

MEMORANDUM OF UNDERSTANDING  
University College

I. Generally

- A. Unless otherwise specified in this MOU, the provisions contained in the Agreement between the Board of Trustees of the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union (Unit A Agreement) shall apply to the members of the unit described in paragraph II, below.
- B. Unless otherwise specified in this MOU, the provisions of paragraph III (Course Assignments: Fall/Spring) shall apply to members of the bargaining unit described in Article 2.1 of the Unit A Agreement.

II. Recognition

Unit B (Labor Unit 39): The Employer/University agrees to recognize the Union as the exclusive representative for the purposes of bargaining for all matters pertaining to wages, hours, standards of productivity and performance and other terms or conditions of employment for a bargaining unit comprised of those professional employees teaching credit courses in the University of Massachusetts Boston University College, upon assignment to one or more sections in their second continuous academic year of employment; *provided* that those brief interruptions in service described in Article 21(B).2 shall not be deemed a break in service, and does not pertain to those not included in the bargaining unit described in Article 2.1.

III. Course Assignments: Fall/Spring

- A. Course assignments to University College fall and spring courses shall be made in the following manner:
  - 1. Establish the Pool: To qualify for the seniority provisions contained in this paragraph, faculty must have taught at least one (1) fall or spring course in University College (or former CCDE) within the prior two (2) years.

The seniority rank for fall or spring courses assignments shall be determined by the number of University College (or former CCDE) courses a particular faculty member has taught within a given department. Faculty members who are tied in seniority will have their seniority determined by a coin toss, where the loser receives priority over the winner in the next assignment in University College (either in the same or a subsequent semester).

The Department shall email priority lists to each faculty member within the department and the Union by August 15<sup>th</sup> annually.

2. Solicit Requests for Courses: Prior to each semester, chairs/program heads will solicit requests from all faculty members within the department interested in teaching. University College courses in the upcoming semester. Faculty must indicate which University College courses they wish to teach in that semester in order of preference and how many total University College courses they wish to teach.
3. Assign Courses: If a faculty member requests a course that they have not previously taught at UMB, then a determination of competency will be made by the Chair who may choose to consult with the Departmental Personnel Committee. If the faculty member is not judged to possess the requisite expertise to teach the course, their request will be disallowed.

Every effort will be made by the Chair to permit faculty members who have taught a particular course over the previous two (2) years or more, to retain the specific course.

No one may be offered more than two (2) University College courses until all members who wish to have two (2) courses have been given them. Remaining classes will be offered to those with University College seniority in a summer and/or winter session. Unit A faculty members will be given preference over non-bargaining unit faculty members.

4. Exception: If a Unit A faculty member requests to teach a scheduled course and, in the judgment of the Chair or Program Head, that individual has greater teaching experience or expertise in teaching that course than does any faculty member who has requested that course, the Chair may assign the course to that faculty member and thereby remove that course from the list of available courses for that semester. Upon request, the displaced faculty member or members will be provided with a written justification for the displacement by the Chair or Program Head.
- B. This Article may be grieved if it is determined that management did not follow the processes and procedures set forth in this article. However, at no time may a grievance hearing officer or arbitrator substitute his/her academic judgment for that of the Department Chair or Program Head.

#### IV. Course Assignments: Summer/Winter

- A. Course assignments to University College winter and summer courses shall be made in the following manner:
  1. Competence. Which courses a faculty member is competent to teach in University College sessions shall be determined by academic department chairs/program heads in consultation with the departmental personnel committee, or where one does not exist, any other appropriate mechanism, according to the same standards that are used

for regular ("day") courses. Standards for competence must be applied uniformly to all faculty members and must remain consistent from semester to semester

2. Priority List. Length of service shall be defined in accordance with Article 21 (B).4 *provided* that for the purpose of transition, the university shall develop a one-time list of all faculty members on the payroll in a department as of July 3, 2010 and who have taught University College winter/summer sections ranked by the total number of winter/summer sections taught. Faculty members' ranking on such a list shall supersede length of service in seniority. A faculty member shall be removed from the priority list if inactive for a two year period (four consecutive winter/summer sessions), unless on authorized leave. Ties will alternate position on the list from year to year, with the initial ordering being decided by a coin toss. The resulting ordinal list will be the summer/winter University College priority list for the department. The Department shall email priority lists to each faculty member within the department and the Union by August 15<sup>th</sup> annually.
3. Schedule. Subject to the availability of funds and programmatic and scheduling needs, University College, in conjunction with academic department chairs/program directors, shall develop a schedule of course sections to be offered during each winter or summer term/session. Schedules shall be made available to all faculty members no later than the time of solicitation.
4. Requests to teach. Prior to each winter or summer term/session, the department chair/program director shall solicit requests on the Course Preferences/Assignments form (Attachment A), from all department faculty members to teach in the upcoming term/session. To be considered to teach in the term/session, a faculty member must indicate the section(s) for which he/she wishes to be considered. Faculty members should include a preference ranking for available sections.
5. Assignment of sections. Using the priority lists described in paragraph (2) of this section, academic department chairs/program heads shall assign sections in order of priority to post-probationary faculty members, assigning no more than two sections (if requested) per faculty member in the summer term and one in the winter term. Any remaining sections must first be offered to any other interested, competent current department members who are not on the priority list before hiring any new faculty.
6. Exception. If, prior to the assignment of sections, a UMB faculty member requests to teach a scheduled course but would not receive the course via the priority system, and, in the judgment of the Chair or Program Head in consultation with the departmental personnel committee, or where one does not exist, any other appropriate mechanism, that individual has greater teaching experience or subject matter expertise than does any faculty member within the department who is on the priority list and who has requested that course, the Chair or Program Head may assign a section of the course to that faculty member and thereby remove that section from the list of available sections for that session. The displaced faculty member or members

will be provided with a written justification for the displacement by the Chair or Program Head. Such written justification will also be provided to the union.

V. Evaluation

The provisions contained in Article 33 of the Unit A Agreement shall apply to the evaluation of teaching in University College; *provided* that in addition to any form developed pursuant to Article 33.4 of the Unit A Agreement, the University may develop a specific form to be used in evaluating teaching in courses offered through University College.

VI. Salaries

The per course minimum rate for faculty members teaching in University College shall be:

Probationary Rates (See Article 21(B).5(a):

\$4109, effective in the Summer II session, 2010

\$4201, effective in the Summer II session, 2011

Post Probationary Rates:

\$4,477, effective in the Summer II session, 2010

\$4,578, effective in the Summer II session, 2011