their strong support and interest in being involved in the process of negotiating permanent procedures. In September, 1991, the BOR established Policy 9-
2(7) authorizing the President to grant special salary adjustments consistent with existing statutes, Board policies, and applicable bargaining agreements. In October, 1991, the UH President and Director of B&F discussed the BOR's and UHPA's plans to seek funding during the 1992 State Legislative session. In January, 1992, a Memorandum of Understanding was signed by UHPA, BOR, and UH administrators which officially recognized that "a salary system includes many elements, particularly where the appointment of academic professionals draws applicants from local, national, and international employment pools." It also indicated that a joint effort would be undertaken to secure appropriations by the State of Hawaii or through support from extra-mural contracts or grants. Both the State Senate and State House of Representatives were prepared to provide funding for special salary adjustments for faculty until the Governor, through the Director of OCB raised the question of the propriety of UHPA and the BOR negotiating procedures for special salary adjustments. Further, OCB questioned the authority of the BOR to request funding to support salary adjustments which might be made under these procedures. The State expected the issue of salary negotiations under Chapter 89 to signify and legitimize the authority of claim that UHPA and the BOR acted illegally. Given the joint effort of the UH administration, BOR, and UHPA over a long period of time, the State's strategy to use Chapter 89 to once again reinforce the Governor's hidden agenda was seen as intentionally deceptive to the State Legislature, and University community. The Governor's personal
commitment to support the joint effort by UHPA, BOR, and UH administration, during discussions involving the 1989 prohibited practice charge (CE-07-128), to provide for special salary adjustments for faculty was equally deceptive.

The Principle of Equity as a Sign. When faculty decided to participate in the collective bargaining process it expected that analogous to the relationship between academic freedom and the culture found within American institutions of higher education would be the relationship between the State's bargaining in the academic setting and other sites of bargaining.

Translated, this equates with tenure and promotion criteria, and fair compensation in academia. Equity, as value, in its commodified form is a valid employment criterion and a fair compensation standard. State law requires that "The board of regents shall classify all members of the faculty of the university including research workers, extension agents, and all personnel engaged in instructional work...." Faculty classifications identify academic prerequisites for career advancement such as tenure and promotion. As faculty advance along a career ladder their rank and salary level increase. The meritocratic principle associated with American institutions of higher education justifies faculty status. All faculty are expected to work toward promotion. Faculty receiving promotion receive a salary adjustment. Alone among state employees only faculty face the possibility of non renewal of contracts for the first five years of employment before they can apply for tenure.
The sign is that the University's hiring procedures, and probationary and employment requirements, including contract renewal and tenure, represent a common standard for all public employees. However, the State's expectations for other public employees are not the same. Success for other employees is not measured by their ability to move along career ladders and deal with the threat of employment termination. The State's inequitable treatment of faculty on such bargainable issues as salary, types of health benefits, and optional retirement plans is in part hidden by the State's effective use of equity as a sign. The reason equity is able to stand as a sign is in part due to the State's personnel practice of equal pay for equal work. The State Department of General Accounting requires the OCB and other State agencies demonstrate that the principle is applied in all personnel practices. The faculty experience vividly reveals, in the cases of sick leave, and salary, both mentioned earlier, that faculty is treated differently than other public employees. UHPA's arguments before HPERB, during fact finding proceedings, go unchallenged by the State because equity for faculty is only a signifier of the governor's need to support his own hidden agenda.

The Principle of Authority as a Sign. The Governor's credibility with the general public and groups interested in University governance and faculty negotiations, in part, is established by his authority to govern. The State uses the concept of authority to represent legitimized governance practices when they do not exist. How the State uses this principle to support the Governor's hidden agenda clarifies the faculty reasons for
taking strike action. For example, when negotiations between the State and Union failed, HLRB had to decide whether or not an impasse between the parties existed. When the State claimed that it still wanted to negotiate, the Union's request was denied. The Union claimed that the Board's authority serves to further delay the public pressure which a strike can bring to play upon the State to negotiate. Although there exists a well defined set of rules, the State was able to continue using delaying tactics during the mediation and fact-finding processes. Again, the State's authority allows it to use such tactics and represent them to the public as being consistent with Chapter 89 which facilitates joint labor and management decision-making--when in fact the State had not negotiated. As another example, following the cooling-off period at which time the faculty could strike, management was able to disqualify all faculty who were "essential employees" from participating in any strike activity. This reduced the Union's effectiveness to bring pressure to bear upon the State to negotiate a fair and just agreement. The Union argued against the State's case regarding the numbers of essential employees and was successful.

The undesirability of labor unrest as a negative reflection on management's ability to govern, and potentially its authority to govern, was minimized by the State's use of authority as a sign. The State's capacity to control labor was a reflection on how well it used its authority. Media accounts of the faculty union as being demanding and wanting to spar with the State validate this sign and illustrate its value. In effect, acting defensively becomes acceptable for the State; a negative consequence of
which is the unlimited currency to define a crisis. The right of public employees to strike appears less of a hardship for the State than intended in the NLRA for management. The prerogative to redefine the economic environment was valuable to the Governor in that the changes in parameters always favored his political and economic agenda. Once such a change is effected, the faculty are economically disadvantaged.

Chapter 89 as a Text For Political Discourse. The State's ability to maintain its dominant interpretation of Chapter 89 can be explained through a theory that identifies the source and nature of symbolic power. Pierre Bourdieu (1977), professor of sociology, College de France, views symbolic power as being created through different modes of domination seems useful. Central to his argument is the concept of a habitus. It is characterized both as a system of lasting, transposable dispositions that integrate past experiences and an objective event that exerts its action on conditional stimulation calling for or demanding a determinate response. The habitus also refers: "to a durably installed generative principle of regulated improvisations, produces practices which tend to reproduce the regularities imminent in the objective conditions of the production of their generative principle, while adjusting to the demands inscribed as objective potentialities in the situation, as defined by the cognitive and motivating structures making up the habitus." The notion of the habitus helps individuals to identify that which Bourdieu calls false oppositions that shape one's thinking about the social world. For example, synchrony/diachrony; model/performance; determinism/freedom;
rule/improvisation; and system/event are cited. Individuals are both producers and reproducers of objective meaning. Bourdieu sees this as a "precondition for the co-ordination of practices and the practices of co-ordination" and describes the possession of an accompanying discourse as "capable of securing symbolic mastery of the practically mastered principles of the habitus."

Bourdieu's approach to analysis helps reveal the empowerment of the State through the use of ambiguities found within Chapter 89. His argument is that "every established order tends to produce (to very different degrees and with very different means) the naturalization of its own arbitrariness." 11 Serving as the primary principle is that one's sense of reality or sense of limits is realized through a correlation between one's opportunities and one's aspirations. Social order exists when one political reality exists. Bourdieu's term "doxa" refers to the undisputed. It contrasts the confrontation of competing discourses "whose political truth may be overtly declared or may remain hidden, even from the eyes of those engaged in it, under the guise of religious or philosophical oppositions." 12

The length of time necessary for the faculty to select a union and ratify its first contract challenged the governor's control over the collective bargaining process. Faculty participation in the process contrasted the governor's success in quickly ratifying contracts with all other public employees unions. Faculty participation in the process forced the governor to explain the State's inability to succeed in faculty negotiations. As a
consequence faculty were excluded from the governor's politics of collective bargaining. Social order in public sector collective bargaining was threatened by faculty participation--its suggestion of a new political reality--one which recognized a contractualize faculty role in the University governance process. A State negotiator who supported the governor's hidden agenda characterized the faculty union as selfish and non Hawaiian. The issue of the faculty union's rights to represent the interests of its members under Chapter 89 was not addressed. The visible confrontation was the strike itself. The competing discourse that remained hidden was the State's philosophical orthodoxy of a limited participation for faculty in the collective bargaining processes.

When the term doxa is applied to the State's policy interpretation and evaluation of faculty participation in collective bargaining, representations of objective meaning which have gone unexamined can be revealed. The State's perspective on the failed faculty negotiations became so common that it was publicly accepted without exception. For example, the Governor often characterized Chapter 89 as a joint decision-making process based upon the principle of equal treatment for all public employees. With the wide coverage this viewpoint received in the mass media, together with an amplification by leaders of administrative agencies, elected leaders, and their staff, this understanding of the policy was common. As a consequence the State's contention that faculty were demanding more than the State could afford to pay was never closely examined. By contrasting the normalized meanings with their
representations this analysis challenges the doxa of Chapter 89. The UHPA successfully argued that the restricted local, national, and international hiring pools for faculty, together with the strong competition of top universities for federal grants, required the State to respond to these unique needs before the University further deteriorated. As the media gave increased coverage to this reality the State's position became more visible to the public. In so doing the media helped to reveal the plurality and dominant authority within Chapter 89 and brought to light its impact upon University governance.

An examination of Chapter 89-9(d) entitled, "excluded subjects of negotiations" is useful in explaining why there are conflicting interpretations of the law. Hawaii's hybrid policy communicates two messages: joint decision-making is the way to better government, and governance authority is centralized in the governor. These two dominant themes serve as vehicles for competing interpretations. The first dominant theme of negotiations represents a rational process. Designed to balance different yet equal powers, it is presented in the following passage: "Four issues excluded from negotiations include matters of classification and reclassification, benefits of but not contributions to the Hawaii public employee's health fund, retirement benefits, and the salary ranges now provided by law...provided that the number of incremental and longevity steps, the amount of wages to be paid in each range and step, and movement between steps within the salary range shall be negotiable." The theme is characterized by attributes such as: coherence, rationality,
and a balance of power. Negotiations according to this general interpretation represent: a) a consensual decision-making process based upon an open and full discussion of issues and relevant information, and b) a win-win solution resulting from equal access and control of the resources to bring about an agreement. Equal access would include information relating to all budget and personnel decisions. Control of resources refers to the State's ability to withhold salaries when a stalemate exists.

In contrast to the rational theme, the bureaucratic or second dominant theme presents a different perspective on negotiations. The following passage represents a picture of negotiations based upon the ultimate rights of the State: "...not agree to any proposal which would...interfere with the rights of a public employer to (1) direct employees; (2) determine qualifications, (3) relieve an employee from duties because of lack of work or other legitimate reason; (4) maintain efficiency of government operations; (5) determine methods, means, and personnel by which the employer's operations are to be conducted; and take such actions as may be necessary to carry out the missions of the employer in cases of emergencies." This statement of the State's rights creates a barrier to alternative interpretations. Independent of any knowledge of the previous passage, its attributes are bureaucratic in nature. It is the State, according to this language, that decides whether or not any union proposal would interfere with its rights. For example, when UHPA demanded to negotiate language that would allow an outside arbitrator to rule on whether a faculty member should be awarded tenure in cases where the
management decision was deemed to be arbitrary and capricious, the bureaucratic response offered by the State was that only the Governor could decide how taxpayers' dollars would be spent.

Look at the use of the hypothetical: "any proposal which would interfere." It is a statement without criteria. The general interpretation of Chapter 89 relying upon this theme reflects the principle of authority and the State's ultimate control over the topics to be negotiated.

The plurality of the text becomes discernable when the two themes are viewed as vehicles for different interpretations. The rightness or wrongness of such interpretations is secondary. Only the vehicles that are utilized as something of value are of importance here. Chapter 89 helped to order the governor's political reality. It established his level of influence within the collective bargaining process and university governance by serving as a political discourse. By explaining how influences shape his values and attitudes, alternative interpretations of Chapter 89 become clearer.

In contrast to Blonsky's notion of semiotics, Bourdieu's approach to explaining political meaning is more aggressive. In the former the concept of representations are ubiquitous. The identification of selected signs within Chapter 89 helped to explain its meaning. The latter helps to identify the State's kind of discourse that expands the boundaries of its orthodoxy so as to limit the universe of discourse or the undisputed. The result is a clearer statement of State orthodoxy that until now seemed
hidden. The notion of a text and the existence of intertextual signs helped to make visible a parallel existence of rational and bureaucratic themes.

A rational theme, then, in negotiations is a means to find a) a method for reaching labor peace; b) a predictable budget process; and c) a fair personnel management system. In contrast, the bureaucratic theme reinforces the view of government as patriarchal. The use of issues, and the principles of equity and authority as signs to validate themes is illustrated by the text as a form of negotiations discourse or a political manner of speaking. The structure of meaning within Section 89-9(d) is dependant upon how these signs are used to empower the Governor and limit the influence of the Union.

Other texts utilize similar meaning structures to Section 89-9(d). The interpretation of various related texts is germane to the current analysis and will be addressed at this time. As one example, Chapter 89-1, "Findings and Policy" outlines the scope of collective bargaining and provides for implementation:

joint decision-making is the modern way of administering government... where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators...

government is made more effective...the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work, to provide a rational method for dealing
with disputes and work stoppages, and to maintain a favorable political and social environment.\textsuperscript{15}

The signs are "joint decision-making," "shared decision-making," "the best way to harness and direct energies," and "making government more effective." Their collective purpose is worth examining. What would the world look like if participants were able to experience the vision these concepts create?

Long-term labor-management agreements, predictable and fair personnel related decisions, and different yet equal treatment of all public employees would seem possible. How is it that the use of signs found in Chapter 89-1 inhibit the attainment of these principles? Is this use of sign a way to achieve an effective government? First, the State has interpreted "joint decision-making" as meaning all public employees in contrast to employees who are represented by different unions. This then translates into treating all public employees the same with the consequence of no exclusive representation of faculty by its elected union.\textsuperscript{16} Second, State negotiations could deny the possibility that different benefits for faculty could also mean equitable treatment for all public employees based upon the kind of employee the union was representing. The UHPA's argument for the right to negotiate benefits of particular interest to faculty, although not necessarily of interest to other public employees, exposed one of the Governor's techniques of self empowerment. If the Governor negotiated with UHPA, then other employees might require similar representation from their union leadership. For the State this would mean having to adopt
a more open approach to bargaining that expanded participation in its priority setting role.

The Union's message to its members and the public throughout the impasse procedure leading up to the strike was: "we want to negotiate or arbitrate." A corollary message was: "UHPA's disagreement with the State is over the quality of its only public institution of higher education." In the 1970s the Union's approach to University governance before the BOR and Legislature was characterized by a well researched, rational, very articulate, and professional presentation of the issues--a non political and rational approach toward representing faculty interests. Contrary to this overt behavior the Union's doxa was defined by its, the University's, internal processes where the acquisition of influence in decision-making has always been intense whether having to do with contract renewal, tenure, promotion, merit pay, or other governance issues in which faculty have traditionally played a role. In the 1980s the Union's approach toward the State's decision-making processes changed. Faculty were encouraged to become more involved in electoral politics. Union leadership established a political action fund and sought to support legislators who were friends of the University and the Union. The expanded doxa included the belief that the Union could both be politically active and at the same time represent the interests of the professoriate and the University. It also included the contention that the political skills successfully used within the University could be applied by faculty to the broader level of State politics. According to one Union leader, given the Governor's power to govern the
University and control over the collective bargaining process, much of the Union political activity was symbolic.

In addition to Chapter 89-9(d) and 89-1, other texts help to reveal the State's use of signs, the validity of both the rational and bureaucratic themes, and the plurality of Hawaii's hybrid policy to which they refer. Intertextual signs illustrate the nature of the State's interpretation of policy as narrowly focused in centralized decision-making power at the expense of realizing its potential and vision.

Chapter 89-11 entitled, Impasse, is the process for the resolution of disputes and grievances. It further recognizes the power of the State to enter into written agreements with the Union to identify procedures to resolve grievances. The implicit signs are "a rational process" governing all activities, and "resolution" symbolizing the only expectation for negotiations. Attributes of both themes are present. Chapter 89-13 entitled, Prohibited Practices, lists eight possible actions of the Employer and five possible actions of the Union that are prohibited. Such charges were intended to be punitive. The themes are principles of equity for employees and State accountability. Although these themes remain outside public discourse or as Bourdieu would say, in the doxa of Chapter 89, the State's use of intertextual signs speaks to their parallel existence.

Hawaii's Three Personnel Systems. UH faculty are covered under the Board of Regents, public school teachers are covered under the Department of Education, and all other public employees are covered under the state's Civil Service system. Ambiguity found in the dominant
themes of Section 89-9(d), UHPA claims, allows the State to interpret Hawaii's collective bargaining law in such a way that the differences among these personnel systems are treated as insignificant.

Shared governance in the university setting requires that the State look at negotiations with faculty differently than from other unions. Unique employee related issues such as job security, a career ladder requiring promotion, and compensation separate the BOR personnel system from that of the Department of Education and the State's Civil Service. University employees covered under the civil service system - secretaries, administrative/professional/technical, and janitorial workers are in fact treated differently from faculty who are BOR appointees. The academic society requires significant faculty involvement in the running of the university.

Described by a member of the BOR as a complex form of governance, the concept of shared authority in university management is widely accepted in the United States. The American Association of Higher Education described shared authority as the "middle zone of an authority continuum ranging from administrative dominance at the one end of the continuum to faculty dominance at the other end." Within the continuum the UH administration, BOR, and the faculty union ought to define a range of options by which shared authority may be achieved between various constituencies in the university community.

The BOR has not resolved the ambiguity found within Chapter 89-9(d). While the Regents recognize the need for faculty involvement in the
budget and personnel review processes, they have not resolved the question of governance. The failure of the BOR to actively participate in faculty negotiations trivializes the differences among the three State personnel systems. The impact upon University governance is that the State's industrial labor model restricts the exchange of information among the parties and resolution of unresolved issues by the Regents and faculty. Since the other two State personnel systems traditionally are managed by a hierarchical, top-down industrial model, the same effect is not present nor desired. The State is not capable of negotiating contract language which addresses principles of academic management such as collegiality and an interdependent faculty/management relationship. The Regents, UH administration, and faculty are disadvantaged because the Governor wishes to treat the University the way he wants to treat other departments. The consequence is not the fair and equitable treatment of all public employees that the Governor had stated he hopes to achieve. The bureaucratic theme in the texts and the State's use of sign cannot hide this now visible reality.

