

Kamehameha Schools Faculty Association

P.O. Box 894163, Mililani HI 96789

Hotline Number: 539-2450

FLASHBACK

No, it's not happening all over again ... or is it? Your KSFA Representative considers the just cause issue to be an extremely serious one. In the next three or four issues we will be reprinting se-

lections from news articles from the past five years to remind us all of why we organized in the first place. We hope we aren't ending up right back where we all started.

Kamehameha faculty goes public

Risking their jobs, more than 200 teachers organize and issue a two-page statement blasting trustees

By Rod Ohira and Gregg K. Kakesako, Star-Bulletin, 6/6/97

Members of a newly formed group of more than 200 Kamehameha Schools teachers may be in violation of school policy and could lose their jobs for speaking out.

The group, Na Kumu o Kamehameha, released a two-page statement last night detailing concerns about alleged management problems.

The statement said Bishop Estate trustees are seeking to have a hand-picked investigator appointed to look into problems, while ignoring faculty requests for a meeting to discuss issues.

Kamehameha Schools has a staff of about 250 teachers and counselors and 3,000 students at the Kapalama Heights campus.

Faculty members have said a clause in their contracts prohibit any actions or statements critical of Kamehameha Schools or Bishop Estate. The faculty also is not allowed to have an association.

This clause prevented them from participating in the May 15 three-mile protest march from the Royal Masoleum in Nuuanu to the state Judiciary and Bishop Estate headquarters, where a written request for a meeting with the trustees was delivered.

Two other requests were sent to the trustees on May 20 and May 21-22.

"By ignoring the faculty, the trustees have shifted discussions into a public forum," the group said in last night's statement. "Having failed to be acknowledged by the trustees, the faculty group has continued to meet and is now exploring different models for organizing more formally."

Elisa Yadao, Bishop Estate/Kamehameha Schools spokeswoman, said she couldn't comment on any action the trustees could take against the faculty.

The faculty group has named Gary Obrect, Charlene Hoe, Kawika Eyre and Kehau Abad as its spokespeople, and none would comment beyond the statement that was released.

The faculty group disagrees with several statements made by trustees in a May 14 petition to have retired Circuit Judge Patrick Yim appointed as an independent fact-finder.

The trustees are seeking to have the fact-finder conduct an inquiry into the controversy, file a written report of his findings to them, serve as a mediator, and provide them with private advice and counsel.

Yadao said that "it is premature to be casting doubts because the process hasn't even started."

She added: "We are going forward with efforts to have a fact finder appointed and believe



that it is the most positive way to resolve these issues. Certainly, Judge Yim is a man of great skill and high integrity."

Yadao said it is the hope of Kamehameha Schools and Bishop Estate that "people would participate in the fact finding."

In its statement, the school's faculty group said: "The trustees have hand-picked an investigator 'to render to all of the trustees and the Estate's general counsel a written report' and 'privileged advice and counsel.'"

"Under the terms of the petition, no other individuals, even within KSBE, would receive this information," the statement added. "Such secrecy works against a shared resolution of the issues by all parties involved."

The petition also notes that "there now exists a serious internal situation arising from various allegations concerning the management and administration of Kamehameha Schools.

"The administration of Kamehameha Schools is a function reserved to the trustees that cannot be entirely delegated by them to their employees, including without limitation, the incumbent president of the Kamehameha Schools." "The "serious internal situation," the faculty says, "arises not from various allegations concerning management and administration ... but from real and pervasive problems in these areas. The faculty has been actively trying to address these issues for a period of years."

The faculty also disputes statements in the fact-finder petition that state "efforts to initiate a process to assemble complete and accurate information have been unsuccessful to date" and "the 1996-97 school year ends shortly and there is now a brief opportunity to conduct an impartial inquiry and make appropriate decisions before the commencement of the next school year."

The faculty says it is unaware of any comprehensive fact-finding attempt by the trustees. "The trustees have ignored even recent attempts by the faculty to initiate such a process," the statement says. The faculty contends that a thorough fact-finding inquiry would take longer than the summer break and that "to make appropriate decisions" to address problems would take even longer.

"Both phases should involve all impacted parties, including students, parents, and faculty who will not be readily available during the summer," the group says.

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The "union" label

Labels, and the images they invoke, are powerful motivators with prejudicial potential. For example, many of our administrators have not accepted the presence of a "union" on their campus. That label is adversely affecting how they view and govern teachers. While they seem to recognize that teachers, after becoming a union, are still responsibly fulfilling their role in serving the mission of the organization, the label seems to prevent them from thinking of us as partners and has transformed us into adversaries. How serious is our situation? That depends upon your practical-philosophical balance. If you are the totally practical type, things are pretty good. We have an attractive pay and benefits package that is a credit to union and management cooperation. In terms of compensation, management has been consistently fair and reasonable. This is important because it reveals an appreciation for our services and a sense of fairness that is hard to detect in other areas.

Academic freedom and overall working conditions are other practical areas that have made Kamehameha Schools a fun place to work. While there are exceptions, by and large, teachers have had excellent support and sufficient freedom to be creative and teach in a style that matches their talents. Micro-management and classroom meddling has been the exception rather than the rule.

Even employee discipline, with the obvious exception of our grievance, has generally been prudently administered. So practically speaking, when dealing with us as individuals in such matters as compensation and day-to-day operations, things are pretty good.

