

ARTICLE _____

YESHIVA DECISION AND BARGAINING AND BARGAINING UNIT PARTICIPATION IN LONGY COMMITTEES

1. In order to best exercise its managerial discretion in academic and nonacademic matters, the School values the advice, perspective, and participation of bargaining unit faculty along with the School's other stakeholders in building a sustainable open learning community at the Longy School of Music. Towards that end, the School and the Union agree that bargaining unit faculty will continue to participate in Longy Committees as provided below.

2. Pursuant to the NLRB Decision and Direction of Election, Case 1-RC-22381, and the stipulation of the parties at the time of the election hearing, the School and the Union agree and stipulate that the duties and/or responsibilities of bargaining unit faculty and faculty positions on December 9, 2009 do not and shall not constitute any grounds for exclusion from the bargaining unit or dissolution of the bargaining unit based upon any interpretation of the Yeshiva decision.

3. The School and the Union further recognize and agree that before, during and after the NLRB election hearing and December 9, 2009 Direction of Election, the School welcomed the participation of bargaining unit faculty on committees. As stipulated by the parties at the time of the election hearing, bargaining unit faculty who participated in Longy Committees did not formulate and effectuate academic and/or management policies and did not express and/or make operative decisions of the Longy School of Music.

4. It is agreed by the School and the Union that faculty who participate in Longy Committees will not exercise authority over academic matters such as: student standing, including academic and disciplinary probation, suspension, and dismissal, approval of the list of graduates, approval of awards and honors, and student appeals regarding academic matters, approval of course proposals and curriculum changes, the creation new academic departments, changes to departmental and school-wide degree requirements as well as waivers from them, establishing school-wide assessment tools for students and jury requirements, the school's curriculum, the addition or deletion of courses, academic calendar, course schedules, student admission, student retention, matriculation standards, grading policies, size of the student body, tuition, school locations and degree requirements.

5. It is agreed by the School and the Union that faculty who participate in Longy Committees will not exercise authority over nonacademic matters such as hiring, tenure, evaluation procedures, sabbaticals, termination or promotion, budget or selection of administrators.

6. Faculty committees shall not vote or establish academic or nonacademic policies but may make proposals and recommendations in academic and nonacademic matters. These proposals and recommendations shall be reviewed by the School's administration. The School, through its President, Dean or other designee shall exercise managerial discretion in adopting or rejecting committee recommendations and proposals concerning either academic and/or nonacademic matters. The adoption of a committee recommendation or proposal by the School shall not constitute a waiver of its authority to the committee.