The common interpretation of Hawaii's collective bargaining policy, or in Bourdieu's terminology--the doxa--does not address the conflict existing between the rational and bureaucratic themes. The competition over interpretation extends beyond the union and management. Members within the bureaucracy take advantage of conflicting interpretations of policy to support a posture favorable to their own agendas. As an illustration, during contract negotiations B&F opposed a number of Union proposals because they had cost implications and did not include coverage
for other public employees. Tuition waivers for family members and a reduction in parking fees are two examples. For collective bargaining purposes, as we have seen, the Employer is comprised of three cabinet members and two Regents (defined in chapter I as the "State"). These groups, each with their own agendas, selectively competed with the Governor's political agenda. The DPS has budgetary needs that are more narrow and different than B&F's. The Director of B&F oversees the State's budget process for all departments and reflects in his priorities the agenda of the Governor. The Director of OCB serves as the Governor's spokesperson at all public sector bargaining sessions. He defines the State's position on issues primarily through the directions of the Director of B&F. While the Regents represent different constituencies from around the state, they are appointed by the Governor and tend to sympathize with his statewide agenda. Such competition offers further evidence of the plurality of Chapter 89.

The faculty believed that the rational professional theme of Chapter 89 addressed the spirit of the legislation--in facilitating joint decision-making among BOR, Executive, UH administrators, and UHPA. Of all the interest groups involved in university governance, only legislators seemed to question their reduced role in the governance process. As one concerned legislator described it: "The law left review of individual labor contracts up to the Governor. Legislative review was only a rubber stamp...we allowed ourselves to become disenfranchised. What was
important was the Governor's constituents, other public employee unions--not necessarily what was in the best interest of the University."19

The executive and legislative branches of government claimed that there was a separation between themselves and the collective bargaining environment. On the one hand, this reinforced the rational theme. On the other hand, the State maintains control over the resources. The attitude reflected in the State's administrative discourse, and the bureaucratic theme, demonstrated an unbalanced playing field for faculty in university governance. Implementation of Hawaii's hybrid collective bargaining policy extended beyond the rational theme found within policy language to the Director of OCB, legislators, Regents, UH administrators, and UHPA's attempt to balance the overwhelming control of the Governor. As an example, a constant struggle existed among faculty and Harold S. Masumoto, Vice-President for Administration, and others hired to oversee legal obligations of the institution. Not only did his past work experience with other departments of state government and the legislature orientate them to the Governor's agenda, but in addition he served as the chief negotiator for the State in matters involving a contract for faculty.

The hidden agenda: the politics of public employees' collective bargaining and its exemplifier, Hawaii's hybrid collective bargaining law, and the views of the experts who were defined as participants in the collective bargaining and university governance related interest groups were juxtaposed. In order to explore the ways in which the overt and hidden agenda came to be played out in Hawaii's politics, I have developed
a survey questionnaire (Appendix A.), and interview process (Appendix B.) and a strategy for soliciting expert opinion (Appendix C.). The components of the survey questionnaire include: assessing influences, rating policy options, ordering priorities, and defining political tensions. The underlying issues that had been carried forward and created the more general context for the strike include the Governor's vision and his leadership.

Survey Findings: Assessing Influences

The findings gleaned from the questionnaires and interviews support the argument of a politicization of University governance at work in the collective bargaining process. While 100 percent of the experts stated that "the educational purpose of the institution ought to be first and foremost," all of the Regents and virtually all of the State's bureaucrats also support the principle that "UH ought to be managed in a cost efficient manner." Although these statements of principle are not diametrically opposed, within the context of Chapter 89 the latter has translated into the State's first priority. The fact that the Regents and the Governor comprise the Employer bargaining team for the purpose of negotiating agreements with UHPA means that the political economic agenda of the Governor is given strong consideration. Consequently, the educational purpose of the University cannot be the State's first priority when the professoriate is subjected to political influence. This may explain why the governor opposed arbitration for resolution of issue for faculty negotiations.
The findings revealed only a 51 percent overall level of support for the principle that "academic freedom and tenure ought to depoliticize the university," while there was a 65 percent overall level of support for accepting political influence as part of the priority setting process for UH. Such strong support for considerations other than those directly related to the education purpose of the institution is significant. The following findings and comment reveal the nature of this influence and the hidden agenda.

The selection of governance strategies for political reasons contrasts with those selected for educational purposes. The experts overwhelmingly supported principles that are widely recognized in American higher education: 94 percent supported "an institution free from political influences"; 92 percent supported "the university president being responsible for balancing political forces within the university community"; and 89 percent of the experts supported "the president balancing the political forces between the university and the legislature." See Table 10. However, the Regents' level of support for these principles contrasts with that of experts overall. Their 75 percent rating of the former and latter principles mentioned above and their response to the survey's open-ended question reflected their belief in the value of political influences in university governance. Exemplifying this attitude is, on the one hand, the fact that the Regents publicly opposed the inclusion of faculty in Chapter 89 for fear that the University would be treated the same as other departments in State government; and on the other hand, their failure
Table 10
A List of "All Group" Survey Ratings for Selected Fundamental Principles of Good Governance

<table>
<thead>
<tr>
<th>Principles</th>
<th>&quot;N&quot;</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>although the university serves many purposes it ought to be an educational institution first and foremost</td>
<td>48</td>
<td>100</td>
</tr>
<tr>
<td>the implementation of UH policy ought to be free from political influences</td>
<td>45</td>
<td>94</td>
</tr>
<tr>
<td>balancing political forces within the university community is one of the UH president's responsibilities</td>
<td>44</td>
<td>92</td>
</tr>
<tr>
<td>balancing political forces between the UH and the legislature is one of the primary responsibilities of the UH president</td>
<td>43</td>
<td>89</td>
</tr>
<tr>
<td>UH ought to publicize the fact that it can play a heavy role in the state's economic development</td>
<td>36</td>
<td>75</td>
</tr>
<tr>
<td>the legislature should grant a lump-sum UH budget to the UH Board of Regents</td>
<td>35</td>
<td>72</td>
</tr>
<tr>
<td>UH ought to be managed in a cost efficient manner similar to big business</td>
<td>32</td>
<td>65</td>
</tr>
<tr>
<td>academic freedom and tenure for faculty ought to depoliticize the university</td>
<td>25</td>
<td>51</td>
</tr>
</tbody>
</table>
during all eleventh hour negotiations to exercise their right to participate with the State in faculty bargaining. Also their support for the Governor's use of the industrial labor-management model during negotiations failed to differentiate university governance from that of other departments. This political interplay illustrates the desire for accountability to philosophical positions before an accountability to principles of good university governance.

A brief comment as to the nature of the UH-BOR serves to clarify its politicization and implementation of the governor's hidden agenda. Robert E. Potter's (1982) study entitled, *The University of Hawaii Board of Regents, 1907-1982*, points out that a number of Regents warned of "crossing the thin line between making policy and becoming involved in its execution."20 Potter identified contrasting philosophical views that regents hold on their purpose: a non political board versus a politicized board. Stuart Ho (a member of the BOR from 1971-1974), who also served as a member of the State Legislature, recommended the abolition of the Board, based on the belief that the role of the Board should be that of "preventing the politicization of the campus...at its best should help to facilitate communication between the campus and the Capitol." This viewpoint seems to support the principle that the educational purpose of the institution ought to be first and foremost in the governance process. In contrast, Wallace Fujiyama (a member of the BOR from 1974-1982) who feels that his position was misunderstood by the faculty, sought to get "the administration and faculty to change their views from what they have been
doing for years to one that will meet the needs of the community today."
He opposed the practice of Deans being permitted to hold tenured faculty
positions while at the same time serving as administrators. In a similar
fashion UH President Albert Simone initiated his relationship with UHPA
by articulating his opinion that department chairmen should be converted
to department heads and removed from the collective bargaining unit. In
the mid-1980s his attempt to implement policies on faculty evaluation
(post-tenure review), and an increase in faculty workload without
negotiating with UHPA increased distrust among labor and management.
The fact that Board members, during this same time period, were
responsible for minimizing the fiscal constraints, legislative cutbacks, and
maximizing fund-raising efforts supports the Regents view in the current
study that political influence is an important factor in the success of the
University.

As collective bargaining became more important it seems as if the
Regents selected became more political--responding with less autonomy and
more political loyalty to the governor. Although there was evidence that
some Regents wanted greater control of the budget, what is absent from
their collective make-up is any apparent significant expression of
displeasure with the State's dominant role over the Regent's budget. In
desiring to assure the community of prudent and efficient use of their tax
dollars, Regents have failed to successfully challenge the State's role to
control its overall budget allocation from the Legislature. This conclusion
leads to further questions about the role of the Regents in implementing the
Governor's political economic agenda. What makes this political interplay visible is the breakdown in faculty negotiations and the faculty strike.

There was also a hesitance on the part of the Governor and the UH President to widely publicize the university's role in supporting the economic condition of the State. Whereas 100 percent of the Union leaders and 92 percent of the legislators supported the principle that "UH ought to publicize the fact that it can play a heavy role in the State's economic development," only 63 percent of the State Executives and 67 percent of the UH Executives indicated similar support.

One reason seems to be their concern with the public's interpretation of such statements. These experts do not want to be viewed as supporting economic priorities over education priorities. Finally, while all of the Regents and Union leaders supported a legislative lump-sum appropriations for the UH budget, only 54 percent of the legislators and 63 percent of the State Executives expressed a similar attitude. These findings support the view that the educational purpose of UH ought to be first and foremost in university governance and that the legislature and executive ought to be the ones deciding on the system of checks and balances among the university community and State decision-makers. Given the acceptance of political influences in setting university priorities, it is not surprising that autonomy, or an effort to challenge of the Governor's decision-making authority was not widely supported.

Other findings support the notion that a balance of decision-making power is desirable among the faculty, UH President, Governor, and
Regents. See Table 11. As an illustration, experts viewed the faculty strike as negative, but at the same time rated the DPS and the Executive budget process as negative. Likewise, those factors rated as positive also reflected support for a balance of decision-making power among interest groups. Positive ratings of the UH President, Governor, and Regents were balanced by equally positive ratings given to UHPA, its executive director, and to the concept of academic freedom and tenure.

About half of the experts elaborated upon their ratings in their written comments. Some experts emphasized the plurality of the policy process. One Union leader emphasized that "Hawaii is unique in that the UH-BOR impacts all public education." His point was that in most other states the Executive does not have any say over higher education. Chapter 89 became Hawaii's vehicle for labor and management to set state-wide policy that could be an example nationally. For this reason, one Regent credited UHPA as the strongest faculty union anywhere in the nation.

Others pointed out that, even with a good policy, success depends upon the people and their ability to develop working relationships with other interest groups. In his analysis of public employee collective bargaining, a senior negotiations consultant to the State pointed out that "it is too political...politically motivated." He argued in favor of a "real negotiations which centers around credibility and trust--the parties must know where the other guy is coming from." A key State Executive, commenting on government's response to the strike wrote, "UHPA was outside of the politics of collective bargaining because faculty were viewed
Table 11
A List of Selected Positive and Negative Survey Rated Factors Perceived to Influence University Governance

<table>
<thead>
<tr>
<th>Negative Factors</th>
<th>&quot;All Group&quot; Concurrence (In Percent)</th>
<th>Positive Factors</th>
<th>&quot;All Group&quot; Concurrence (In Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty Strike</td>
<td>60</td>
<td>Academic Freedom &amp; Tenure</td>
<td>69</td>
</tr>
<tr>
<td>Department of Personnel Services</td>
<td>48</td>
<td>UH President</td>
<td>60</td>
</tr>
<tr>
<td>Union's PAC</td>
<td>46</td>
<td>Governor</td>
<td>56</td>
</tr>
<tr>
<td>Executive Budget Process</td>
<td>43</td>
<td>UH Regents</td>
<td>52</td>
</tr>
<tr>
<td>Chapter 89</td>
<td>38</td>
<td>UHPA's executive director</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td></td>
<td>UHPA</td>
<td>42</td>
</tr>
</tbody>
</table>
as snobs." Similarly, another senior executive observed that, "faculty were viewed as coming from a different community than other public employees. They were viewed as non Hawaiians."

UHPA's staff and faculty leadership were cited as making a positive impact upon an ambiguous policy. Characteristic of these comments is a recent personal communication from Dr. Albert Simone to Dr. J.N. Musto expressing his appreciation for support during the 1991 Legislative session: "There is no question in my mind that we would not have been successful in achieving the faculty housing...without UHPA's strong intervention. This accomplishment--which I view as a true example of what we can do together--may be one of our brightest moments...I do not think we could have withstood the frontal attack from certain members of the DOE community and their legislative supporters were it not for UHPA joining the battle when it did...it was UHPA's blitzkrieg, at the critical end game, that carried the day, in my judgment."21 Overall, the experts' assessment of influences is both strongly in favor of "a balance of power among interest groups," the traditional educational purpose of higher education, and the institution's support for a stable State economy.

**Rating Policy Options.** Experts were asked to indicate whether they would support twenty-two possible policy amendments relating to the University's mission statement, governance structure, and academic process. Each policy amendment at some point had been discussed during legislative committee hearings, or BOR meetings. It was expected that all participants would have an opinion about whether such policy changes
would be good for university governance. Since the impact of most proposals would mean a shift in interest group power, responses could be interpreted as a reflection on how experts see the political interplay. This survey component also served to test the validity of selected responses to questions presented in preceding sections.

The findings supported the status quo with respect to university governance and increased faculty involvement in decision-making. They are consistent with other findings discussed earlier. For example, the experts opposed eliminating academic freedom and tenure. In the follow-up interviews it was made clear that this principle was viewed by participants as a vehicle for faculty to depoliticize their institution. Also opposed were proposals to establish a faculty seat in the legislature and to empower the faculty to select the university president. Both of these proposals, experts felt, would politicize the faculty and give the professoriate an unfair leverage over other participants in the governance processes of the university. An elected UH-BOR, rather than the current selection procedure for Regents that requires the Governor's nomination and State senate confirmation, was viewed as negative and politicizing the process to the unfair advantage of the public's use of the electoral process. Similarly, allowing the executive and legislative branches to set academic priorities was clearly stated as undesirable. A few respondents suggested that this proposal was poorly designed in that the State budget process already gives these branches of government a dominant role in setting priorities. However, they were unaware of attempts by individuals in the
state legislature to destroy even the limited fiscal and academic autonomy that the university now enjoys (H.B. NO. 1570 is the latest example).22

In contrast, experts supported maintaining a depoliticized University and creating a system of checks and balances within university governance. Interestingly, some experts that objected to the statement allowing the executive and legislative branches to set priorities because they believed it to be a false issue supported maintaining a depoliticized University as if the two principles were unrelated. There seemed to be a denial of the argument that if these branches of government have a role in setting priorities, then they are contributing to the politicization of the University. While increased faculty input into prioritizing competing UH/State priorities was supported, specific proposals that would change the locus of power in the Governor's office were not supported.

Rating policy options is an exercise that checked perspectives of reality. The proposals would change the governance process and their impact upon the balance of power among interest groups are not interpreted the same way by all participants. Consequently any significant realignment of power was not widely accepted (Table 12). The implication is that the current governance system is working to the extent that the political interplay supports the governor's agenda. Talking about proposed changes requires agreement on one reality: is the university politicized or depoliticized. The experts seem to agree that a balance of power in the governance process is important--to what extent experts will go to verify various statements of reality is largely unknown--the faculty strike is one
## Table 12

A List of Selected "All Group" Survey Ratings of Proposed Changes to UH Governance

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>eliminate academic freedom &amp; tenure</td>
<td>92</td>
<td>strengthening the undergraduate program</td>
<td>96</td>
</tr>
<tr>
<td>faculty seat in the legislature</td>
<td>90</td>
<td>maintaining a depoliticized University</td>
<td>84</td>
</tr>
<tr>
<td>an elected UH Board of Regents</td>
<td>74</td>
<td>increasing professional service to the community</td>
<td>83</td>
</tr>
<tr>
<td>eliminating the Union</td>
<td>74</td>
<td>increased faculty input into prioritizing competing UH/State priorities</td>
<td>77</td>
</tr>
<tr>
<td>executive &amp; legislative branches to set academic priorities</td>
<td>74</td>
<td>opening up the university (e.g., through the use of technology)</td>
<td>75</td>
</tr>
<tr>
<td>a university president selected by the faculty</td>
<td>70</td>
<td>increasing emphasis on research</td>
<td>73</td>
</tr>
</tbody>
</table>
exception. What is clear is that the experts rating these policy options with few exceptions support the governor's agenda.

Ordering Priorities. The intent of this task was to determine the experts' "best" and "worst" case scenario for university governance. Statements receiving the highest number of "most important" ratings were characterized as the "best" case scenarios. Likewise, statements receiving the highest number of "least important" ratings were characterized as the "worst" case scenarios. The findings revealed the experts' willingness to realign the lines of authority in order to improve or solidify their own level of influence in the governance process.

Under the forced choice format rather than agree to give other interest groups more authority the experts chose a new budget system as the best case scenario. The impact of a new budget system was seen as not necessarily restructuring the existing political power. A few experts agreed that the vagueness of a new system was less threatening in that it did not directly suggest that their interest own group would immediately be negatively impacted unlike some of the alternatives.

The experts' "least important" priority ratings represent an ordering of issues (Table 13). These choices indicate that "increasing the power of the legislature," "an elected BOR," "increased terms for BOR," "a faculty seat in the legislature," and "eliminating the Union" were undesirable. Experts consistently selected other policy amendments ahead of these proposals. Implementation of any of these actions would comprise their "worst" case scenario. Overall, these ratings indicated that proposals to
restructure the political power of existing parties was unacceptable. This finding and the attitude they express were similar to the rating of influential factors and the rating of fundamental principles in an earlier part of the survey. Exceptions to the overall ratings were expressed by Union Leaders and Regents who rated "an elected Board of Regents" as more undesirable than "a more powerful legislature." Both interest groups felt that the governor and his administrative agencies played too much of a role in university governance.

