## ARTICLE XIII

ACADEMIC GOVERNANCE

1. Definitions:

“Academic Policy”: Any implementable action passed by an APC is an academic policy.

“Proposal”: A proposal is an APC agenda item that has the potential for implementable action, if passed/enacted by an APC.

“Proposer”: A proposer is the entity that creates a proposal, typically a department or program acting after deliberations that led to an affirmative vote to proceed to the APC.

“Minor Proposals” are items perceived to have a modest impact, such as a single new course or appointment of members of a committee. Minor proposals typically will not require review by the Facilities Monitoring Committee, but may be referred to that committee at the request of the relevant Dean, the provost, or the AAUP.

“Major Proposals” are items perceived to have a more substantial impact, such as new majors, new minors, new Programs, new departments, and the like. Major proposals require review by the Facilities Monitoring Committee.

The parties agree to further define “Minor Proposals” in a subsequent MOU to be agreed upon and executed no later than June 30, 2018.

Resource-Impact Statement (RIS): The University, acting through the Deans for the College and School Academic Policy Committees and the Provost for the University Academic Policy Committee, in consultation with the proposer, will prepare a resource-impact statement (RIS) for each proposed new academic policy. The RIS will include, but not be limited to, such factors as the fiscal impact on the budget, technology resource costs, library costs, faculty costs and the Facilities Monitoring Committee’s analysis of the impact of the proposal on the allocation and use of classroom and other physical spaces. The RIS will include not only the resource cost, but also the supporting research and assumptions that were used to anticipate and determine that cost. The RIS will be made available in advance of the meeting in which the policy is being considered so that it can be posted online and committee members can give it adequate consideration.

APC procedural clocks are day-counters initiated by certain events that occur during the governance process. They run only during fall and spring semesters and exclude the period of winter break and summer. Because academic decisions have University-wide impact procedural clocks help ensure that all community members are informed of potential changes and the opportunity to participate in the deliberative process.

Terms that relate to policy status:

* Proposed: A potential policy under deliberations by an APC but not yet voted on.
* Passed/Enacted: A proposal deliberated for an appropriate minimum time, voted on, and that received five affirmative votes (in the case of college, school or library APC) or eleven affirmative votes (in the case of the UAPC)
* Rejected: A proposal deliberated for an appropriate minimum time, voted on, but that received fewer than five affirmative votes (in the case of college, school or library APC) or eleven affirmative votes (in the case of the UAPC).
* Implemented:
* A passed/enacted policy that has successfully completed a thirty-day review period and whose provisions the University is obligated to follow.
* A rejected policy the university chooses to enforce because it is necessary to resolve a conflict with a law, governmental licensure requirement, requirement(s) of the University’s general accreditation agency, or this Agreement.
* Non-implemented: A passed/enacted policy the University refuses to implement because it meets one of six demonstrable criteria specified in this Article.

B. Scope of Academic Governance

As used in this article, the term “policy” refers to all implementable actions of any APC as set forth in Section (C)(1) of this Article, including but not limited to the creation of new courses, programs, departments, etc. The University agrees that new academic policies pertaining to matters at the college/school and library levels, listed in Section C, and at the University level, listed in Section E, will not be adopted unless they have been enacted in accordance with the provisions of this Article. The Academic Policy Committee (“APC”) shall not intrude into areas of professional competence traditionally the responsibility of the department (such as determining the criteria for promotion and/or tenure) and/or individual faculty members (such as classroom presentation techniques). If any administrator above the rank of chairperson designates a task force or committee with responsibilities overlapping those of an Academic Policy Committee or any of its standing committees, and if that administrator proposes to include bargaining unit members, he/she shall notify the appropriate APC, prior to establishing the task force or committee. This notification shall include, for informational purposes, a brief rationale for establishing the task force or committee, the charge, and the criteria that the administrator suggests be used to designate bargaining unit members. The relevant administrator may select the chair, set forth the charge, and otherwise organize the task force or committee as he/she sees fit. The bargaining unit members of the APC shall designate the bargaining unit representatives to the task force or committee. The relevant administrator shall not recruit faculty members to serve on the task force or committee until the appropriate APC has been notified. When the work of the task force or committee is completed, its report shall be forwarded to the relevant APC. Actions with respect to any recommendations shall be subject to this Agreement. Minutes, membership and agendas of such task force shall be posted on the Electronic Governance Portal.

