

Appendix A

ARTICLE VII - PARTICIPATION IN THE DECISION-MAKING PROCESS

The parties recognize as appropriate the centrality of faculty and librarian participation in the forums at each College in which decisions concerning the curriculum, academic policies, graduate education, library services and academic reorganization are considered and proposed for adoption.

A. Referendum

In order to determine forums and procedures for such participation, there shall first be conducted by secret ballot at each College a referendum for the purpose of presenting the following question to those members of the bargaining unit who are eligible to participate therein:

“1 ____ Shall the College continue to use Article VII of the 2001-2003 collective bargaining agreement as it is depicted in Appendix A of this Article VII; or

“2 ____ Shall the faculty and librarians, in the manner described in this Article VII, develop a new set of forums and procedures to use as the means for faculty participation in the making of academic decisions?”

“Choose either 1 or 2 by marking the space provided.”

The referendum shall be conducted by the Association at each College, but it shall conduct it only after the President of the College and the Chapter President shall have consulted concerning the conduct of the referendum and agreed upon the manner of its conduct, the list of persons eligible to participate in it and any other matters they deem appropriate in that regard. The referendum shall be conducted no later than October 1, 2005 (subject to Article XXI, §A).

All members of the bargaining unit shall be eligible to participate in the referendum exclusive of part-time members of the bargaining unit, but subject to the provisions of Article I, Section F, Entitlement, and Article IV, §J(3), Miscellaneous Provisions.

If a majority of the eligible members of the bargaining unit who cast ballots choose option 1, the provisions of Appendix A of this Article VII shall, for the term of this Agreement, be the means by which faculty and librarians at that College participate in the making of academic decisions.

If a majority of the eligible members of the bargaining unit who cast ballots choose option 2, the faculty and librarians at that College shall develop such set of forums and procedures as they deem appropriate as the means by which faculty and librarians participate in the making of academic decisions. They shall do so in the manner described in section B.

B. Development of New Decision-Making Processes

If under Section A the faculty and librarians at a College have chosen to develop a new set of forums and procedures for faculty and librarian participation in the making of academic decisions, they shall do so as follows but in all other respects as they shall determine.

The President, as promptly as is reasonable following the conduct of the referendum under Section A, shall convene a meeting of the faculty and librarians, who shall thereupon have the authority to devise a set of the forums and procedures, including by-laws and like rules, that they deem appropriate for the purpose of deliberating about and making proposals concerning the curriculum of the College, its academic policies, its graduate education, its library services and academic reorganization; provided, first, that one such forum shall be a curriculum committee and one such forum shall be an academic policies committee, and provided further that each such forum shall include the following among its members: (a) one or more persons whom the President shall have the authority to appoint as a representative or representatives of the College's administration; (b) one or more persons whom the chapter president shall have the authority to appoint; and (c) one or more persons who are enrolled as students at the College. All such forums shall include broad representation of the College's faculty and librarians, and all such procedures shall be designed to accord to the participants in those forums an opportunity to present their views before final decisions are proposed for adoption concerning any of the academic matters described above. Every such forum shall make to the President (or to others whom he or she may designate) its recommendations concerning such academic matters.

Every set of forums and procedures so devised shall include a procedure for their amendment by a two-thirds majority vote of those persons eligible to participate in the making of a decision about such matters.

For the purpose of devising such forums and procedures, the faculty and librarians shall establish a steering committee (which may, but need not, be composed of one representative of each academic department, including the library), which, acting by itself or by such other committees or sub-committees as it may choose to constitute, shall have the authority to develop and to propose for consideration through a referendum of eligible faculty and librarians a set of forums and procedures of the kind described in the preceding paragraph. Such referendum shall be conducted no later than May 31, 2006, and the forums and procedures so proposed shall, if adopted by a majority vote of those persons casting ballots in the referendum, take effect no later than September 1, 2006.

During any period preceding the adoption of a set of forums and procedures under this Section B, the provisions contained in Appendix A of this Article VII shall be in effect. In the event that the faculty and librarians fail, by means of the referendum described in the preceding paragraph, to adopt a new set of forums and procedures for their participation in the making of academic decisions, the provisions contained in Appendix A of this Article VII shall remain in effect.

C. General

1. Whatever system is in place at any time after the conduct of the referendum described in Section A (including any system adopted pursuant to Section B) shall, until altered in the manner permitted by this Article VII, be binding on both the administration of the College (including the Board of Higher Education) and its faculty and librarians with respect to the latter's participation in the making of academic decisions.
2. From and after July 1, 2007 (but subject to such agreements as the parties may then or thereafter make), the faculty and librarians at any College shall have the following right as the same may be applicable:
 - a) if by the referendum conducted pursuant to Section A, the faculty and librarians chose option 1, they shall have the right, pursuant to Section B, to develop a new set of forums and procedures as a means for their participation in the making of academic decisions; and
 - b) if pursuant to Section B, the faculty and librarians have adopted a new set of forums and procedures as a means for their participation in making academic decisions, they shall have the right to amend the same in accordance with the such rules as they have adopted for the purpose.
3. No provision of this Article VII shall be of any application to the administration of any trust fund or funds at any College or Colleges; nor shall any provision of this Article VII be of any application to the curriculum, or to any course of the curriculum, of the Department of Naval Sciences at the Massachusetts Maritime Academy.
4. The President of the Massachusetts Maritime Academy may establish a Sea Term Council whose membership, if so established, shall consist of the following:
 - a) The Chairs of the Departments of Marine Transportation, Marine Engineering, Marine Safety and Environmental Protection and International Maritime Business;
 - b) A member of the bargaining unit from the Department of Marine Transportation, the Department of Marine Engineering, the Department of Marine Safety and Environmental Protection and the Department of International Maritime Business;
 - c) Master, Chief Engineer or Chief Mate of the training vessel;
 - d) The Commandant of Cadets; and

- e) Three (3) student representatives.

The three (3) student representatives shall be chosen annually in an election conducted under the auspices of the Executive Council of the Student Government Association. One (1) such representative shall be a member in good standing of the second, one (1) of the third, and one (1) of the fourth class of cadets at the Academy.

The Sea Term Council, if so established, shall make recommendations to the President, by way of the Vice President, concerning the following:

- a) The itinerary of the annual Sea Term;
- b) The training program of the annual Sea Term; and
- c) The staffing requirements for the annual Sea Term.