Likewise, the "most important" priority ratings coincided with those principles of good governance introduced in an earlier survey question and highly rated. The degree to which experts shared similar views of the best and worst case scenarios determined their level of conformity. Again, the Union leaders' selection of "mandatory arbitration for unresolved collective bargaining issues" as their most important issue contrasted with the participants' overall rating of the "most important" issue. The Union leaders' decision can be interpreted to mean that arbitration would have the effect of limiting the State's influence over personnel and academic decisions--this rationale is not unlike the overall groups' high rating of a non-politicized University or a more autonomous Board, just more specific to faculty negotiations.

The information provided in Table 14 reflects a comparison of different levels of conformity among interest groups in the rating of the fifteen triad questions. The overall participant response for the best case scenarios correlated highest with UH Executives. Ninety-three percent of
### Table 13
A Comparison of Least and Most Important Survey Rated Priorities For "All Groups"

<table>
<thead>
<tr>
<th>Least Important Priorities</th>
<th>Overall Rating (In Percent)</th>
<th>Most Important Priorities</th>
<th>Overall Rating (In Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a more powerful legislature</td>
<td>74</td>
<td>academic tenure &amp; freedom</td>
<td>68</td>
</tr>
<tr>
<td>a faculty seat in either the State legislature or on the BOR</td>
<td>58</td>
<td>a non-politicized University</td>
<td>64</td>
</tr>
<tr>
<td>an elected Board of Regents</td>
<td>53</td>
<td>a more autonomous Board of Regents</td>
<td>58</td>
</tr>
</tbody>
</table>

### Table 14
A Comparison of Different Levels of Conformity Among Individual Groups with an Overall Participant Survey Response Rate on the Bases of Selected Best and Worst Case Scenarios

<table>
<thead>
<tr>
<th>Best Case Scenarios</th>
<th>Worst Case Scenarios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participant Group</td>
<td>Overall Conformity Rating in Percent</td>
</tr>
<tr>
<td>UH Executives</td>
<td>93</td>
</tr>
<tr>
<td>UH-BOR</td>
<td>87</td>
</tr>
<tr>
<td>State Legislators</td>
<td>80</td>
</tr>
<tr>
<td>Media Representatives</td>
<td>73</td>
</tr>
<tr>
<td>State Executives</td>
<td>67</td>
</tr>
<tr>
<td>Union Leaders</td>
<td>13</td>
</tr>
</tbody>
</table>
the time other experts agreed with them. Experts agreed least with Union leaders. Similar findings were consistent on worst case scenarios. These conformity ratings reference common values seldom revealed within university governance practices. Clearly, these findings support the view that the Union leadership had a different view of best and worst case scenarios than did other interest groups. This difference can be illustrated by comparing responses to specific triads.

For example, while the Union Leaders' chose a major revision of collective bargaining law for faculty as a desirable policy change, all other experts designated more informed policy implementers as a more pragmatic solution to the challenges facing university governance. The meaning can be viewed as philosophical in nature. According to Union Leaders, on the one hand, they see a need for major revisions to Chapter 89 that would clarify and realign the power relationships of all interest groups in university governance and collective bargaining--change is a matter of reordering political influence. On the other hand, other experts believed that more timely, and more accurate information would serve to sufficiently remedy labor and management disagreements. This philosophical difference was seen by other experts as applicable to explaining the political interplay leading up to the strike.

Experts expressed the belief that the best case scenario involves simply providing additional information. Again, the assumption is that information was desired but not available. In contrast, the Union's position would mean an opening up of the decision-making process, and a
negotiations process whereby both parties would deal with the issues together. Similarly, State Executives selected a "lump-sum budgeting to board of regents" in contrast to the Union's best case scenario of "an elected board of regents." The former action represents movement toward autonomy, while the latter opens the door to management practices and is more accepting of different resolutions.

The political tension discussed earlier in this chapter relates to the conflicting interpretations of Chapter 89 and governance practices in general. The survey contained questions that speak to this political tension in the specific. By identifying questions throughout the three major survey sections that relate to interest group contributions to university governance it was possible to note how interest groups assess themselves and one another. Differences that are identified may be viewed as another source of tension. The questions relating to each interest group are identified in Appendix D.

It was anticipated that the self-evaluations would be more positive and less negative than the ratings by other experts ("all group" rating). The findings indicate that 100 percent of the Regents rated those survey questions relating to their own contribution to governance as positive, whereas they received a 48 percent all group rating. This seems to indicate that there are different perceptions about the level of contribution by Regents. The other interest group ratios of self-assessment versus all group ratings are: 78:56 percent--State Executives; 75:39 percent--Union leaders; 67:58 percent--UH Executives; and 40:40 percent--Legislators.
Only the legislators' self-evaluation matched with other interest groups evaluation of their contribution to university governance. See Table 15.

Although Legislators were most highly rated by the UH Executives (67 percent) and the Union (60 percent), they were most criticized by State Executives (27 percent). A few participant felt that this finding related to support over the years for the University, on the one hand; and on the other hand related to the State Executive's perception that the legislature restricted its role in university governance.

It was hoped that the results would indicate whether the Union's approach toward governance and collective bargaining would translate into a less positive and more negative assessment by other interest groups. The findings indicate that the Union's contributions were most criticized by the UH-BOR (75 percent) and State Executives (50 percent).

The results also revealed the degree to which opening up the decision-making process was acceptable to experts. Actions suggesting longer terms of elected office were judged as the worst case scenario. As an illustration, all interest groups selected longer terms for elected leaders as least important in comparison to "a nonpolitcized university."

When faced with "increased terms for legislators" and "a new budget system" the choice of the former action was selected as the worst case scenario. Interest groups made a similar choice when given an option to select "a new mission statement."

This attitude also held constant when experts were faced with actions that would give some interest groups more power. For example, given the
Table 15
A Comparison of the "All Group" Survey Ratings of Selected Individual Groups' Impact Upon UH Governance with Self-Assessment

<table>
<thead>
<tr>
<th>Group</th>
<th>&quot;All Group&quot; Positive Rating (In Percent)</th>
<th>Self-Assessment Positive Rating (In Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UH Executives</td>
<td>58</td>
<td>67</td>
</tr>
<tr>
<td>State Executive</td>
<td>56</td>
<td>78</td>
</tr>
<tr>
<td>UH Board of Regents</td>
<td>48</td>
<td>100</td>
</tr>
<tr>
<td>Legislators</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Union Leaders</td>
<td>39</td>
<td>75</td>
</tr>
</tbody>
</table>

Choice between "a more powerful UH president," "a more autonomous board of regents," and "a more powerful legislature" the latter action was selected by all groups as the worst case scenario.

When given the choice between "academic tenure and academic freedom," "mandatory arbitration for unresolved collective bargaining issues," and "a more powerful legislature" again the latter action was selected by all groups as the "worst" case scenario.

Contrasting belief systems were evidenced in the Governor's and the Union's approach toward bargaining. The State relied upon the traditional industrial model of management with its top-down political economic priorities. The Union, on the other hand, continued to apply academic principles to the challenges of problem-solving and thereby sought to open
up the decision-making process. This difference contributed to the political
tension. It is consistent with the conclusions identified by the fact-finding
panel discussed in the preceding chapter.

The findings indicate that the nature of this interest group tension did
not directly translate into antiUnion positions. As an illustration, on the
question of proposed shifts in authority, overall 42 percent of the experts
rated the "mandatory arbitration of all unresolved labor-management issues
during contract negotiations" as a priority. Eighty-three percent of the
media, and 67 percent of the UH Executives and Legislators rated it as a
priority. While 33 percent of the State Executives rated the "elimination of
the Union" as a priority, 100 percent of the legislators and 80 percent of
the media rated it as no priority. Overall only 14 percent of the experts
rated as a priority.

Defining Political Tensions. From interaction with interest
group members over the past two decades, I developed an "insider's
perspective" and concluded that their attitudes were not static. By
interviewing a select number of experts who had responded to the survey
questionnaire I had hoped to identify: a) their individual views on how
competing realities were formed, and b) those factors that contributed to
changes in their attitudes toward the Governor, and UHPA's participation
in the collective bargaining process. The findings supported Perkin's view
that realities depend upon when they are perceived.23 While most of the
participants exercised influence upon the implementation of Chapter 89
from one position, some individuals were subsequently employed in other
departments. One individual had administrative experience in three different interest groups. With each position came a different perspective from which to evaluate competing political realities. I expected to use this information and my insider's perspective to clarify the meaning of interest group interaction.

Experts who have served either under Governors Burns, Ariyoshi, and Waihee, or UH Presidents Hamilton, Cleveland, Matsuda, and Simone perceived social, political, and economic conditions differently. Their experiences impacted university governance and faculty bargaining. By identifying and juxtaposing their views upon each other, I brought the more specific interest group political interplay into focus.

The following personal accounts offered by experts define the origin of significant political tensions. Each account was categorized as fitting into one of three forms of tension-producing interest group activity. Each type of activity has been identified as a corollary to Burns' political economic strategy: 1) the activity of discrediting UHPA by questioning the nature of the professoriate in order to deal with all public employees through the traditional industrial management model; 2) the activity of reinforcing the locus of power of university governance in the Governor in an attempt to disregard the consequences of reduced checks and balances; and 3) the activity of supporting the Governor's control over the university's budget process and restricting the effects of the interdependent roles of legislators, UH administrations, and Regents in university governance.
Experts attested to a number of actions that were attempts to discredit UHPA's public image during the strike. Some interest groups raised questions in the mind of the public about the nature of faculty. As one example, a State Representative described faculty as "snobs who attracted an antiintellectualism feeling in the labor community and only takers who can not be depended upon to give and take." Faculty were described as being short-term employees who are hired to develop a particular program and who when their work is completed return home. This negative attack on faculty sought to define faculty as only employees in contrast to that status of Regents' appointees who possess unique professional capabilities that require differential treatment.

A central concept to this negative action is a "local" versus the "intellectual newcomer" perspective. From this viewpoint faculty participation in politics was viewed as self-serving. Accordingly, faculty were uninterested in becoming part of the local political fabric or in establishing a commitment to the society over the long term. This image of faculty symbolized a new form of oppression of the local culture by outsiders. A senior member of the UH administration and a faculty advocate shared this personal thought: "Local people are different from faculty because of the social and economic restrictions they experienced prior to statehood. The politics of public sector unions reflects these differences. Equity for public workers can be credited to those few political leaders, who after serving in World War II returned to help build the Democratic party and provide greater opportunities and a better life
for local people. Unless faculty become more involved politically they will continue to be outside of Hawaii's public sector collective bargaining politics. "26 This perspective classified UHPA as an outsider whose intentions threatened the welfare of other public employees. It supported a politics of collective bargaining that restricted UHPA's use of academic principles in reaching responsible positions for bargaining. It ignored the professional standards of the professoriate and the educational process to which faculty are committed.

Some experts associated a politicized professoriate with selfish intentions. They cited the Regents' Bylaws and Policy, Section 9-5 that prohibited continued faculty employment upon election to a political office. Albert Simone, during his early days in office and before meeting UHPA leaders, said that a unionized faculty was a sign of a diseased university. These attempts to discredit UHPA served to confuse the purpose for negotiations and raise further questions about the real issues.

The tension created by this activity is evidenced by the counterbalancing effect of another view held by experts. Faculty's lack of political involvement was interpreted as an attempt to reject the politically motivated traditional trade union model upon which the State and other unions relied. This view recognized that faculty had debated the principles that comprise collective bargaining and had selected a representative that recognized the differences between the professoriate and other public employees. The faculty's approach to the selection of a representative was not seen as a weakness but a strength which would act in support of a
quality university. A Regent described a fundamental principle upon which this view of faculty is based:

...how anyone could expect faculty, as representatives of academic culture, to accept the new governance process without debate. How could faculty whose form of governance, more than any other, involves many competing interests, settle for anything less than the open discussion of controversial issues?

Look at how long it took them to select an exclusive representative. It is not surprising that when faced with a restructuring of university governance that faculty would assume an academic posture rather than one of the traditional trade union. This difference between faculty and employees had a positive influence on our discussions with the Governor regarding how the university's needs are different from other state departments.

I believe the State underestimated the impact of Chapter 89 on the university community. It expected to whipsaw faculty into agreeing to a contract after all the other unions had settled.27

Another principle upon which this view rested was that the welfare of Hawaii's citizens depended upon the quality of its university. UH faculty were associated with the meaningfulness of their institution and its contributions to a better Hawaii. The call for fair treatment was not seen as selfish. From this view faculty were perceived as caretakers of higher education and their decision to participate in the collective bargaining process as taking care of required business.

It was argued by one UH Executive that when faculty take care of their own business the university community benefits. The fact that other
public employees reached an agreement with the State in the shortest possible time could be interpreted as being politically motivated. The differences in approaching participation in collective bargaining between other public employees and faculty, according to another UH Executive, characterizes UHPA as a "lightning rod for bringing out into the open the rationale for unilateral state decisions." The major point here is that faculty participation in collective bargaining mirrors its approach to their profession--emphasis is placed on doing reliable research into the issues, keeping in mind what is best for the University community and the broader community, and seeking to enter into open discussion of proposals in a manner whereby all participants can be educated and reach agreement upon mutually agreeable solutions.

A longtime assistant to the UH president saw faculty participation in collective bargaining as a signal that the faculty "were willing to come down from their ivory towers and get involved in statewide governance issues." One Regent described the consequence of this decision when he observed that:

while the state attempted to treat the UH like other departments, UHPA was successful in communicating the message that the quality of the university was at risk.

The faculty's approach to unionization called for a system of checks and balances in university decision-making. This positive tone gained public acceptance. UHPA was seen as a primary source of public information concerning University governance. One result was an increase in public discussion of the importance of maintaining a quality university.
Such activism enabled the debate over issues important to the well-being of the university and was perceived as contributing to a more open governance process.\textsuperscript{30}

UHPA was credited with being able to "focus public attention upon issues which were in the best interests of a quality institution...and to provide an increased politicized faculty."\textsuperscript{31}

The fact that experts expressed contradictory views about the nature of faculty is not unique to Hawaii. Historically, American institutions of higher education have addressed the paradox of the professoriate with its dual and contradictory functions: academic scholarship and support for the economic stability of the state. For this reason the nature of the professoriate has manifested itself in distrust and suspicion.

Charles J. Sykes (1990) who has written and published on the topic of academic scholarship and the crisis in American higher education illustrated how such a paradox produces tension among interest groups. He distinguished between the professoriate's freedom of research, which the AAUP has entitled "full freedom," and classroom teaching, which required professional restraint. According to Sykes, "professors should be careful not to introduce into teaching controversial matter which has no relation to their subject."\textsuperscript{32}

In Hawaii the concern with a unionized faculty was not that "scholarship would no longer become a search for truth, but rather whether it would lead to political loyalties and ideological usefulness."\textsuperscript{33} Interest group tension resulted from the conflict that arose from the State's conclusion that no difference exists between the university and its faculty,
and other state departments of government and their public employees. The controversy which the State feared with faculty participation in collective bargaining was related to the increased discussion of the governor's political economic agenda and his prioritization of the University in the State budget. It was the political interplay, among those who supported the hidden management agenda and were politically committed to restricting the checks and balances in university governance, that was unique to Hawaii.

The second tension producing activity described by experts is the restriction of checks and balances in university governance. Interest groups such as UH administrators, Regents, legislators, OCB, DPS, and other public employee unions reinforced the Governor's political economic agenda. As an illustration, the former two interest groups had opposed the inclusion of faculty in Chapter 89. These groups also objected to their reduced role in lobbying the legislature. Their support of the Governor's decision-making power contradicts their opposition to faculty unionization.

A respected reporter and senior member of the media who had observed the university administration, Regents, and faculty, as well as other government workers plead their case for increased wages and benefits before open hearings at the legislature for many years felt strongly that the legislature abrogated its responsibilities to the people of Hawaii when it approved of Chapter 89. He believed that as a consequence, the legislature limited its role to approving or rejecting the Governor's proposal without being able to react to the principles upon which the cost
items were determined. Likewise, a State Representative who felt that the centralization of university decisions in the Governor's office "weakened the effect of checks and balances in the Legislative budget process" described the effects of the new law as "scary." A State Senator said that he felt "disenfranchised and resented being relegated to the role of a rubber stamp."35

Similar tension resulted when other participants failed to uphold their responsibilities in university governance. These activities both served to magnify the plurality of Chapter 89 and the conflict resulting from its ambiguity. For example, the Regents failed to exercise their constitutional right to govern the university. Their choice of the nonactive observer role at the bargaining table inhibited full and open discussion of university issues. When the Regents did not to participate as part of the Employer's negotiating team during eleventh hour bargaining, the Governor through OCB was permitted to control discussion over both cost and noncost related governance issues. The lack of discussion of university issues strengthened the Governor's control over the UH. When the UH president publicly supported a faculty salary raise his plea was overshadowed by the earlier tension-producing activities.

The Governor's failure to recognize the plurality of the law increased the locus of university governance power in his office at the expense of a more open process. A new analyst and media representative offered a broad political focus when he concluded that UHPA problems resulted from the fact that Chapter 89, "helped create another constituency
for the Democratic Party." He saw the State's placement of UHPA outside this constituency as a source of interest group tension. A State Senator described the Governor's political motivation for this politics of public sector collective bargaining as "designed to support his relationship with labor interest groups." Again, UHPA's location outside this alliance was seen as contributing to its inability to negotiate or arbitrate unresolved issues at the time of the strike.