C. Academic Policy Committees

1. College/School Academic Policy Committees

An Academic Policy Committee ("APC") for each college or school will be constituted from the faculty and students of that college or school. Members of the professional athletic staff, if elected, shall be eligible to serve as members of the School of Education APC. Thus, the School of Liberal Arts and Sciences, the College of Business Administration, the College of Education and Human Services, the College of Continuing Studies, Westminster Choir College and the School of Fine and Performing Arts will each have an APC. The committees from the School of Liberal Arts and Sciences, the College of Business Administration, and the College of Education and Human Services shall each be composed of four (4) full-time members of the bargaining unit from the respective college or school, two (2) department chairpersons from the respective college or school, the dean of the respective college, and a Student Government Association representative. The Westminster Choir College APC shall be composed of four (4) full-time members of the bargaining unit from Westminster Choir College, two (2) department chairpersons from Westminster Choir College, the Dean of the Westminster College of the Arts, and a student representative chosen by agreement between the Undergraduate and Graduate Student Associations of Westminster Choir College. The School of Fine and Performing Arts APC shall be composed of two (2) full- time members of the bargaining unit from each of the two departments of the School of Fine and Performing Arts, two (2) department chairpersons/assistant or associate deans from the School, the Dean of the Westminster College of the Arts, and a Student Government Association representative. One (1) non-voting liaison each shall be selected from among the bargaining unit members of the WCC APC and the SFPA APC to attend all the meetings of the other APC within the WCA. The APC of the College of Continuing Studies shall be composed of four (4) members of the bargaining unit who regularly teach in the College of Continuing Studies, one (1) department chairperson, one (1) associate or assistant dean of such college, the Dean of the College of Continuing Studies, and a Student Government Association representative. The bargaining unit may elect alternates for the bargaining unit positions. Alternates may attend and participate in all committee meetings and shall be accorded a vote in cases where a regular bargaining unit member is absent. Except as otherwise noted in this article, all regular members of the committees shall have equal rights and responsibilities as to the development of new policies.

The deans of the respective colleges/schools shall designate the department chairpersons and associate or assistant dean who shall serve on such committees, and may designate alternates to fill in for such persons as well as alternates to fill in for the deans.

The bargaining unit members of the committees and alternates for each committee will be elected by the respective members of the bargaining unit from each college/school except that the bargaining unit members of the APC for the College of Continuing Studies will be elected by procedures designated by the AAUP. The AAUP will develop a slate of nominees for all open positions by April 1 and will conduct such elections by April 15 of each year. Notice of the winners of such elections shall be provided by the AAUP to the Provost and the academic deans.

The Student Government Associations shall select their representatives.

From among the full-time bargaining unit members, each college/school APC shall elect a chairperson, a permanent secretary, who shall also be vice chairperson, and a liaison to the University Academic Policy Committee ("UAPC"). The liaisons from each college APC to the UAPC shall be elected by the bargaining unit members of each college APC. In the event that no one agrees to serve as permanent secretary, the position of secretary shall be rotated in accordance with past practice, and the committee shall elect a vice chairperson, who will not be paid any additional compensation.

The bargaining unit members of each APC shall attend a training program (to be run by the AAUP and the University) to be held on campus, on the rights, responsibilities and procedures for the APCs. The time of this meeting shall be set by the University and the AAUP so as to assure it does not conflict with any other APC meetings.

2. Library Academic Policy Committee

The library faculty will elect four (4) librarians, at least one of whom shall be from Talbott Library, to an APC for the Libraries. The Dean of University Libraries and the chairpersons of Moore and Talbott Libraries will be standing members of the LAPC. The librarian members will serve two-year terms. From among the bargaining unit members, the LAPC shall elect a liaison to the UAPC. A representative of the Student Government Association, designated by the Association, will also serve as a member of the LAPC. The bargaining unit may elect alternates for the bargaining unit positions. Alternates may attend and participate in all committee meetings and shall be accorded a vote in cases where a regular bargaining unit member is absent. Except as otherwise noted in this article, all regular members of the committees shall have equal rights and responsibilities as to the development of new policies. The bargaining unit members of the committee and alternates will be elected by the library faculty members of the bargaining unit. The AAUP will develop a slate of nominees for all open positions by April 1 and will conduct such elections by April 15 of each year. Notice of the winners of such elections shall be provided by the AAUP to the Provost and the academic deans.

