

INTER-OFFICE CORRESPONDENCE

TO Dr. John Coffelt, President DATE 5-27-82
FROM JMK Jean M. Kelty, Chairman, Senate

SUBJECT

This is not a request for action. I am sending you the attached as information. The motion was made by the Executive Committee before the Senate yesterday because we are deeply concerned about the wording in the article which replaces 13.38 in the new Agreement. We see real problems here which could be a source of trouble later. We are in no way trying to obstruct the negotiations but rather to clear up the language so that there will not be a potential conflict between the Agreement and the Charter.

The motion was voted down on the floor. The Union representative made it very clear that he would be willing to sit down with us to iron out the problem. The Administrative representatives opposed the action in an outspoken manner and persisted in assuming that we were maligning their "intent."

I am very upset about the matter and somehow I thought you would be too.

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Senate Executive Committee
5-25-82
Emergency Meeting

Here is the wording of the new Agreement:

The parties agree that the Academic Senate may during the term of this Agreement adopt a policy which provides for a system of changes in grades awarded; however, if such a policy is adopted the full service faculty will retain the right to challenge the adoption of the policy and may under the charter of the Senate have the policy referred to the faculty as a whole for a vote.

*Ch. of Sen. + Ch. of Ch. + ByLaws - meet with ^{rep. of} parties ^{neg teams.}
technical errors contained in this the
~~document~~ new agree relative to
policy on grade changes.*

Motion for the Senate, 5-26-82 from the Senate Executive Committee...

The following paragraph appears in the new Agreement, replacing 13.38 of the earlier Agreement:

The parties agree that the Academic Senate may during the term of this Agreement adopt a policy which provides for a system of changes in grades awarded; however, if such a policy is adopted the full service faculty will retain the right to challenge the adoption of the policy and may under the charter of the Senate have the policy referred to the faculty as a whole for a vote.

There are very real problems with this article.

1. The Charter of the Senate clearly spells out the procedure by which an action of the Senate can be challenged by a member of the Faculty. Furthermore, that procedure in no way guarantees that the policy will be referred to the faculty as a whole for a vote. Therefore the second part of the Agreement article is in conflict with the Charter of the Senate. The Agreement cannot grant the full service faculty the right to challenge the adoption of the policy when that action is already guaranteed to the full service faculty by the Charter. And the Agreement cannot spell out a procedure for the Senate to follow which is in conflict with the Charter of the Senate.

Furthermore:

2. The Preamble of the Charter of the Senate - which I remind you has been approved by the Board of Trustees reads: "In recognition of the essential role of the faculty in the development of policies concerning the academic functions and activities of the University, it is appropriate for the Senate to have primary responsibility for the development of new policies, or changes in existing policies, integral and essential to the academic functions and activities of the University." Since grading is an academic policy it is the rightful jurisdiction of the Academic Senate; therefore, the Agreement cannot grant rights to the Senate which it already possesses and cannot place limitations on those rights.

Therefore, I move on behalf of the Executive Committee that the Chairman of the Senate and the Chairman of Charter and ByLaws meet with representatives of the negotiating teams to correct the technical errors contained in the new Agreement relative to the policy on grade changes.