The third type of tension-producing activity identified by experts relates to the decision of what was an acceptable budget item. Whether or not UHPA proposals were negotiable was determined by its contribution to the hidden agenda. This is in contrast to the view that Chapter 89 identifies what subjects are negotiable. One level of this type of activity is B&F's annual budget restrictions. A department head expressed the belief that "the OCB and department of B&F controlled University decisions regardless of views held by the UH administration and Regents." 

A longtime key UH administrator and influential participant in the State's decision-making process cited these administrative agencies for "acting without being held accountable by the legislature for their impact upon university governance." The OCB and department of B&F inhibited UH administrators and Regents from exercising their authority to govern. Yet, the BOR's failure to challenge the Governor in court assured its limited role in university governance. This decision created significant tension. One Regent and a member of the UH administration felt that
faculty participation in collective bargaining helped the legislature and the Executive to "usurp their power to govern."^41

For them the restructuring of the UH budget process was more disturbing than the faculty strike. They believed that faculty would not be treated as different from other public employees. While Chapter 89 permitted faculty to participate, they held the belief that the primary constituency target group was those public employees who traditionally followed the industrial trade union model. To the contrary, Chapter 89 was viewed as authorizing B&F to exercise more direct control over university governance. In support of this view a UHPA leader argued that "under the NLRB all faculty issues could be covered by negotiations with one Employer. In the case of UH, the Employer would probably be the BOR."^42

One member of the State's negotiating team offered a less generic account. According to his perspective, UHPA had no right to expect fair treatment under Chapter 89. The only thing that matters was "the State's right to manage and it did not make room for UHPA's academic approach to collective bargaining because of the statewide impact of economic decisions."^43

Even when the UHPA endorsed John Waihee for governor the apparent changes had a limited impact upon the State's decision-making processes. However, almost immediately the UH president and other cabinet level administrators followed the Governor's lead and worked at developing a day-to-day working relationship with UHPA staff. In contrast
to the preceding Executive, Waihee established a level of mutual respect and trust with UHPA board members. At least symbolically, this positive attitude represented an acceptance of faculty participation in collective bargaining, and signaled an openness to the political process.\textsuperscript{44} Although Waihee and UHPA attempted to distinguish the University from other State departments and faculty from other public employees, the result of continued conflict and competing interpretations of Chapter 89 among the interest groups failed to balance the power of the State in the processes of university governance.\textsuperscript{45}

A State Executive claimed that "the Employer often rejected UHPA's proposals that it thought were rational and right because they were economically impossible or they threatened a right that it wished to retain."\textsuperscript{46} There was no room for discussion or compromise. This attitude was contrary to the stated intent of Chapter 89.

Governor Ariyoshi's belief that "he was elected to office to decide what policy action was most fiscally responsible for the state" reinforced all these accounts.\textsuperscript{47} This management attitude created confusion among experts. Those who a) recognized the plurality of Chapter 89, and b) were willing to work long and hard hours toward a negotiated settlement of unresolved issues were unable to identify necessary checks and balances for the abusive use of power in the governance processes. In all, these three tension-producing activities define the politics that led to the strike action. What was left of checks and balances for UHPA was the publicity to be
gained through the strike action and the public exposure of questionable budget practices that led to a threatened university.

I want to emphasize that while differences in opinion characterized the experts' views about checks and balances in university governance and public sector collective bargaining, the Governor's political economic agenda determined policy outcomes. While 90 percent of the experts believed that the university should not be run in a cost efficient manner, they recognized that one of the university's functions was to support a stable state economy. By annually restricting the UH budget, B&F's message was that all State departments were being treated in the same fashion. Even though 86 percent of the experts believed that the UH president should "balance political forces between the UH and the legislature," the fact that he served as a member of the Governor's cabinet made it unlikely that a significant challenge would be issued to adjust the seat whereupon the locus of university governance was located.

Since the Governor had control over the majority of votes on the State's bargaining team, it is difficult to imagine the UH governance policy free from political influences. Authorities who study the issues of legitimacy and authority within higher education governance find it useful to distinguish between policy explanations that are based upon the situation-specific or contingency approach and those that are more generic. This chapter was written with the recognition that interpretation of governance policy is highly contingent on the particular context. The Governor's
hidden agenda became visible when experts helped to open up the process by talking about interest group tension and political interplay.

The interest group tension was explained as resulting from the competing interpretation of Chapter 89 and its impact upon university governance. The various perspectives identified during the interviews with experts revealed that the origin of competing political realities is dependent upon the position of the speaker in relation both to the Governor and the point in time. The findings of the survey questionnaire: a) attested to the common goals for a quality university; b) reaffirmed that differences in philosophy existed between the UHPA and other interest groups; c) document that these differences did not translate into an antiUnion attitude; and d) supported the notion that interest groups developed their own values by which to implement and assess influences upon Chapter 89.

Factors Leading to the 1983 Strike

The events leading up to the 1983 faculty strike helped to identify issues that impacted State, BOR, and faculty negotiations, and to explain the crisis and UHPA's decision to strike. The growth of the Democratic party leadership led to three consecutive successful gubernatorial campaigns. John A. Burns, George R. Ariyoshi, and John A. Waihee, all Democrats, followed Republican William F. Quinn who served as governor from statehood in 1959 until 1962. These Democratic governors have significantly influenced state government for the last three decades and are responsible for creating the political economic agenda which would
underlie Chapter 89 and negatively impact UHPA's participation in the collective bargaining process.

Burns served as governor from 1962-1974. It was his goal that all of Hawaii's citizens should be able to achieve a good standard of living. His objectives for reaching this goal included a quality university, strong legislative support, a well organized and accountable statewide system of higher education, and comparable economic benefits for public employees with the private sector through collective bargaining. It can be argued that the Burns' vision for public employees and its implementation by the Ariyoshi and Waihee administrations represent the origin of and vehicle for maintaining one dominant political reality that controlled university governance and faculty bargaining. During his twelve years in office, Burns and the state legislature increased the UH operating expenditures by 624 percent to a total of $ 94.8 million.

All general fund revenues grew at a 21 percent annual rate for 1965-1970 and a 7 percent rate for 1970-1972. This compares to a growth 5.7 rate for the 1960-1965 period. State personal income increased at a 11.3 percent annual rate in the 1965-1970 period compared to a 6.4 percent annual rate in the 1960-1965 period. All federal aid increased at a 19.0 percent annual rate in 1965-1970 and 13.2 percent in 1970-1972 in contrast to 6.5 percent in 1960-1965. The State's revenue history seems to support the argument that Burns' goal to provide a better life for public sector employees was related to his political economic agenda. Likewise, the State's general fund and UH expenditures during this period steadily
increased giving the impression that the UH was a meaningful part of this agenda. See Table 16. Providing opportunities for public sector workers helped to nurture interest group politics.

Thomas Hamilton was UH President from 1963-1968. He is credited with providing the necessary leadership to bring about a quality university. The legislature's appropriations reflect a high level of trust in Hamilton's leadership. As a result, the number of faculty and programs significantly increased. For the biennium 1963-1964, UH operating expenditures totaled $48.7 million. By 1967-1968 this amount had increased by 115 percent to $104 million. Harlan Cleveland succeeded Hamilton in 1969 and is credited with organizing the UH into a statewide system. The legislature believed that an expanded and organized state public institution of higher education was one way to help improve its quality.

The passage of the Chapter 89, in 1970, served to improve the financial status of public employees. George R. Ariyoshi succeeded Burns in 1974. At the same time Fujio Matsuda followed Harlan Cleveland as UH President and is credited with developing a long-range master plan and strategies for gaining support for its implementation. Ariyoshi and Matsuda shared Burns' dream for "the fairness of economic rights for public employees through collective bargaining." Matsuda resisted attempts by UHPA to increase its influence in the university's decision-making processes through unionization. Albert Simone succeeded Matsuda in 1985. During his tenure, State appropriations and the amount of federal funds continued to increase (Table 17). After a period of conflict he
Table 16
The University of Hawaii's General Fund Operating Expenditures as a Percentage of the Total State Expenditures for Selected Periods Since Statehood (In Million $)

<table>
<thead>
<tr>
<th>Selected Periods</th>
<th>General Fund Operating Expenditures</th>
<th>% of Total State General Fund Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>UH</td>
</tr>
<tr>
<td>William F. Quinn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>$133M</td>
<td>$ 7.0M</td>
</tr>
<tr>
<td>1961</td>
<td>185</td>
<td>13.1</td>
</tr>
<tr>
<td>John Burns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>176</td>
<td>23.6</td>
</tr>
<tr>
<td>1965</td>
<td>177</td>
<td>25.1</td>
</tr>
<tr>
<td>1966</td>
<td>240</td>
<td>34.6</td>
</tr>
<tr>
<td>1968</td>
<td>331</td>
<td>56.8</td>
</tr>
<tr>
<td>1973</td>
<td>595</td>
<td>94.8</td>
</tr>
<tr>
<td>George R. Ariyoshi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1976</td>
<td>900</td>
<td>128</td>
</tr>
<tr>
<td>1977</td>
<td>788\textsuperscript{a}</td>
<td>98\textsuperscript{b}</td>
</tr>
<tr>
<td>1978</td>
<td>835</td>
<td>102</td>
</tr>
<tr>
<td>1979</td>
<td>886</td>
<td>110</td>
</tr>
<tr>
<td>1980</td>
<td>963</td>
<td>119</td>
</tr>
<tr>
<td>1985</td>
<td>1,532</td>
<td>166</td>
</tr>
<tr>
<td>John Waihee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>1,821</td>
<td>215</td>
</tr>
<tr>
<td>1989</td>
<td>1,971</td>
<td>247</td>
</tr>
<tr>
<td>1992\textsuperscript{c}</td>
<td>2,946</td>
<td>337</td>
</tr>
</tbody>
</table>

Note: \textsuperscript{a} reallocation and consolidation of some moneys by Department of Accounting and General Services, and \textsuperscript{b} reallocation of General Funds to Special funds accounts for the difference in funds from 1976 to 1977; \textsuperscript{c} preliminary totals. Source: Tax Foundation of Hawaii, "How State Government Dollars are Spent," Government in Hawaii: A Handbook of Financial Statistics, (Reports for the years 1959-1991).
Table 17

Federal Grants Received by UH During Selected Years from 1961-1993
(In Million $)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Awards</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>n/a</td>
<td>.309</td>
</tr>
<tr>
<td>1963</td>
<td>n/a</td>
<td>13.8</td>
</tr>
<tr>
<td>1964</td>
<td>n/a</td>
<td>16.5</td>
</tr>
<tr>
<td>1966</td>
<td>n/a</td>
<td>28.3</td>
</tr>
<tr>
<td>1970</td>
<td>n/a</td>
<td>28.4</td>
</tr>
<tr>
<td>1976</td>
<td>420</td>
<td>29.3</td>
</tr>
<tr>
<td>1978</td>
<td>598</td>
<td>42.0</td>
</tr>
<tr>
<td>1980</td>
<td>614</td>
<td>46.7</td>
</tr>
<tr>
<td>1984</td>
<td>627</td>
<td>53.3</td>
</tr>
<tr>
<td>1986</td>
<td>643</td>
<td>52.6</td>
</tr>
<tr>
<td>1988</td>
<td>777</td>
<td>71.9</td>
</tr>
<tr>
<td>1990</td>
<td>910</td>
<td>106.1</td>
</tr>
<tr>
<td>1993</td>
<td>1093</td>
<td>128.6</td>
</tr>
</tbody>
</table>

Note: n/a means not available
established an understanding with UHPA's Board of Directors and Executive staff based upon mutual respect and a personal commitment to an increased Union role in university governance. This was the first indication from a member of the State Executive that the collective bargaining process may be open for faculty participation.

Although Burns recognized the changing requirements of the State's economy and supported the expansion of UH, it was ultimately the hybrid public employee collective bargaining law that permitted the Governor to seize the governance of the university. Therefore, the organization under Cleveland, the increased planning under Matsuda, and the selective growth under Simone were predetermined by the required congruence of the university's budget with that of the governor's political economic objectives.

**The Issue of Vision.** In an address before a joint session of the Thirteenth Legislature, Governor George R. Ariyoshi presented his vision of government and leadership. Within a historical context of Hawaii's social, political, and economic growth, he identified three factors that helped to explain Hawaii's recent success: a) a "change in political players following World War II," b) a "stronger Democratic party," and c) "increased opportunities for people to enjoy a decent and equitable society." His goal was to develop a "better government for everyone." "No one person, no one administration, and no one political party," he stated, could be credited for Hawaii's advancements. Recognizing that future growth "depended upon Hawaii's capability to participate in the new
information society and be competitive in the global economy," he committed his administration to bring about the necessary changes for growth to occur through a more "open government." The address closed with a reference to his 1974 Inaugural speech: "Whatever the challenge, we will at least try. I would rather try and err honestly than be faulted for failing to meet a challenge. To all those who would join in our endeavors, I want you to dare, to be imaginative, to be creative."

Faculty believed that the assumptions under which Chapter 89 was established provided for the appropriate checks and balances necessary for meaningful participation. As presented in chapter II, Congress had attempted to improve the governance process by contractualizing relations among labor, management, and government through a collective bargaining process outlined in the National Labor Relations Act. Likewise chapters II and III established that Hawaii's legislature, through Chapter 89, intended to facilitate joint decision-making as a modern way to manage government. It was reasonable for faculty to expect that under Hawaii's new public employee collective bargaining law and Governor Ariyoshi's administration, participation would translate into an opportunity to contribute to a better university through an increased access to the governance processes.

However, the State made no attempt to prepare for negotiations in a manner that recognized the uniqueness of the university and its faculty. Although the legislature intended that Chapter 89 would facilitate joint decision-making between individual unions and the State, the OCB and UH
administration gave faculty the inverse. This example of the politics of public sector collective bargaining left little room for the plurality of Chapter 89. Conflicting messages were sent to faculty and the university. The treatment of faculty was contradictory to the Governor's vision of other public employees. The university community's predicted "crisis of vision" became a reality.

The legislature's hybridization of the NLRA reinforced the Governor's use of power to assign whatever priority he felt was appropriate to the university. This direct imposition totally eliminated the prerogative of the BOR. The Governor's agenda was supported through a hierarchical system of managing faculty negotiations and the university. Even when the Regents' priorities conflicted with those of the Governor, as in the case of faculty salary raises, they chose not to challenge his power. The ambiguity and contradictions that were evident between the principles articulated in Chapter 89 and the inverse experienced by faculty reinforced the Governor's continued governance of the university.

The Issue of Leadership. The attitude of the State at the bargaining table reflected an arrogance that sent mixed messages to faculty. Faculty were uncertain if the State wanted an open and flexible work environment for faculty. In contrast to Ariyoshi's vision of a more open government, the faculty's experience in the collective bargaining process led them to conclude that they were not welcomed. The State's interpretation of Chapter 89 did not include good faith negotiations or joint decision-making process for faculty. The Governor's tolerance for
ambiguities and contradictions, his failure to implement the principles articulated in Chapter 89, and his decision to manage the faculty negotiations through the crisis mode contributed to the strike. When examined, these issues of leadership helped to reveal a clearer picture of the Governor's political economic agenda.

As an illustration, by allowing for an insufficient amount of time for UHPA to conduct its contract ratification prior to the adjournment of the State legislature, the OCB and department of B&F repeatedly created the atmosphere of a pending crisis. Consequently, UHPA was constantly under pressure to: a) fairly represent a diverse group of faculty members with unique working conditions, and b) negotiate, in a timely fashion, an acceptable tentative agreement for membership consideration. UHPA's negotiators did not believe that their membership could be pressured into ratifying a tentative agreement without a full discussion. While pressuring one's membership to ratify an agreement during the last minutes of the legislative session had proven successful with other public employee unions, UHPA leadership was instructed that such practices were unacceptable. The State's goal was to whipsaw the Union into ratifying an agreement along with other public employee unions. The belief that the faculty would never strike led to an arrogant attitude. It was this attitude, a crisis of leadership, to which the strike responded.

The State's failure during its first attempt to negotiate a traditional industrial labor union contract with faculty did not discourage it from using a similar approach in subsequent negotiations with UHPA. For
example, the Hawaii Federation College Teachers and State contract for September, 1973 to August, 1976 proposed to exchange academic tenure for five-year employment contracts. While the proposed contract was turned down and the HFCT was decertified, the Governor's governance role and his idea of a quality university became a significant concern to the UH community.

The first UHPA and UH-BOR and State of Hawaii contract (1975-1977) contributed to the faculty's belief in the power of having one faculty voice. With some success at the bargaining table, the faculty's expectations for a more meaningful role in university governance and further improvements in working conditions antagonized the State. Contractual protection of faculty rights and benefits threatened the heretofore political and administrative dominance of UH Executives and Regents. According to a high level UH Executive, this threat was sufficiently serious that during subsequent negotiations the Employer refused to accept language contractualized in this first agreement.

The State allowed the second contract (1977-1979) to expire without a signed agreement. Reaction to UHPA's initial success at the bargaining table during the first round of negotiations detracted from continued discussion of the role of faculty in university governance. Instead, it focused upon the confrontation brought about by faculty's increased political activity.

Specifically, the use of an outside arbitrator in resolving disputes over arbitrary and capricious UH personnel decisions was threatening to
the Governor. One Media Representative argued that, "UHPA's increased influence in university governance (the grievance language negotiated in the first contract) was counter to the centralization of decision-making power in the Executive and the intended support and evolution of Chapter 89." Yet, a member of the Employer's team characterized UHPA's bargaining motives as being "separate from the community (public sector employees) and non-Hawaiian." When faced with taking strike action and missing another legislative deadline, the Union acquiesced to the Employer's demand for changes to the arbitration language. UHPA did not view the State's position as an opening-up process that the Governor envisioned for his administration.