1. The UAPC

The APC for the University shall consist of nineteen voting (19) persons, as follows: eleven (11) members of the bargaining unit, with two (2) each from the School of Liberal Arts and Sciences, College of Business Administration, College of Education and Human Services, and one (1) each from Westminster College of the Arts, Westminster Choir College, the School of Fine and Performing Arts, the College of Continuing Studies and the Libraries; the academic deans; the Provost; the Associate Provost; and a representative of the Student Government Association. Seven (7) bargaining unit members of the UAPC are the liaison members of the APCs of the School of Liberal Arts and Sciences, College of Education and Human Services, College of Business Administration, College of Continuing Studies, Westminster Choir College, School of Fine and Performing Arts, and the Libraries specified above. Four (4) bargaining unit members of the UAPC and alternates will be elected by the respective members of the bargaining unit from the School of Liberal Arts and Sciences, College of Business Administration, College of Education and Human Services, and Westminster College of the Arts. The bargaining unit may elect alternates for the bargaining unit positions. Alternates may attend and participate in all committee meetings and shall be accorded a vote in cases where a regular bargaining unit member is absent. Except as otherwise noted in this article, all regular members of the committees shall have equal rights and responsibilities as to the development of new policies. The AAUP will develop a slate of nominees by April 1 and conduct such elections by April 15 of each year. Notice of the winners of such election shall be provided by the AAUP to the Provost and the academic deans.

The Student Government Associations shall select a representative who will be non-voting. The deans, Provost, and Associate Provost may designate alternates to fill in for them at committee meetings.

From among the bargaining unit members of the UAPC, the UAPC shall elect a chairperson and a permanent secretary, who shall also be vice chairperson. In the event that no one agrees to serve as permanent secretary, the position of secretary shall be rotated in accordance with past practice, and the UAPC shall elect a vice chairperson, who will not be paid any additional compensation.

The bargaining unit members of the UAPC and each APC shall attend a training program (to be run by the AAUP and the University) to be held on campus, on the rights, responsibilities and procedures for the UAPC. The time of this meeting shall be set by the University and the AAUP so as to assure it does not conflict with any other APC meetings.

The bargaining unit members of the UAPC shall appoint the bargaining unit members of subordinate committees. Minutes, membership and agendas of such committees shall be posted on the Electronic Governance Portal.

1. Vacancies

Any APC positions designated for bargaining unit members which positions are not filled shall not change the voting requirements set out hereafter.

1. Eligibility for Committee Membership

Eligibility to fill bargaining unit positions on the University or college APCs shall be limited, except for adjunct member(s) of the College of Continuing Studies APC, to persons who have completed at least two (2) years of full-time academic service to the University. Bargaining unit members who serve as regular members of one (1) APC may not simultaneously serve as regular members of another APC, except that one (1) member of each college APC and the LAPC shall serve on the UAPC.

1. Term of Office; Vacancies

Bargaining unit members who serve as regular or alternate members of the University, college, school, or Library APC shall serve for two-year terms, beginning and ending on September 1. In the event of a bargaining unit vacancy on such a committee resulting from resignation, death, or other unavailability of a bargaining unit committee member, the vacancy shall be filled by a special election among the affected bargaining unit members with such election to be conducted by the AAUP.

D. Scope and Jurisdiction of College/School and Library APCs

1. Scope of Jurisdiction of College/School APCs

The following matters shall be the primary responsibility of college and school APCs: oversight of requirements for degrees, majors, minors, and programs within the college or school, procedures for academic advising, procedures regarding academic standing, and approval of course proposals and the creation of new departments and programs. The college or school APC shall have the primary responsibility for the initial formulation and development of new academic policy for the college or school.

The college and school APCs shall have jurisdiction over the following matters:

* 1. student advising;
  2. departmental and program curriculum
  3. establishment of new departments and programs, consistent with the mission statement of the school or college;
  4. course review and approval;
  5. grading standards;
  6. academic standing;
  7. degree requirements;
  8. requirements for majors, minors, tracks, and certifications;
  9. honors standards;
  10. subordinate committee creation, deletion, and oversight;
  11. methods of instruction;
  12. academic aspects of orientation for new students;
  13. decisions to pursue and maintain accreditation, other than the University’s general accreditation agency;
  14. high school course requirements for applicants for admission to Rider University in departments and programs of such college.

Notwithstanding the foregoing, upon agreement of the dean and five (5) other members of a college APC, other than the Student Government Association representative, such committee may extend the scope of its jurisdiction to other academic matters not set forth on the foregoing list.

Programs with faculty drawn from more than one college or school shall be reviewed and be under the jurisdiction of the APC of the college or school from which the majority of the faculty of the program are drawn.