However, if you are a philosophical perfectionist, there is still much work to be done. Even

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for those who are not driven by values, in the area of governance, management's inconsistent regard for integrity, fairness, and inclusiveness has caused an atmosphere of cynicism and fear to hang over our campus. Information appears to be carefully packaged to support a desired result rather than to disclose completely so that we can judge for ourselves. A five page article describing some examples of management's unethical behavior was provided the CEO and Trustees in August with the hope that some corrective action would be taken. So far, there has been no corrective action or denial of the charges from anyone. So, having made a case already, the following examples are intended only to show the nature of the consequences of the philosophical breakdown but not to prove the claim about management's lack of regard for integrity, fairness, and inclusiveness.

Integrity means keeping your word and avoiding deceptive practices. Probably the best example of management's failure to be trustworthy is their utter disregard for the just cause standard for discipline that they have agreed to apply since our first contract. There is no evidence that they ever intended to apply it. After four years of being responsible for applying the just cause standard and after participating in three grievances involving just cause; KS supervisors still have not been trained to apply it, KS discipline policies are still too numerous and vaguely worded to effectively apply it, and KS lawyers consistently exploit ambiguous contract language so that grievances can not be evaluated based upon their just cause merits.

Fairness "implies an elimination of one's own feelings and prejudices" and relying upon standards of what is right and proper. KS management has a tendency to confuse reason with passion. Nowhere is its reliance on feelings more evident than in management's view of its role in making decisions. KS seems to accept without question that any loss of control of the decision process will be bad for the organization. This view can only be maintained if a manager never puts

himself in the employee's shoes or if he depersonalizes the situation by attaching an adversarial label (i.e. "union") to the target of the unfair treatment. For example, when dealing with the "union", management can see no reason why it should be required to persuade a neutral third party that its disciplinary actions met an established objective standard. This, of course, is what an arbitrator does when hearing a just cause grievance. But management is so concerned about an arbitrator's judgement and so unconcerned about its own potential for judgement errors that it sees no need to have an effective procedure to deal with that remote improbability. Employees, however, see managers as normal human beings who in fact make errors routinely and sometimes let emotions cloud their judgement. We know if they were wrongly judged they would feel unfairly treated and would want to appeal that decision to someone other than the one who judged them. Why can't they treat us the way they would like to be treated? Is it the "union" label that prevents them from seeing us as individuals?

Inclusive decision making is a normal tool of good leadership. Employees have expertise, access to information and insights from their daily activities that employers lack.

Teachers, in particular, are more efficient and productive when they take responsibility for the quality of the education provided their students. Including teachers in the decision-making process on matters affecting the classroom would increase that sense of responsibility and result in better decisions. KS has yet to ask the union to assist it in any matters regarding the classroom even though it has volunteered its assistance and has a body of over twenty elected representatives from all four campuses (KES, KMS, 9/10, and 11/12). Even when dealing with teachers as a group and not through the union, management has difficulty giving up any control of the decision process. Time and again, we hear how important our input is. But, time and again, we are reminded that the decision is only advisory. When the decision is actually

New faculty members (and a few old ones): please consider filling out and sending this form to Human Resources. Auto dues deduction saves our treasurer time and effort.

AUTHORIZATION FORM FOR DEDUCTION OF UNION DUES/SERVICE FEE OUT OF WAGES

I, _____, an employee of Kamehameha Schools (“KS”) voluntarily agree to have KS take out of my wages regular monthly dues as established by the Kamehameha Schools Faculty Association (“KSFA”) in accordance with its Constitution and Bylaws, or a regular monthly Service Fee not to exceed KSFA’s regular monthly dues for its members as certified to you in writing by KSFA, and to turn over to KSFA any and all such monies on the following conditions:

1. This authorization shall become effective upon the date set forth below and cannot be cancelled for a period of one year from this date or until the termination of the existing collective bargaining agreement between KS and KSFA, whichever occurs sooner, unless cancelled sooner as provided in Section 2 below.

2. I agree and direct that this authorization shall be irrevocable for successive periods of one year each, or for the period of each succeeding applicable collective bargaining agreement between KS and KSFA, whichever shall be shorter unless:

- (a) I cancel this authorization by written notice to KS at any time or within ten days after the expiration of any such one year period; or
- (b) In the case of the expiration of any applicable collective bargaining agreement between KS and KSFA during any such one year period, I cancel this authorization by written notice to KS at any time during the period following the expiration of the applicable collective bargaining agreement and ten days after the effective date of any new agreement.

3. This authorization is subject to sufficient wages being available to comply with all other required deductions and existing federal and state laws. This authorization shall be suspended during any period in which there is no collective bargaining agreement in effect between KS and KSFA. This authorization shall end if my employment with KS ends. This authorization is made pursuant to the provisions of Section 302(c) of the Labor Management Relations Act of 1947.

Date: _____ Employee Signature: _____

Mailing Address: _____

SS# _____

Receipt of the foregoing authorization is acknowledged:

Employer _____

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made, how our input influenced the decision is normally not explained. To date, KS has yet to formally delegate any decision-making authority to the teachers, or find any decision suitable for a consensus determination.

Teachers, even union teachers, are offended by being treated as adversaries. Student learning is at stake. Regardless of how convenient the

“union” excuse is for maintaining absolute control, the image is unfaithful to the reality. Management and the union are partners in the same mission. It’s time to revoke the image, look past the label and see us as reasonable people who are dedicated to making the Kapalama Campus an excellent school.

— *Bill Follmer, Unit 9/10*

Back to the Future ... ?