Faculty negotiators believed that UHPA would win a grievance relating to the role of an arbitrator in a tenure denial case before the Supreme Court. They argued that with a positive arbitration decision, during the next negotiations UHPA's bargaining team would be more able to renegotiate the arbitration provision. UHPA was not surprised in 1986 when the Hawaii Supreme Court affirmed an arbitrator's right to award tenure to a faculty member denied tenure seven years earlier and found the UH administration in violation of the contractual language. Yet, the Governor's control over the resources was undeniable and the faculty were not prepared to test his power.

Although the third contract (1979-1981) was ratified on time, settlement was more difficult. The hybridization of the NLRA in the form of Chapter 89 ensured that the Governor's economic and political interests
would receive first priority in UH governance decisions. A restricted number of negotiable subjects and the required legislative approval of cost items contributed to the Governor's centralized decision-making power. Again, the State's bargaining team limited discussion until hours before legislative adjournment. A narrow scope of acceptable bargainable topics contributed to increased conflict at the bargaining table. Excluded issues that could have contributed to settlement included workload, work assignment and reassignment, classification and reclassification of faculty positions, retirement contributions and optional plans, and health plans. For UHPA this round of negotiations clarified that the balance of power between the State and the Union under the NLRA was non-existent for faculty under Chapter 89.

These three rounds of contract negotiations represented the early warning signs of a predictable crisis. While the second round of bargaining can be characterized as common to labor-management relations, conditions during the third round of bargaining changed severely. Interest group leaders held different views on why the faculty were excluded from having a meaningful role under Chapter 89. For example, one UH Executive who supported a nonpoliticized university as of high priority described UHPA's reaction as selfish: "Faculty read too much into the spirit of the law, took it personally, and expected too much and failed to recognize that the real purpose of the new law was to support the Executive's centralized control of the university."
Although the fourth contract (1981-1983) was also ratified before the close of the 1981 legislative session, negotiations were subverted by the presence of a hidden management agenda with its unspoken rules. For example, the State's claim to be acting in good faith at the bargaining table was not legitimizied by its "best, only, and final" two-year salary proposal of 0 percent and 2.88 percent.

The gap between the stated intent of Chapter 89 and the state's labor-management relations is also exemplified by its negotiation's practices leading to the fifth contract (1983-1985). See Chart IV. After several unproductive months at the negotiations table the parties accepted legislative adjournment without a new agreement (April, 1983). After three additional months with no progress, the fourth agreement was allowed to expire (June 30, 1983).

In the fall semester of 1983, the Union received a 71 percent membership approval rating and conducted a two-day strike. Publicly there was heightened interest not only in the professoriate's right to unionize but also in its right to strike. Even though the strike drew considerable attention to the fact that negotiations were failing, questions remained concerning the necessity for the Union's limited two-day strike and the Employer's tough stance.

UHPA turned public attention to the issue of non-competitive faculty salaries and the exodus of faculty to other universities, and the university's growing inability to attract quality faculty. UHPA argued that without a demonstration on the order of a strike, competitive salaries that would
CHART IV. FACTORS RELATED TO THE NEGOTIATIONS OF A 1983-1985 FACULTY CONTRACT

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Start of Faculty Negotiations</td>
<td>Oct. 1982</td>
</tr>
<tr>
<td>Supreme Court Decision re: arbitrator's role in tenure &amp; promotion cases</td>
<td>Mar. 1983</td>
</tr>
<tr>
<td>Employee's &quot;first, only, and best offer&quot; 1st yr. = 0% 2nd yr. = 2.88%</td>
<td>Apr. 1983</td>
</tr>
<tr>
<td>Coalition of Public Employee Unions Established (40,000)</td>
<td>May 1983</td>
</tr>
<tr>
<td>Fact-finding Report Supports Salary Increases</td>
<td>June 1983</td>
</tr>
<tr>
<td>Faculty authorize strike with 71% approval rating</td>
<td>Sept. 1983</td>
</tr>
<tr>
<td>Targeted Strike Date by Four Public Employee Unions</td>
<td>Oct. 1983</td>
</tr>
<tr>
<td>2-Day Faculty Strike</td>
<td>Nov. 1983</td>
</tr>
<tr>
<td>U.S. Senator Daniel Inouye offers support to Faculty Negotiators</td>
<td>Jan. 1984</td>
</tr>
<tr>
<td>Legislative Adjournment without ratifying any Faculty Contract</td>
<td>March 1984</td>
</tr>
<tr>
<td>1983-85 Faculty Contract Signed</td>
<td>April 1984</td>
</tr>
</tbody>
</table>

Legislature Approved Cost of Faculty Contract
allow UH to retain and attract quality faculty would and could not be negotiated. Victor J. Stone, AAUP President, in a timely fashion spoke out against the deteriorating condition of the financial welfare of the UH and its growing inability to compete in the recruitment and retention of quality faculty. In observing that the situation brought the institution's integrity into question, he concluded that "in order to preserve and enhance the quality of UH over the long run, faculty members may, in the short run, have to withhold their services in order to bring public attention and pressure to bear upon those who are responsible for the financial starvation of the university."54

The crisis and reason for the strike were explained by UHPA's executive director. While holding a picket sign on the strike line that read "Arbitrate or Negotiate," he stated to reporters that "the strike is not against the Governor personally--it is to debate the question: what kind of university do the citizens of Hawaii want and what role do faculty play?"

From May through the November strike the State openly and continually participated in prohibited practices. These activities and other actions initiated by UHPA in response revealed a political interplay that may be unique to Hawaii.

HPERB appointed a fact-finding panel that supported a salary increase for faculty. The State's Council on Revenues helped to neutralize the findings of the panel by supporting the Governor's unnecessarily conservative economic position. In an attempt to pressure the State to return to the bargaining table, UHPA held an informational meeting for its
members at which time U.S. Senator Daniel Inouye urged faculty "not to eliminate the strike from their arsenal of weapons to be used in the process of collective bargaining." Inouye was viewed as one of the primary political leaders. His willingness to speak out publicly on this crisis did not go unnoticed.

Coercion on the part of the Governor was not looked at as being forceful, unlike coverage of the Union's "passive strike." The media gave ample coverage to UH president Matsuda's retort that "the only weapon that should be used is reason and persuasion, not force." Union leaders responded by asking for the State to negotiate or arbitrate the unresolved issues. A.A. Smyser, Honolulu Star-Bulletin editor, calling for faculty "to accept Matsuda's challenge and vote to give up collective bargaining" ran a related story entitled, *Deregulating the University.* In other related articles attempts were made to keep emotions under control.

For example, although his comments related more to a reorganization study than in reaction to the two-day strike, the chairman of the BOR agreed with UHPA's executive director who said "that a structural change in the university system will not be a guaranteed panacea for what people see as ailing the university." Regent comments also reinforced the Union's argument that the catalyst for reorganization "probably came because of faculty comments about administrative impediments to fast access to prompt decisions." These comments appeared just prior to the faculty strike under the heading *Basic Changes Urged at UH* and served to balance the negative attention given to the Union's aggressive position, the
call for "negotiations or arbitration" that was never answered by the UH President, Regents, State, legislature, or media.

Another set of activities helps to explain the conditions under which agreement for the fifth faculty contract (1983-1985) was reached. From January, 1984 through April, 1984 Hawaii's four major public employee unions, HGEA, HSTA, UPW, and UHPA representing approximately 40,000 employees, having established a coalition, threatened a unified strike action, and signed a tentative agreement with the Governor in time for the legislature's approval. Although UHPA accepted the terms of the settlement, it had acquiesced to the coalition members' call to meeting the legislative deadline. This meant that UHPA would have had to settle without addressing non cost proposals for which faculty had gone out on strike the previous November.

In deciding to settle, UHPA's Board of Directors concluded, "that another strike by UHPA alone would not be in the best interests of the faculty or the university, at this time." Although the coalition's members promised to lobby the Governor in support of a speedy resolution of the unresolved issues later in the spring, their promised support for fair treatment of UHPA's issues after contract settlement did not materialize. UHPA's leaders attempted to define a context from which best to continue representing the interests of their members. In a statement prepared to its membership the UHPA's Board stated, "...by the time we begin negotiations in October for the next agreement, the University will have a new President--one, we trust, who can work more harmoniously with the
faculty. We are hopeful that the groundwork that has been laid with the public unions and other sectors of the community will result in a new force to counterbalance the inordinate power of the centralized State government, thus providing a more favorable environment for meaningful negotiations in the future."60

The question of leadership in crisis stemmed from the Governor Ariyoshi's unwillingness to expand his vision for selected public employees to include faculty and thereby deliver on his promise in his inaugural speech for a better government for everyone. The power granted the Governor under the hybridized version of NLRA removed necessary checks and balances. This punished faculty for participating in collective bargaining and threatened the quality of the university.

Most states have one higher education policy-setting board for each institution. These boards set policies for their own institutions and must compete for recognition in the same state budget before the legislature. Determining policy in higher education is a matter for each campus. Consequently, few if any statewide policies exist. In contrast, Hawaii's centralized form of government provides a challenge for the Regents who are responsible for setting statewide policy. When Chapter 89 granted UHPA, the State of Hawaii, and the BOR authority to negotiate statewide higher education policy, the decision-making potential for developing a quality institution was tremendous but was never realized because of the Governor's need to govern the University. The decision by interest group leaders to govern without meaningful faculty input helps to define their
approach to leadership and university governance. Their agenda was determined by the Governor's rules.

When the BOR abrogated its responsibility under Chapter 89 to jointly participate in the decision-making process, they increasingly excluded themselves from the politics impacting faculty. Their actions reveal a contradiction in what they said was important and how they acted. In the early 1970s, the UH administration and BOR believed that their influence in the governance process was reduced with the advent of faculty participation in the collective bargaining process, yet during the 1983 impasse they withdrew personal involvement saying that settlement was in the hands of the State.

Prematurely leaving the bargaining table had the effect of silencing their voices in support of increased faculty salaries. Consequently, the State's chief negotiator, the director of OCB, was able to control the discussion of issues. The UH administration and BOR folded and failed to realize the potential promised through Chapter 89. The vacuum created by their unwillingness to actively participate contributed to greater influence by technocrats in governance. This example of cause and effect decisions reinforced the Governor's use of the unspoken hidden agenda that reversed the intent of Chapter 89.

The Regents have never challenged in court the Governor's authority to prevent it from acting autonomously in matters of personnel and fiscal decision-making. Like the UH president, they were loyal to the Governor.
The Governor set the parameters and his decisions were not to be challenged.

**Clarifying Issues.** The strike served to make these issues clear: a) why did the governor's view of Chapter 89 not include good faith negotiations for faculty, b) why did he view the faculty strike as nothing unique or critical, and c) why did he valued State funding for various social programs above allocations for the University?

A longtime UHPA leader reached the conclusion that Chapter 89 disguised the Governor's hidden agenda. The existence of a supportive constituency, the largest of public employee unions, made significant contributions to this agenda. He described the Hawaii Government Employees Association ("HGEA") as a "governmental institution" whose leader served in a capacity similar to that of the Governor's other cabinet members and not as a union leader whose primary interests were the wages and benefits of the union membership.61 Appointments to the Governor's cabinet in 1993 of former leaders from HGEA and the United Public Workers union ("UPW"), seem to support this view.62 In the 1993 legislative session UHPA's legislative bills related to the Employees Retirement System, Public Employees Health Fund, and the scope of bargainable issues that attempted to expand the benefits of all public employees and open up the governmental process were stonewalled by both the HGEA and UPW. To avoid missing their own deadline for acting upon Union salaries, the legislature decked HGEA's cost items bill without prior Union ratification.

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Complaints filed with the HPERB during the 1983 negotiations process charged that the Governor's view of Chapter 89 did not include good faith negotiations for faculty. This exposed his leadership in university governance to public scrutiny and placed it at risk. Hearings before HPERB focused public attention on: a) his concept of state and university governance, b) his leadership ability, c) his interpretation of joint decision-making, and d) his tolerance for ambiguities and contradictions. Although the Governor viewed the faculty strike as nothing unique or critical, political tension among interest groups resulted from their divergent views about the role of faculty in the governance process.

In contrast the university community: faculty, UH administrators, and Regents, saw a "crisis of vision" beginning with the passage of Chapter 89. The negotiated agreements, "only gave the appearance of the State's fair treatment of faculty and the university." By claiming that the State was experiencing a budget crisis the department of B&F could restrict allocations to the University and in the case of the faculty negotiations claim that the University's needs were to be second to the state's need to deal with various social problems. As a result, by suspending required policy practices the state was able to maintain decision-making control over university decisions. Such actions, "served to control labor unrest and restricted rather than opened up the governance process." The impasse and the strike which followed were a signal that the quality of Hawaii's only public institution of higher education was deteriorating.
Views on the Strike. The crisis of the 1983 strike can be explained by examining the impact of the State's hierarchical management system of control and crisis-management approach to governance upon university governance and faculty negotiations. The threatened credibility of the Governor's vision provided a unique opportunity to identify his power and influence.

The administrative agency responsible for interpreting the appropriate kind of relationships among the Regents, Governor, and UHPA criticized the use of a hierarchical industrial labor-management model for faculty negotiations. The HPERB Fact-Finding Panel (Case No. I-07-52) issued its 22 March 22, 1985, Statement and Reasons of Findings of Fact, Conclusions, and Recommendations for the Resolution of the Impasse and offered an analysis of how well the parties had responded to Chapter 89 as a modern way of administering government. These observations are applicable to previous negotiations.

The Panel cannot escape the conclusion that the necessary give and take essential to any collective bargaining process has not sufficiently occurred. The parties must not only be aware of but believe in the legislature's statement of findings and policy in Sec. 89-1, Chapter 89, HRS, which reads in part: "The legislature finds that joint decision-making is the modern way of administering government. Where public employees have been granted the right to share in the decision-making process affecting wages and working conditions, they have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective."
This opinion supported the existence of a gap between the stated intent of Chapter 89 and the labor-management relations among the State, Regents, and UHPA. The Panel noted that many of the basic issues in dispute were not based on factual differences but rather on fundamental philosophical differences on the purpose and role of collective bargaining in the decision-making process. They concluded that: "there should be no philosophical difference on this issue," and "there need be no conflict between the essential nature of collective bargaining for faculty and the traditional collegial participation in higher education."

In an attempt to resolve the impasse the Panel recommended that the Employer: 1) "recognize the special salary needs of faculty...and offer a salary increase independent of what was offered to other units," and 2) "include contractual language which protects against tenure denials based upon arbitrary and capricious Employer decisions." Similar language appeared in the 1975-1977 agreement but was later removed from the 1979-1981 agreement at the insistence of the BOR. These recommendations focused attention on the Governor's vision of university governance and the type of public university the people of the State wished to develop. The Panel stated that "if a high quality university is desired, then the necessary resources must be made available to achieve the desired goal."

The Governor's approach to managing the university and faculty negotiations from the traditional industrial management model restricted creativity for faculty, the State, and BOR negotiators. The contradiction
between the principles of governance articulated in his inaugural speech and the State's behavior during faculty negotiations is a corollary to the juxtaposition of the State's industrial labor-management model and the more open style of management recommended in Chapter 89. One consequence of OCB implementation of the industrial model was a clash with the faculty's need to identify and discuss principles of university governance during negotiations.

We can glean from Brown and Lauder (1992) why that may have occurred. By focusing upon the year 2000 and beyond, Phillip Brown and Hugh Lauder (1992) identified the importance of government being open to political negotiations and struggle. Brown is a sociologist at the University of Kent, England. Lauder is Professor of Education at the Victoria University of Wellington, New Zealand. Their macro perspective on approaches to management, education, and economic survival contends that reliance upon "a redundant model of industrial development" is a barrier to improving education and a weak application of the principles of scientific management. The model relies upon securing the "most efficient possible use of labor by codifying craft knowledge and deciding by scientific means the one right way to do a particular job."

While they do not take issue with the fact that capitalism and industrial development models do benefit the minority, they have sought through their research to improve the working conditions for the majority. By juxtaposing management styles and leadership philosophy Brown and Lauder (1992) identified the uses of bureaucratic organizations and
illustrated their negative impact upon the education setting: "Bureaucracy thrives in a highly competitive, undifferentiated, and stable environment... A pyramidal structure of authority, with power concentrated in the hands of few with the knowledge and resources to control an entire enterprise was, and is, an eminently suitable social arrangement for routinized tasks. However, the environment has changed in just those ways which make the mechanism most problematic. Stability has vanished."  

This is applicable to the State's approach to public employee collective bargaining. There is the rigid hierarchical division of labor characteristic of the inflexible industrial model. The faculty experience was that joint decision-making was not an option for addressing faculty interests, except when the issue was valued by the State. The contractual provision for merit pay is an example. Although this system of control had proven to be unsuccessful for dealing with faculty in academic programs, it was maintained even when it was equally non productive during negotiations. Even if the professoriate were promised high wages or threatened with sanctions for disobedience, the inflexibility of a hierarchical governance system would not have resulted in meeting the long range goals of higher education.

In contrast, the American collegial model found in institutions of higher education encourages innovation within a flexible organizational structure. In a rigid hierarchical work environment employees experience a management attitude characterized as low-trust and low-discretion: ambiguities and contradictions that are part of the normal process, and
contribute to the crises are resolved when a labor-management settlement is reached. However, this pronouncement does not remedy continuing negative relations between the parties. In the collegial model employees enjoy a high-trust and high-discretion working environment characteristic of the 'global village' and pluralistic approach toward government.

While Congress and Hawaii's legislature, through the NLRA and Chapter 89, respectively, intended a process of joint decision-making, what the Governor and his administrative agencies produced was a crisis environment. The contradiction between Ariyoshi's vision expressed in his inaugural speech and his political economic agenda was revealed through the fact-finding process. Overall, the State's treatment of faculty was an indictment of the hierarchical management system.

The State used the industrial labor-management model and a crisis approach to governance as standard practice for negotiating with UHPA and as a way to mobilize public support. One researcher argues that the acceptance of ambiguity in public policy implementation is consistent with "conflicting incentives to accept them as unpreventable and to suspect them as part of a political or economic power game."69 This attitude, which will be discuss a greater length later in this section, seems applicable to OCB approach to faculty negotiations.

The UHPA, in response to this reality, changed the focus of its political struggles to winning over the public's support for a quality university. For similar reasons, other interest groups would not let the crisis be treated as common. For example, A student newspaper which
carried an interview with the UH president ran a quote stating that "the state clearly controls negotiations." It was this type of increased public awareness that revealed the Governor's hidden agenda and political economic interests. For the union this strategy was more effective than trying to gain public support for the elimination of the State's prohibited practices and lack good faith negotiations.

One of the reasons, then, that the strike came about was that OCB's management model for university governance and faculty negotiations did not fit. The strike was over the issue of whether the public would believe that the State's prohibited practices committed against faculty were acceptable, and whether the University could benefit from the parties resolving their differences through negotiations or arbitration. The public believed that the university was experiencing a crisis. The credibility of the Governor's vision of faculty negotiations decreased as articles and reports in the mass media addressed the question of university governance. According to one UH Executive, the use of the industrial-management model for faculty negotiations and university governance allowed certain checks and balances within government to be suspended in order that the Governor would maintain political power.

One UH leader believed that: "collective bargaining formalized the budget process and made it less political, more systematic...that it improved university governance by shifting the power from the legislature to the Governor, and that it strengthened the planning capacity of the Executive." He believed that without collective bargaining all public
employees would have organized politically and relied upon their political influence with the legislators.

While this point of view supports the Governor's interpretation of Chapter 89 in general, it is silent regarding the politics that excluded faculty and the underlying motivations of policy-implementers supporting this position. The following revealing account was provided by a UH Executive and documents the underlying emotion that was present during the crisis and faculty strike.

Most public employees have worked for the plantations. Or, they have members of their family or close friends, who have worked for one of the Big Five (Alexander & Baldwin, Castle & Cook, Dillingham, AMFAC, or Theo Davies) in the private sector. They experienced unionization as a social economic revolution. This made them different than faculty.

The politics of public employee collective bargaining and the faculty's exclusion can be understood within this context. The struggle by members of Hawaii's #442 Regimental Combat Team and #100 Infantry battalion widely recognized and respected in World War II and the leadership they developed prior and following statehood is credited for providing a better life for local people.

Faculty were not part of this experience and continue to be outside this group. Faculty are hired primarily from out-of-state. Faculty never sought collective bargaining. It was forced upon them. They were outsiders looking for the benefits of a public policy which was not written with them in mind.73

These viewpoints link the traditional centralized form of government with a hybridized form of the NLRA and the routes of local political
culture. Although they addressed the social and economic history and experience of many in government, their accounts fell short of providing an explanation for the State's rejection of meaningful faculty input into the processes of university governance. Both accounts provided information that was not widely discussed. They clarified how individuals responsible for policy implementation approached Chapter 89 and defined its meaning. Their everyday involvement in university governance and collective bargaining had a real impact upon what successes were achieved. How is it possible for these key experts to have reached their conclusions without taking into account the contributions of faculty to the university and the stability of the State's economy?

Dan Nimmo, professor of political science and journalism at University of Tennessee, and James E. Comb, on faculty at Valparaiso University, have published widely on the meaning of political realities. They have combined their interests in political influence and political drama to identify the world of mediated political realities. From a perspective similar to that of Edelman, Stone, and Blonsky, discussed earlier, their theory is that most people are not political players or actors but rather spectators in the political arena. Given this starting point, they argue that what people understand about politics is based upon what they are told either through personal contacts or the mass media. Our understandings of political realities, our beliefs about things, are mediated by these communication processes. What is communicated, they conclude, is often fantasy.74
Interest group leaders in Hawaii have repeatedly stated that their reactions to faculty participation in collective bargaining are based upon the Governor's agenda and his guidance. Similarly their opinions about faculty are shaped by what the Governor and other political leaders have established as Hawaii's economic revolution, including recognition as Japanese Americans. Members of Hawaii's #442 Combat Team and #100 Infantry battalion, living American heros, continue to be a primary source of communications to experts on the political reality of the State's future.

Based upon Nimmo and Combs' (1983) work it is possible to explain how experts with little personal knowledge of the history of individual faculty and understanding of their importance to the success of the University and the State's economic stability can hold the views they have articulated. It is possible to see how such "groupthink" results in interesting consequences: "...individual judgement yields to group pressure. Hardheaded, critical thinking gives way to wishful fantasy chaining. The potential for human fallibility, something the framers of the U.S. Constitution took for granted and effects of which they sought to control, is multiplied. One reason for this is that group members become insulated from outside, contradictory information. To be an inside-dopester is to be inside, hence, frequently cut off from the views of outsiders who might challenge the reigning consensus."75 Hawaii's island state is a small community wherein almost everyone knows someone who knows a political decision-maker or a member of their family.
Nimmo and Combs' "groupthink" describes a process that people in Hawaii believe serves a functional purpose for the reasons that they have identified; and it is an openly and widely discussed functional practice. A groupthink approach to interpreting Chapter 89 helps to explain how it is that: 1) the Regents, as a two-fifths minority chose to be silent members of the Employer's Team, and 2) the UH president, as a member of the Governor's cabinet, behaved like other department heads in responding to annual directives from the department of B&F to restrict expenditures. Yet, inconsistently their desire for control over decisions relating to expenditures had been the reason for the Regents and UH administrators' objection to faculty inclusion in Chapter 89.

By limiting the Regents', President's, and faculty's role in the governance process, technocrats, whose first priority was the Governor's political economic program, exerted greater influence over academic decisions. This consequence was a source of tremendous frustration for one University Executive who gave the following account.

On the one hand faculty participation in the collective bargaining process prevented the university administration from continuing to be as strong a lobbyist for increased faculty salaries; and on the other hand the process strengthened the influence of the departments of Accounting and General Services and Budget and Finance without requiring them to meet the same level of accountability required of university administrators by the legislature. This disorganized form of government was symptomatic of a leadership which failed to provide the necessary checks and balances at all levels.
The UHPA/BOR agreement and our support was conditioned on the success of the Governor's relationship with other public employee unions. This personal agenda subverted faculty negotiations and threatened the quality of the university.76

The Governor's desire to govern the University was described by one Regent as, "a necessary fundamental in order for the Governor to control all other types of governance processes in Hawaii."77 While this conclusion is shared by interest group participants, the question remains about how to deal with the tension and apparent contradiction. According to a few of these leaders, all interest group interplay is a form of social ritual designed to support the Governor's agenda.

Edelman (1977) addresses the acceptance of inequality. "The coexistence of contradictory reactions to a problem from which many benefit helps assure that it will be deplored but tolerated, rather than attacked in a resolute way."78 For example, the legislative intent of joint decision-making expressed in Chapter 89 and the Governor's paternalistic attitude toward faculty participation in the collective bargaining reflected a contradiction. UHPA was either responsible for representing the interests of faculty or it was not. Both can not be equally true. Edelman would argue that if these expectations were treated as equally true by the State, then Chapter 89 is more symbolic than real. If it were true then the consequence of this symbolism was the Governor's centralized and stable control of university governance through centralized decision-making and a stable work force. The contradictory reactions served to strengthen the actions of those who possess political power. As explained earlier, the
pluralism of Chapter 89 was identified as a source for the Governor's capability to maintain control.

Like Nimmo and Combs, Edelman (1977) uses the concept of groupthink to explain how it is that contradictions contribute to social control. He points out that administrators erect defenses in response to criticism. The UHPA has described the State's style as crisis management. According to Edelman, these defenses: "define outsiders who criticize them as ignorant of the problem, confused, immoral, or not to be taken seriously for other reasons, require a high degree of group loyalty, and rely upon supporters as an important segment of public opinion."79

His argument is supported by the findings of psychologist Irving Janis who searched for the answer as to why so many fiascoes should occur in foreign policy in spite of the high intelligence and integrity of the people who achieve influential posts in the U.S. State Department. Janis (1972) sees groupthink as "a deterioration of mental efficiency, reality testing, and moral judgment that results from in-group pressures."80 The loyalty to the group becomes the "highest form of morality." UHPA believed that the Governor's control of university governance depended upon members of the group to react to symbols, not facts, and not to clarify ethical issues. The victims of groupthink were the faculty who were prohibited from participating in the politics of collective bargaining; the bureaucrats along with the Governor who treated the university like other departments; and the faculty who were deprived of reaching a consensus with the Regents and UH president. The public was ultimately victimized when the
Governor attempted to treat the faculty strike as a common occurrence and a symptom of greedy employees.

UHPA's attempt to hold interest groups accountable for acting in a manner consistent with the spirit of the collective bargaining law serves as an illustration. UHPA rejected attempts by the Governor, Regents, UH administrators, and faculty senate leadership to have the 1981 legislature approve an appropriation for faculty salaries outside of the negotiations process. These interest groups sought to increase their influence with the executive and leverage in decision-making circles. They helped construct the dilemma: Would UHPA allow faculty salary raises that were determined outside of the labor-management negotiations process? The Employer's attempt to discredit UHPA's leadership and to divide its membership was a matter of significant concern of Union leadership.

The power of groupthink had the potential to include UHPA members. At least one top level management team member thought that if UHPA accepted salary raises, its membership would see that the Union was unnecessary. And if UHPA's leadership opposed the legislation that faculty would decertify UHPA anyway. The Union leadership reacted without hesitation: "to allow raises which were determined outside of the collective bargaining process would be to deny the authority of Chapter 89 and UHPA responsibility as the exclusive representative of faculty." UHPA's decision to block faculty salary raises directly through legislative action and use of its own political action was based upon its judgement that Chapter 89 required the issue to be settled through the negotiation process.
The fact that the Governor's politics of collective bargaining made it acceptable to commit prohibited practices only reaffirmed the significance of necessary checks and balances in government and exemplified the warning signals of a pending crisis. Legislative leaders agreed and the bill was killed.

The significance of UHPA's decision to maintain trust in the plurality of Chapter 89 required its involvement in the governance process. UHPA had not backed down, even when faced with the threat of decertification. Its success served as a strong signal to other interest groups that a crisis of vision and leadership might have serious consequences for the university.

The Governor's failure to anticipate faculty unity resulted in the State's being unprepared. This public exposure was an embarrassment to the Governor and placed his political economic issues out in the open for public scrutiny. Interest group conflict became visible to the public. Repeated acts prohibited by Chapter 89 reinforced UHPA's commitment to represent the professoriate at all costs. Conflict intensified and a power struggle ensued.
Chapter V

CONCLUSIONS

At the beginning of this dissertation I argued that there is a national context comprised of three interdependent parallel histories: the U.S. capitalist economy, public higher education and the role of the professoriate, and the U.S. labor policy, that helps to explain the political interplay of Hawaii's governor, B&F, DAG, OCB, state legislators, UH-BOR, UH administrators, and UHPA in University governance and collective bargaining processes.

Illustrating the development of higher education and Chapter 89 in Hawaii as closely tied to political, social, and economic interests, I established the link between the UH and the state's traditionally strong centralized governance process. This history helps to explain the politics of control practiced by Governors Ariyoshi and Waihee.

The rapid increase in students, staff, capital improvements, and state general expenditures in the 1960s; the expanded educational programs that range from vocational and community college training through research, professional training, and post doctoral study; and the economic recession in the 1970s, and the introduction of public employee collective bargaining contributed to the state legislature's demand for greater accountability from the UH-BOR and administration. It was during this period that the BOR sought to increase faculty workload and implement a policy on faculty post-tenure review. A lack of a state budget surplus in 1972 and
1973 lead to threatened University budget cuts, reduced faculty positions and programs, and planned layoffs.

The increased role of higher education in supporting the U.S. economic system was attended by an increased politicization of U.S. universities by state legislatures and their agents, fiscal and personnel officers. Following WW II, higher education helped reproduce and extend the economic order; the purposes of education became congruent with an expansion of an economic system that served primarily the interests of private corporations. As the economy expanded and higher education received increased funding, the management of the university required new professional management personnel that tended to be non-academic.

The history of the U.S. capitalist economy and the role of higher education helped to explain how the UHPA's struggle for a collegial process and its quest for influence in University governance were similar to that which the professoriate experienced on the national level.

Governor Jack Burns had a vision that public employees ought to enjoy a standard of living equal to that of private sector employees, and Governor George Ariyoshi's political philosophy required all public employees to be treated the same. UHPA claimed that because of this perspective the State failed to treat faculty equitably--that lead to noncompetitive faculty salaries and benefits--and contributed to the deterioration of the University. The UH could no longer retain or attract quality faculty. UHPA negotiators claimed that it was Governor Ariyoshi's exclusion of faculty from his politics of collective bargaining and
University governance that created increased labor and management tension. Governor Ariyoshi strongly supported the UH budget but in return expected greater accountability of and by faculty and increased control of UH decision-making by B&F. His unwillingness to accept as legitimate the faculty's conception of effective participation in collective bargaining minimized the impact of Chapter 89 and served to control the labor and management relationship.

Viewing the UH faculty experience within the context of these historical events suggests that Chapter 89 is an enormously important symbolic device. With the exception of UHPA, no public employee union has challenged the Governor's use of this symbolic device to control decision-making. Chapter 89 is sustained throughout the state's political process as a basic labor policy in the face of extensive evidence that it at best creates a poor approximation of its intended results.

Chapter 89 provides policy implementers and the general public with a rationale for the varied activities that go on within the budgetary process. It provides a set of techniques, behaviors, personnel, and actions that are carried on in its name. The State represents Chapter 89 as supporting objectively determined policy outcomes. That the State and BOR continue to employ its language in their requests to the legislature, and utilize its forms to gird their substance, validates its use and grants a legitimacy to the whole of the process. When outsiders ask how the collective bargaining process works, they are referred to a detailed description of Chapter 89.
These formalisms mask many actual practices of the collective bargaining process, practices that privilege some actors over others. UHPA's chief negotiator has testified before HLRB factfinders that most of the information created in preparation for the negotiations process is simply ignored by State negotiators. The failure of the legislature to clarify ambiguities in Chapter 89 and of the BOR to challenge the State's dominant role in budget related matters allows the Governor to forego checks and balances necessary for creative and joint decision-making—a principle basic to the NLRA. The Governor's supporters argue that Chapter 89 depoliticizes the governance process since the legislature no longer is faced with public employees, their representatives, the UH administration, and the BOR all lobbying on behalf of their own agendas. In contrast, UHPA argues that given the Governor's unwillingness to negotiate or arbitrate unresolved issues, Chapter 89 is used to politicize the governance process; since the faculty, UH administration, and BOR are prevented from lobbying the legislature outside of budget and collective bargaining processes, decision-making is centralized in the Office of the Governor.

The importance of Chapter 89 is that these formalisms help to shift the gaze away from the Governor's political and economic agenda onto UHPA which is then characterized as a contending and potentially disruptive force. Much of the Union's research and arguments is non-productive when presented during negotiations. By complaining that UHPA negotiators talk too much about principles, State negotiators reject
the plurality of Chapter 89 and its rational process. Similarly, when HLRB factfinders, appointed to resolve an impasse between the parties, take the position that they do not possess the capacity to thoroughly research the issues raised during the impasse proceedings, their actions support the Governor's symbolic purposes of Chapter 89.

For faculty, Chapter 89 and the right to strike held a promise of resolution for management and labor related problems at UH. Faculty, like other public employees, believed that under Chapter 89 they would be afforded no fewer rights than were given Hawaii's private sector employees under the NLRA. Like Gompers, UHPA accepted the concepts of economic unionism, political action, and collective bargaining with the expectation that it was in lieu of relying upon the Employers' sense of paternalism. For UHPA, the strike represented a legitimate reaction to the priorities of the State and its placement of other public employees above the interest of the faculty and the University. The Governor's stated political economic priorities for the state--increased funding for social programs, and a strong state economy--were elevated at the expense of being able to retain and attract quality faculty members. The strike publicized on the local and national levels the State's failure to negotiate with the UH faculty. UHPA's strike represented a temporary work stoppage designed to publicly reveal the State's unwillingness to negotiate or to allow the unresolved issues at the bargaining table to be determined by an outside arbitrator. Although the conditions under which faculty held their two-day strike were largely determined by the Governor, it exposed
the gap between the structural plurality of Chapter 89 and the narrow State interpretation of the act.

The strike served to challenge the State's claim that its management policies were succeeding to reduce tension among participants in the governance and collective bargaining process. On the one hand, the strike helped to reveal that Governor Ariyoshi's decision to accept a faculty strike was based upon the knowledge that he was accountable only to the electorate. Although the oversight by the court and HLRB in the administration of the act gave the appearance that the impact of the strike was somewhat illusionary, UHPA succeeded in broadening public discussion of the Governor's philosophical and political economic views.

On the other hand, the Governor's refusal to acknowledge issues that are identified in Chapter 89 as legitimate issues for faculty negotiations, and to withstand a strike, demonstrates his power to control the impact of public policy on University governance. The unique constitutionally recognized power of Hawaii's Governor to exercise line item veto power in the State's budget process allowed Governor Ariyoshi, without oversight of the legislature, to routinely direct the B&F to cut the BOR budget.

Through an alliance with the UH administration, UHPA was able to overcome and dispel the administration's attack on the BOR's budget by minimizing budget reductions while maximizing faculty input. The UH-BOR and UHPA jointly supported legislative proposals to increase UH administrative management flexibility, particularly in the area of fiscal procedures and personnel decisions.
The Governor's power to control the political interplay among this agents, UH administration, and faculty results when the legislature and the BOR fail to exercise their right to challenge the Governor's interpretation of Chapter 89. As a consequence, discussion of the quality of Hawaii's only public institution of higher education is restricted. While individuals in the state system interpret this politics as harmful to faculty and the University, they express a sense of helplessness and fear of retaliation when asked how change can be achieved. While they recognize that positive outcomes for the University, public employees, and the people of Hawaii have resulted from the Democratic Party leadership, they see that the industrial trade union approach to University governance and the resulting lack of faculty participation in collective bargaining processes under Democratic gubernatorial leadership fail to live up to the state's economic aspirations of Chapter 89 in a global economy.

The structural duality of the Employer--State and Regents--in faculty negotiations precluded the development of normal give and take expected during negotiations. By failing to clearly define one Employer for faculty negotiations, the authors of Chapter 89 increased the possibility for tension among state agency representatives and decreased the possibility that shared authority and shared responsibility in University governance could and would be contractualized. The Governor's control of the Employer's bargaining team, and his narrow interpretation of Chapter 89, has created a de facto politicized negotiations process masquerading as rational public decision-making.
The ability of Hawaii's governors to develop and support a strong state economy, and the hope for a higher standard of living for government workers, seems to depend upon their ability to run the UH first as a business, and second as an educational institution. This explains why the State defines its relationship with faculty through an industrial labor/management model and treats faculty negotiators as trade union workers. When the State refuses to participate in open discussion with UHPA on the principles of University governance, it rejects a widely accepted and legitimate role for faculty in determining how a higher education institution is managed. While the formation of UH budget priorities is not determined by the BOR independent of other state priorities, state agencies such as B&F and DAGS are not held to a high level of accountability by either the Regents or the legislature for the role they play in University decision-making. The UH president's seat on the Governor's cabinet increases the State's influence over University related decisions. Ostensibly serving to provide the UH president with a statewide perspective, this cabinet level affiliation contributes apparent evidence to the State's argument that UH is just another state department and faculty ought to be treated the same as all public employees. When faculty negotiators are treated as trade union operators of an economic engine, differences between University faculty and other government workers are discounted.

However, while the BOR acquiesced in the preeminence of Governor Ariyoshi in faculty negotiations, the other administrative experts do not
unanimously accept the premise that the locus of University governance should be with the Executive. This presumption of a desire for greater public involvement in determining the nature of the University contrasts with the Governor's paternalistic perspective. This is contrary to claims by the Governor, individual legislators, Regents, and UH administrators that they represented the electorate's voice in the governance process.

I have provided an explanation that illustrates the state of social flux existing at the time of the strike. The faculty strike and the accompanying public discussion of differences between the University and State's priorities represented a loss of control and a source of embarrassment for Governor Ariyoshi. The level of disagreement among experts over the order of things is exemplified by U.S. Senator Daniel K. Inouye's support for UHPA and a solution to the faculty's experience in the collective bargaining processes. His support for UHPA and for change publicly revealed the existence of disagreement among the Hawaii's Democratic Party leadership regarding the appropriate level of checks and balances in the processes of University governance and faculty participation in collective bargaining. The survey findings point out that increased input by faculty is viewed by experts as necessary for the University to benefit from the collective bargaining process. As an illustration, one hundred percent of the BOR and union leaders surveyed supported a policy change that would grant the UH a lump-sum budget appropriation from the state legislature. On the other hand, only fifty-four percent of the legislators and sixty-three percent of the State Executive felt that such a policy change
would be positive for the University. Survey and interview findings document a mixed level of support for new approaches to accountability for the Governor, B&F, and DAGS.

The symbolic two-day faculty strike resulted in added support for the depoliticization of University governance. This study reveals that experts want increased clarification of the authority by which the UH is governed and the plurality of Chapter 89 is negated. They are willing to support policy changes that reflect the values of an open decision-making process, fair and equitable treatment of faculty, and the recognition that the University is different from other state departments.

At the same time, everyone recognizes that the Governor has had the power to unilaterally implement these principles without policy changes. I have explained that the Governor's words and behavior are incongruent. Attempts by the BOR and State to threaten academic tenure, arbitrarily reduce budgets, implement workload and evaluation policies, unilaterally grant faculty salary adjustments, reduce programs, and reprioritize the purposes of the UH reflect the Governor's clear intent not to establish appropriate checks and balances according to generally accepted principles of good governance.

In contrast contractualizing merit pay and recognition of procedures for periodic evaluation of tenured faculty exemplify some on-going activities that promise to have a positive long-term impact on UH governance. This contract language is unique to Hawaii. The agreed upon periodic evaluation procedures were among the first in American higher
education. The value will be found in how well, or whether, business and political leaders react in some observable manner to the resulting scenarios and their implications. The Western Interstate Commission for Higher Education's (WICHE) commitment to the survival of America's institution of higher education is visible in its policy recommendations for expanding discussion on evolving partnerships among interest groups. Their series on "Higher Education and the Economy of the West" has successfully raised the level of discussion of the changing culture in higher education. WICHE concluded that faculty must have a significant role in shaping the future of the campus and accept responsibilities for meeting the new challenges—just as institutions must invest in faculty, their professional development, and support staff. The Western Association of Schools and Colleges accrediting commission recommended that the UH continue to pursue obtaining acceptance and respect for the 1978 constitutional amendment granting exclusive jurisdiction to the board over the internal organization and management of the University. Their accreditation standards require that basic decisions ought to be made by the Regents and the institution.

Chapter 89 states that the UHPA, BOR, state legislature, and governor all have responsibilities to which they must be held accountable. The challenge is for them to jointly address the failure of public policy to ensure that checks and balances exist and are enforced. It is in the best interests of legislators and political leaders to defend the University and the rights of faculty because they represent the only public higher education program in the state and lend significant support to the state economy.
Opening up the governance process was supported by some experts. The support for mandatory arbitration as a priority was equal among State Executives to their anti-union attitude. While both the DPS and the state's budget process received negative ratings, as measured by the survey, it was this negative attitude that was contrasted with the overall "expert positive rating" received by UHPA. Although fewer experts agreed with what Union leaders identified as their "best and worst case scenarios" of University governance, not all experts saw faculty participation in collective bargaining as negative. Yet, in contrast, there was unanimous opposition to the idea of increasing the power of the legislature.

Legislative and political leaders want to be politically effective and at the same time be responsive to their own constituencies. They value the professionalism that UH faculty represent. In contrast to the trade unionist, UHPA's leadership projects the academic value that characterizes higher education. By taking an active role in electoral politics, UHPA has gained recognition as a player in Hawaii's political process and helped to politicize the faculty. Nevertheless, UHPA has succeeded in overcoming the double-valued message of its desire to be included in the politics of University governance and its willingness to share its professional value with legislative and political leaders.

The UHPA credited Governor John Waihee's appointment of Larry Ishimi as the Employer's chief negotiator in 1988 as an example of what can be done when the Governor seeks to contractualize the principles of good governance. Under Ishimi's guidance the B&F, DPS, and Regents
were able to reach a four-year agreement with UHPA. This labor and management contract became the national model for higher education. Although UHPA felt that the process was timely, open, and resulted in a contract that was good for the State, University, and faculty, it was also largely in the interest of the Governor to ensure that the contract duration would not expire in an election year.

In contrast, Governor Waihee also obstructed a good faith effort by UH-BOR and UHPA to address recognized faculty salary inequity problems. After these parties had successfully negotiated procedures for remedying the inequities, and had gained legislative support, Governor Waihee, through the OCB, claimed that the issue was a subject of bargaining and as such ought to be resolved through the negotiation process. While both the HLRB and Attorney General had recognized the legitimacy of the joint UH-BOR and UHPA effort to resolve the problem, the legislature was placed in the position of having to support the Governor's agenda. This exemplifies what happens when the duality of the Employer for purposes of faculty negotiations is permitted to place the Governor's political economic agenda above that of the bargaining process and the principles of good governance. And it represents the Governor's bedrock standard that only the Governor and his fiscal agency B&F will commit financial resources to state personnel, however defined. Whatever the case, this example demonstrates that Chapter 89 does not have to be deterministic.
For private sector employees, Hawaii's political interplay accepts the principles of the NLRA. The Governor, legislature, and UH-BOR permit the limited transfer of principles presented in the NLRA in order to reduce the impact of faculty participation in the collective bargaining processes upon their own agenda. While the stated vision of Chapter 89 makes it possible for the State to negotiate in good faith with UHPA, individuals decide whether the processes will be allowed to work. The findings from the survey and interview of experts support the existence of multiple perspectives of Chapter 89 and the conclusion that ideals and alliances are intimately connected.

A major outcome of the strike has been a change in UHPA's communications program. During preparation for the strike and through its speakers' bureau UHPA communicated its message to a broader section of the community than it had in the past. This was appreciated by the business community, as well as by many legislators, and other political decision-makers. Advertisements telling the University and UHPA's story reached many persons who up until that time only knew the State's version. These alliances reinforced the principle that they might pay off. In this way UHPA could maximize its participation in Chapter 89. In the year following the strike, 42,000 public employees, represented by four unions, successfully pressured the State to agree to their terms for a collective bargaining agreement. The strike served to establish UHPA as a Union that had achieved a level of support from the community that was underestimated by the State.
Seeking and maintaining fluid alliances has helped UHPA deal with the hostilities that undermined the stated intent of Chapter 89. As an illustration, some groups have disagreed with UHPA on such issues as sick leave for instructional faculty, a BOR retirement plan that would allow faculty to take a defined Employers' contribution with them should they relocate to another state, and an amendment to Chapter 89 that would allow faculty to negotiate health fund benefits. Other groups have opposed the concept of the arbitration of unresolved issues between the State and UHPA. Similarly, for many unions it is to their advantage to support the status quo. This means that they support the principle that there is no difference between faculty and other public employees, and between the University and other state departments.

In contrast, other groups have helped UHPA and the UH communicate their message to the community at large. One result is increased support for faculty housing. Other issues supported by the UH administration, BOR, and UHPA include UH autonomy legislation, the UH-BOR's budget, and lump-sum budgeting to the BOR. Through the sponsorships of radio programs, television coverage of election results, and broad based discussion of its scenario-building projects and the implications for statewide decision-making, UHPA continues to build alliances both within the University community and in the broader community outside of the University.

Where collective bargaining in higher education was intended to balance the influence of the state legislature, University regents, and the
business community with that of the faculty's, in Hawaii it is the power of alliances that gives hope to the faculty and the University that their recent successful experiences might continue. The struggle between academic values and capitalist economic priorities that this dissertation analyzes is not unique to Hawaii, but rather consistent with the history of U.S. higher education and the professoriate's role in university governance. The successful partnerships among UHPA and various groups interested in University governance and collective bargaining documented in this study illustrate that the deterministic view that bureaucratic corporatism must set up an opposition between the academics and the full-time administrators is out of date.
APPENDIX A.

SURVEY QUESTIONNAIRE

This appendix is divided into three sections. The survey questionnaire instrument comprises the first part. The instrument helped identify the political positions of key participants involved in the political interplay of faculty negotiations and university governance. Selected "experts" were presented with an opportunity to express their opinions on several issues. It was expected that competing realities would be identified from the results. The second and third sections provide a summary of selected data and Raw Data, respectively.
Appendix A. Part 1. Survey Questionnaire

Section I. ASSESSING INFLUENCES

In this Section you are requested to indicate your level of agreement with nine fundamental principles, and rate the impact of 18 significant factors associated with UH governance.

A. Identifying Fundamental Principles

Many view the following principles as beneficial to good university governance. Indicate your level of agreement by placing a circle around the appropriate letter. Choices include: 1) not sure, 2) disagree, 3) somewhat agree, and 4) agree.

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<tr>
<td>Not Sure</td>
<td>Disagree</td>
<td>Somewhat Agree</td>
<td>Agree</td>
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RESPONSES

1. UH ought to be managed in a cost efficient manner similar to big business

2. although the university serves many purposes it ought to be an educational institution first and foremost

3. the implementation of UH policy ought to be free from political influences

4. balancing political forces within the university community is one of the UH president's responsibilities

5. balancing political forces between the UH and the legislature is one of the primary responsibilities of the UH president

6. one of the major roles of the faculty union (UHPA) should be to help balance the university's academic priorities with the state's need for a stable economy

7. the legislature should grant a lump-sum UOH budget to the UH Board of Regents

8. academic freedom and tenure for faculty ought to depoliticize the university

9. UH ought to publicize the fact that it can play a heavy role in the state's economic development.

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B. Rating Significant Factors

The following people, events, administrative agencies, and decision-making bodies have been involved in one way or another in events or activities that influenced UH governance. In your view how might they be characterized? One (1) represents the most "negative reaction" and five (5) the most "positive reaction."

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NEGATIVE ................................ POSITIVE

RATING

1. Governor
2. State Office of Collective Bargaining
3. UH Board of Regents
4. UH President
5. Department of Personnel Services
6. State Legislature
7. regents' budget process
8. executive budget process
9. regents' and faculty union contract
10. faculty union (UHPA)
11. the 1983 2-day faculty strike
12. academic tenure and academic freedom
13. the relationship between the Regents and UHPA
14. J.N. Musto, UHPA executive director
15. John Radcliffe, UHPA
16. the relationship between the UH administration and UHPA
17. Hawaii's Public Employees' Collective Bargaining Law
18. UHPA's Political Action Committee
Section II. SELECTING PRIORITIES

One notion of good decision-making involves trade-offs between competing outcomes. One way to create a priority list of issues and increase discussions is to examine how issues influence each other.

In the following exercise please approach each of the triads as either a best or worst case scenario and rank only one as most important = 1, one as having intermediate importance = 2, and one as least important = 3 by circling the appropriate number.

<table>
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<tr>
<th>Triad</th>
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<th>b)</th>
<th>c)</th>
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<tr>
<td>1.</td>
<td>a) a more powerful legislature</td>
<td>b) a more autonomous board of regents</td>
<td>c) a more powerful president</td>
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<td>2.</td>
<td>a) a faculty seat in the state legislature</td>
<td>b) a faculty selected president</td>
<td>c) a faculty seat on the BOR</td>
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<td>3.</td>
<td>a) a faculty selected president</td>
<td>b) an elected board of regents</td>
<td>c) lump-sum budgeting to board of regents</td>
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<td>4.</td>
<td>a) academic tenure &amp; academic freedom</td>
<td>b) a more powerful legislature</td>
<td>c) mandatory arbitration for unresolved collective bargaining issues</td>
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<td>5.</td>
<td>a) a new mission statement</td>
<td>b) eliminate the faculty union</td>
<td>c) increased terms for legislators</td>
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<td>6.</td>
<td>a) a separate BOR for UHM, and UHCC</td>
<td>b) a faculty seat in both legislative houses</td>
<td>c) a new mission statement</td>
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Sample: a) free student tuition  
         b) an accountable university  
         c) a variety of programs  

Responses:

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222
(Appendix A. Part 1. continued)

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7. a) BOR as employer for faculty bargaining 1 2 3
   b) eliminate the faculty union 1 2 3
   c) lump-sum budgeting to board of regents 1 2 3

8. a) a separate president for UH Manoa & UH Community Colleges 1 2 3
   b) eliminate the faculty union 1 2 3
   c) a new mission statement 1 2 3

9. a) increased terms for legislators 1 2 3
   b) an elected board of regents 1 2 3
   c) a new budget system 1 2 3

10. a) increased terms for the board of regents 1 2 3
    b) a UH president who is not a member of the governor's cabinet 1 2 3
    c) a new state budget process 1 2 3

11. a) a president with increased authority 1 2 3
     b) a new state budget process 1 2 3
     c) a new mission statement 1 2 3

12. a) a more autonomous board of regents 1 2 3
     b) a new mission statement 1 2 3
     c) a faculty position on the BOR 1 2 3

13. a) increased length of terms for BOR 1 2 3
     b) a new state budget process 1 2 3
     c) a non-politicized university 1 2 3

14. a) increased length of terms for BOR 1 2 3
     b) an elected board of regents 1 2 3
     c) a more autonomous board of regents 1 2 3

15. a) more informed policy implementers 1 2 3
     b) a major revision of collective bargaining law for faculty 1 2 3
     c) no policy change 1 2 3
Section III. RATING POLICY OPTIONS

The following are proposed amendments to UH’s mission statement, governance structure, and academic process. Indicate how you would rate them by placing the appropriate number in the space provided. Choices include: 1) I do not favor the idea, concept, or provision; 2) low priority; 3) middle priority; or 4) high priority.

<table>
<thead>
<tr>
<th></th>
<th>1 No Priority</th>
<th>2 Low Priority</th>
<th>3 Middle Priority</th>
<th>4 High Priority</th>
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**RESPONSES**

### A. Mission Statement

1. strengthening the undergraduate program
2. increasing professional service to the community
3. increasing emphasis on research
4. opening up the university to more people (e.g., through the use of technology)
5. increasing emphasis on job training program
6. increasing emphasis on technology transfer
7. increasing support for a stronger state economy

### B. Governance Structure

8. a faculty seat on the board of regents
9. a new state budget process
10. an elected board of regents
11. lump-sum budgeting to the board of regents
12. the board of regents should oversee the funding of the faculty contract from its UOH budget
(Appendix A. Part 1. continued)

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<td>No Priority</td>
<td>Low</td>
<td>Middle</td>
<td>High Priority</td>
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**RESPONSES**

13. mandatory arbitration of all unresolved labor/management issues during contract negotiations

14. faculty ought to have the right to run for elected office without jeopardizing their faculty position

15. limited terms of office for members of the state legislature

16. elimination of the faculty union

17. a university president selected by the faculty

18. a faculty seat in each of the legislative houses

**C. Academic Process**

19. maintaining a depoliticized university

20. eliminating academic freedom and tenure

21. increased faculty input into prioritizing competing UH/state priorities

22. academic program priorities determined by the executive and legislative branches of government

**D. Overall Rating**

23. Mission Statement

24. Governance Structure

25. Academic Process
(Appendix A. Part 1. continued)

Section IV. OPEN-ENDED QUESTION

What specific changes would you suggest to enhance UH governance? (Use this space to make any additional comments concerning problems and solutions.)
APPENDIX A. PART 2. DATA SUMMARY

Section I. Assessing Influences
A. Identifying Fundamental Principles

(Frequency of Numbers Assigned)

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<thead>
<tr>
<th>Question</th>
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<th>3 Somewhat Agree</th>
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(APPENDIX A. PART 2 continued)

Section I. Assessing Influences  
B. Rating Significant Factors  
(Frequency of Numbers Assigned)

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230
(APPENDIX A. PART 2 continued)

Section IV. Open-Ended Question

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<td>State Cabinet Level Administrators</td>
<td>1. &quot;return UHM to a strong research institute system, e.g., HIG&quot;</td>
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<td>2. &quot;UHM should be placed on a formula budget ... UHM for self-governance needs: an elected BOR, and legislated power for self-governance; and legislated power to raise own resources to run UHM&quot;</td>
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<tr>
<td>Legislators</td>
<td>1. &quot;all groups should have a sound, comprehensive understanding of their roles at the UH and be held accountable for their performance&quot;</td>
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<td>2. &quot;relationship and function of UHPA with the Administration is an ideal situation within collective bargaining process ... UHPA has endorsed and embraced some radical concepts for unions - merit pay for one ... improve the budget process ... there are a significant proportion of legislative add-ons which are generated by UH faculty and administrators, but do not survive the regents budget process--I believe this highlights the breakdown of the process&quot;</td>
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<td>3. &quot;don't allow governor to appoint all BOR members ... keep B&amp;F and Governor's office out of the budget process as much as possible&quot;</td>
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<td>4. &quot;reduce/eliminate micro-managing of UH matters by legislature and state administration-they should set broad policies and guidelines only ... UH should have an independent operation like the Judiciary: administration, personnel, and legal&quot;</td>
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(APPENDIX A. PART 2 continued)

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<th>Interest Group</th>
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<td>UH Executives</td>
<td>1. &quot;continue attempts to make it more open and consultative ... attempt to involve and interact more at all levels and with all constituents to ... identify preferred and better solutions, and to achieve consensus collaborative/concerted action by all participants in the governance process.&quot;</td>
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<td>2. &quot;the BOR and university should be depoliticized ... the authority of the BOR should be defined in the constitution rather than by statute&quot;</td>
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<td>3. &quot;state staff agencies such as the departments of personnel services and budget and finance should monitor and audit the university's activities but not control them.&quot;</td>
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<td>4. &quot;faculty participation in collective bargaining has been helpful in the representation of faculty on economic matters, but it is often treated by the Employer just like other public employee unions.&quot;</td>
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<td>5. &quot;establish commission to recommend BOR appointees ... depoliticize as much as possible such appointments ... similar to judiciary selection process ... need to improve quality and stature of BOR.&quot;</td>
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<td>6. &quot;lump-sum budget&quot;</td>
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<td>7. &quot;increase accountability of university community to BOR ... develop a more widely shared sense of values, directions, and commitment to the institution&quot;</td>
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<td>8. &quot;widen faculty participation in deciding 'new initiatives' (e.g. SOEST, SHAPS, etc) which are well funded while existing programs are squeezed&quot;</td>
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<td>Union Leader</td>
<td>1. &quot;I continue to be concerned with the faculty being seen more and more as just other state employees&quot;</td>
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| Media Representatives | 1. "UH is a victim of the decades of one-party political tyranny in Hawaii ... UH has to free itself to the greatest possible degree from the clutches of the political hacks in state government and the "downtown" business and labor lords who manipulate them with money and power"
  2. "I worry that the UH is being thought of as an economic asset instead of an educational resource"                                                       |
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**Section I A.**

Response Key:

1 = not sure
2 = disagree
3 = somewhat dis.
4 = agree

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**Section I B.**

Response Key:

(Scale 1 to 5)

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5 = most positive

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242
(APPENDIX A. PART 3. continued)

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243
## APPENDIX B.

### A LIST OF EXPERTS BY POSITION TITLE

<table>
<thead>
<tr>
<th>Interest Group Representatives</th>
<th>Position Title</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Executives (N=7)</strong></td>
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</tr>
<tr>
<td>Governor</td>
<td></td>
</tr>
<tr>
<td>Lt. Governor</td>
<td></td>
</tr>
<tr>
<td>Director of State Department Budget &amp; Finance</td>
<td></td>
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<tr>
<td>Director of State Department Personnel Services</td>
<td></td>
</tr>
<tr>
<td>Member of the Hawaii Labor Relations Board</td>
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<tr>
<td>Director of the Office of Collective Bargaining</td>
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<tr>
<td>Director of the Office of State Planning</td>
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<tr>
<td><strong>Legislators (N=4)</strong></td>
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<tr>
<td>State Senate President</td>
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<tr>
<td>3 State Senators</td>
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<tr>
<td>2 State Representatives</td>
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</tr>
<tr>
<td>Legislative Auditor</td>
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<tr>
<td><strong>UH Board of Regents (N=2)</strong></td>
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<tr>
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<tr>
<td>1 Member</td>
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<td><strong>UH Executives (N=7)</strong></td>
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</tr>
<tr>
<td>President</td>
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</tr>
<tr>
<td>Director of Budget</td>
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<tr>
<td>Vice-President for Finance and Operations</td>
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<tr>
<td>Chief Spokesperson for Faculty Negotiations</td>
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<tr>
<td>Special Assistant to the President for Negotiations</td>
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<tr>
<td>Director of Personnel</td>
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<td>Director of Long-range Planning</td>
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(APPENDIX B. continued)

<table>
<thead>
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<th>Interest Group Representatives</th>
<th>Position Title</th>
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<td><strong>Union Leader (N=5)</strong></td>
<td>President of UHPA</td>
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<tr>
<td></td>
<td>Chief Negotiator of UHPA</td>
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<tr>
<td></td>
<td>Public employee' union Executive Director</td>
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<tr>
<td></td>
<td>and a co-author of the Collective</td>
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<td></td>
<td>Bargaining Law</td>
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<td></td>
<td>A Legislative and Political Action Committee</td>
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<td></td>
<td>Chairperson of UHPA</td>
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<tr>
<td></td>
<td>AAUP and NEA key staff person for Higher</td>
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<td></td>
<td>Education for all states</td>
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<table>
<thead>
<tr>
<th><strong>Media Representatives (N=2)</strong></th>
<th>Political Analyst</th>
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<td>City Editor</td>
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<th><strong>Others (N=3)</strong></th>
<th>Early AAUP/HGEA faculty organizer</th>
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<td>Employers' Council Chief Negotiator</td>
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APPENDIX C.

A STRATEGY OF SOLICITING EXPERT OPINION

Immediately following the close of the 1991 state legislative session a survey questionnaire was delivered to sixty-three experts (Appendix A.). Representatives from each branch of government involved in university governance and collective bargaining administrative decision-making were included. Fifty-one or 81 percent of the survey-questionnaires were completed and returned. The rate of response varied by the profession of the participant. Regents, Political Leaders, Union Leaders, and Media Representatives had a 100 percent returned rate. Only 67 percent of the State Legislators responded. See Table 1. I expected that the responses would reveal something about how experts saw themselves, other interest groups, and the faculty's participation in the collective bargaining process. The three subject areas emphasized in the survey questionnaire encouraged this outcome: "assessing influences," "selecting from among priorities," and "rating policy options."

Table 18

A List of Experts By Profession Responding to the Survey Questionnaire

<table>
<thead>
<tr>
<th>Field</th>
<th>Surveys Mailed</th>
<th>Surveys Returned</th>
<th>Field</th>
<th>Surveys Mailed</th>
<th>Surveys Returned</th>
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<td>UH Executives</td>
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<td>State Executives</td>
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<td>Union Leaders</td>
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<td>Former Leaders</td>
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</table>
Assessing Influences.

This survey component included sections entitled, "Identifying Fundamental Principles," and "Rating Significant Factors" (Appendix A., Section I. A & B). It was designed a) to reveal how the experts evaluate university governance, and b) to identify how experts rate events and activities that influenced UH governance. Participants indicated their attitude toward each of the nine principles as either: Agree, Somewhat Agree, Disagree, or Not Sure. Fundamental principles of good governance were selected from those commonly discussed by committees on higher education at the state legislature over the past fifteen years.

After the experts rated fundamental principles they were asked to rate "influential factors" of university governance. In this second survey component participants rated eighteen factors on a five point scale with one representing most negative, five the most positive, and three a neutral rating. The list of factors included people, events, and activities that impacted UH governance.

Rating Policy Options

Experts were asked to indicate whether they would support twenty-two possible policy amendments relating to the university's mission statement, governance structure, and academic process. Ratings were completed on a four point scale: No Priority, Low Priority, Middle Priority, and High Priority. These questions were designed to test the validity of selected responses to questions in section I (Appendix A., Section III).

Selecting From Among Priorities

The assessment of influences and rating of policy options provided the basis for identifying what trade-offs may have been made when the Governor decided to accept a faculty strike. Up until this point, the findings have been limited to the experts' opinion about the fundamental principles of good governance, factors perceived to influence university governance, and the level of concurrence concerning their support for, and objection to, proposed policy changes. The findings discussed earlier raise the question to
which this section addresses itself: when faced with two or more widely accepted but competing principles of good governance what factors determine the experts' choice? The intent of section II, "Selecting Priorities" was to address how experts respond to force choices that deal with highly rated yet competing issues.

Experts were presented with fifteen questions. Each question contained three statements. Experts were informed that one notion of good decision-making involves trade-offs between competing outcomes. The instructions requested that each statement be ranked as either most important (1), as having intermediate importance (2), or as least important (3). The intent of this design was to determine either a "best" or "worst" case scenario for university governance. Those statements within a given triad receiving the highest number of "most important" ratings were characterized as the "best" case scenarios. Likewise, those statements receiving the highest number "least important" ratings were characterized as the "worst" case scenarios. Of the forty-five total statements there were twenty-five different statements with a mix of 56 percent (Appendix A., Section II). Statements that were earlier selected as: a) fundamental principles of good governance, b) significant factors of good governance, or c) highly desirable proposed amendments to either UH's mission statement, governance structure, and academic process were juxtaposed throughout the triads.

Defining Political Tensions

The majority of personal interviews were conducted during May and June, 1991. Of the thirty-two experts there were: six State Legislators, two Media representatives, seven State Executives, two Regents, seven UH executives, five Union leaders, and three other political leaders (Appendex B.). Each participant expressed a willingness to document their view of university governance and faculty participation in the collective bargaining process.
### APPENDIX D.

SELECTED SURVEY QUESTIONS BY INTEREST GROUP

<table>
<thead>
<tr>
<th>Group</th>
<th>Section IB</th>
<th>Section II</th>
<th>Section III</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Executives</td>
<td>1, 2, 5, 8</td>
<td>9, 10, 11, 13</td>
<td>8, 9, 16</td>
</tr>
<tr>
<td>Legislators</td>
<td>6</td>
<td>1, 4, 5, 9, 13</td>
<td>14</td>
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<td>BOR</td>
<td>3, 7</td>
<td>1, 3, 7, 10, 12, 14</td>
<td>9, 10, 11</td>
</tr>
<tr>
<td>UH Executives</td>
<td>4, 16</td>
<td>1, 10, 11</td>
<td>16</td>
</tr>
<tr>
<td>Union Leaders</td>
<td>9, 10</td>
<td>4, 5, 7, 8, 15</td>
<td>12, 13, 15</td>
</tr>
</tbody>
</table>
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36. UH President, Testimony Presented Before Senate Committee on Ways and Means, Honolulu, Hi.:University of Hawaii, (12 January 1993).


40. Westmeyer, American Higher Education, p. 137, 156 & 158; In this time period sharp conflict between the entrenched secular managers and those who held values beyond sectarianism in the areas of research and teaching was common. The college, once managed by its faculty, as in the case of William and Mary in the early eighteenth century responded to the pressures of businessmen and politicians who replaced boards of governance once comprised mainly of clergymen.


42. ______ 1986. p. 76-77.


44. Westmeyer, American Higher Education, p. 76-77.


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47. _____ 1986. p. 4.

48. The LMRA provided the country with procedures for handling labor-management disputes which impacted the health and safety of the public. While the NLRA left substantive terms of employment to negotiations, it addressed employer's tactics and reduced the support the industry could depend upon from the courts.


52. Westmeyer, American Higher Education, p. 84-85.


54. Westmeyer, American Higher Education, p. 138-140; the professoriate, according to these standards were expected to: (a) be true scholars, use proper research methods and not "jump to conclusions;" (b) be fair in presenting their own view to present also opposing views; (c) discipline themselves--and each other--regarding academic behavior; and (d) avoid "hasty or unverified or exaggerated statements" in public and "refrain from intemperate or sensational modes of expression."


57. Clark, Academic Profession, p. 175.

58. Metzger, Academic Profession, p. 175.


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Chapter III. HISTORY OF HAWAII'S PUBLIC UNIVERSITY, COLLECTIVE BARGAINING POLICY, AND FACULTY UNIONIZATION.


9. Albert J. Simone, "Accreditation and Quality of Education at the University of Hawaii," a report presented to the UH Board of Regents at its October 18, 1985 meeting held at Kauai Community College by its Executive Officer.


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25. ______ 1982. inside front cover.


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33. Andrew J. Sato, Arbitrator's Decision and Award, University of Hawaii Professional Assembly versus the University of Hawaii, (January 1985).

34. Hawaii Public Employees Relations Board, University of Hawaii Professional Assembly versus University of Hawaii Board of Regents, Case No. CE-07-78, (1982).

35. The AAUP, UHPA's national affiliate, has a policy against post-tenure review. "The Association believes that periodic formal institutional evaluation of each postprobationary faculty member would bring scant benefit, would incur unacceptable costs, not only in time but also a dampening of creativity and collegial relationships, and would threaten academic freedom." See Wesson Marianne and Sandra Johnson's discussion in "Post-Tenure Review and Faculty Revitalization," appearing in Academe, published by the AAUP, (May-June 1991): 53-57.

36. The procedures for evaluation of faculty at UH Manoa (UH-BOR Policy Section 9-15) recognized traditional values found in American higher education. For example, the preamble included the following statements: "Evaluation of faculty must not undermine the concepts of academic freedom and tenure"; "...there is a presumption of competence on the part of each tenured faculty member"; and "The review will not be conducted in an arbitrary or capricious manner and will be in accordance with agreed-upon procedures."

37. UHPA UPDATE, Honolulu, Hi.: University of Hawaii Professional Assembly, 31 August 1982.

38. UHPA UPDATE: Postscript, Honolulu, Hi.: University of Hawaii Professional Assembly, August 31, 1982.

39. Harold S. Masumoto, Letter written to UHPA's Executive Secretary, UH Vice President for Administration, University of Hawaii Professional Assembly's files, (May 27, 1977).


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42. Hilo Chapter, University of Hawaii Professional Assembly and the Faculty Senate of UH at Hilo, "Testimony prepared for the UH Board of Regents on Faculty and Staff Renewal and Vitality Plan," (December 6, 1976).


44. UHPA UPDATE, Honolulu, Hi.: University of Hawaii Professional Assembly, October 7, 1976.


49. ______ 1985. p. 5.


52. ______ 1975.

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8. UHPA FACULTY UPDATE, included as a attachment is "A Proposal for Procedures Governing Salary Adjustment at the University of Hawaii," prepared by the University of Hawaii Administration and the UHPA (April 12, 1990), Honolulu, Hi.: University of Hawaii Professional Assembly, May 18, 1990.


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31. Ibid.


40. UH Executive, interview with author, July 1, 1991.


42. UHPA Leader, interview with author, June 12, 1991.


44. Governor Waihee's appointment of Musto to the Hawaii Public Employees Health Fund Board seemed to signify that the politics were changing. Earlier Waihee had offered to appoint Musto to a vacant Hawaii State Representative legislative seat.
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45. In the 1989 contract negotiations the issue of unilateral UH administrative salary adjustments reached a stalemate. When UHPA sought HLRB's assistance on whether such wage related adjustments were a matter of negotiations, Waihee again sought to provide leadership. He promised support for legislative approval of additional funds for faculty salary adjustments if and when UHPA, the UH administration, and the Regents could reach agreement on the procedures for implementing such adjustments. In exchange, UHPA withdrew its request for an HLRB ruling on the issue. The criteria for the Governor's support were a) a unified university community exemplified by identifiable procedures, and b) support from the legislature. Surprisingly both criteria were achieved. However, during the legislative session when the legislators were being briefed by a unified university voice: faculty, administration, and Regents, the OCB, contrary to Waihee's assurances, claimed that the matter was a matter for the negotiations table. Once again the hidden agenda was evident.


51. George R. Ariyoshi presented these views during his Inaugural address before the Hawaii State Legislature, (January 1973).


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62. UHPA leader, interview with author, April 24, 1993.

63. State of Hawaii Executive Chambers, "News Release," May 1993; also noteworthy is the appointment of a former employee with the United Public Workers union (UPW) as the Director of the Department of Labor, and the appointment of a former employee with Hawaii Government Employees Association (HGEA) as the Director of Land and Natural Resources.

64. UH Executive, interview with author, May 29, 1991.


69. U.S. Senator, Daniel K. Inouye (D. Hawaii), addressed faculty at a UHPA negotiations informational meeting, and interview with author, UH Manoa, October 1983.

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73. Victor J. Stone, Letter to Byron W. Bender, President of AAUP and UHPA President, July 15, 1983.

74. UHPA Negotiations Update: BOD Accepts Tentative Agreement, Honolulu, Hi.: University of Hawaii Professional Assembly, February 27, 1984.


76. UH Executive, interview with author, June 3, 1991.


79. Edelman, Political Language, p.94.


81. UHPA Negotiations Update, Honolulu, Hi.: University of Hawaii Professional Assembly, April 1981.
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