Matters not within the scope of the jurisdiction of the committee, as aforesaid, nor added thereto by the required number of votes, may be considered and discussed by the committee, but will not be subject to the procedures set out hereafter, nor may the committee adopt binding policies with respect thereto.

1. Scope of Jurisdiction of the LAPC

The LAPC is the sole academic policy body and the primary consultative and advisory body with respect to policy matters affecting the Libraries. The LAPC shall also have the responsibility to formulate proposed library policies with potential impact on one or more of the colleges and to convey such proposed policies to the appropriate college or school APC or the UAPC, according to the policy distribution and response procedures described below. No newly adopted policy affecting the Libraries will be implemented until the LAPC has been afforded a reasonable opportunity to fulfill its consultative and advisory responsibility hereunder.

In addition to the foregoing, the LAPC shall have the primary responsibility for the formulation and development of the Libraries’ academic policy with respect to the following matters:

* 1. development of directions for new library services;
  2. policies that affect the accessibility of collections;
  3. library support of academic programs;
  4. development of general directions for new technologies;
  5. policies involving cooperation with other libraries;
  6. subordinate committee creation, deletion, and oversight.

1. APC Committee Procedure

The chairperson of each committee shall preside at committee meetings in such a manner as to facilitate the orderly and deliberative consideration of the committee’s business and in accordance with procedures established for the committee by a majority of the committee members. Any dispute over committee procedures or the conduct of the committee’s business shall be resolved by a majority of the committee members. During the academic year, committees shall normally meet at least twice a month. Each committee other than the College of Continuing Studies APC shall call a faculty meeting at least once a year, to keep the members of the college informed of the issues being considered by the APC. APCs will normally meet during the Thursday open period, 11:30 to 1:10 with the SFPA APC and the WCC APC agreeing to meet on alternate Thursdays, so that the Dean of the Westminster College of the Arts and the liaisons from the SFPA APC and the WCC APC may attend all the meetings of the SFPA and WCC APCs.

Out of respect for colleagues and to ensure a sound, deliberative process, significant matters requiring APC approval should be presented in concept or outline form for an initial discussion not less than two months prior to being placed on the agenda for a decision. Such proposals should contain prior to the time they are discussed, (1) a proposal overview (i.e., an abstract); (2) description of the status quo (if the policy exists presently); (3) description of the need, problem, or opportunity the proposal seeks to address; and (4) rationale for the proposal. Prior to voting on a proposal the RIS for that proposal shall have been on the agenda for at least two meetings of the APC. Proposals shall be shared with all potentially affected departments and programs for comments. Departments and programs shall be given an opportunity to at least comment and all such comments shall be shared with all of the members of the APC, prior to any action being taken on the proposal. In the case of the UAPC, when an issue of broad interest is proposed and determined by the UAPC to be of import to the University as a whole, a part of the deliberative process prior to a decision being taken should include the convening of an all-faculty forum. Further, an ad hoc all- faculty forum will be convened upon the written request to the chairperson of the UAPC from not less than twenty (20) percent of the full-time faculty of the University.

Upon the request of any committee member, committee voting shall be by secret ballot. Minutes shall be limited to a list of the topics discussed, the actions taken, if any, in regard to such topics, a brief recital of the substance of such discussions and debate relating to such topics, and the proposed agenda for the next meeting.

Agendas and minutes of each college APC and the UAPC will be distributed by the Chairperson of the committee by posting to the Electronic Governance Portal and by email to all faculty.

Meetings that require the attendance of bargaining unit members will not be held at times that conflict with those of the UAPC or AAUP chapter meetings, nor shall departmental meetings be held at times that conflict with that department’s college or school APC meetings, when a member of that department is serving on the APC.

Resource Impact Statements

The University and the AAUP recognize that all resources (financial, technology, physical space, etc.) are finite and that the allocation of resources to competing demands is an essential element of the governance of the University. The parties further recognize that academic policy decisions vested in the University Academic Policy Committee and the College and School Academic Policy Committees often have direct and significant resource consequences. It is therefore essential that Academic Policy Committees have access to all reasonably available information about the impact on resources for all proposed academic policies [as defined in Article XIII (A) of the Agreement “the term ‘policy’ refers to all implementable actions of any APC as set forth in Section (C)(1) of this Article, including but not limited to the creation of new courses, programs, departments, etc.] and that when considering a new academic policy Academic Policy Committees consider the cost/benefit of the resource investment entailed by the proposed policy.

To further the goal of providing the Academic Policy Committees with the information that they need to perform their tasks effectively, the parties agree that it shall be the joint responsibility of the proposer(s) and the Provost’s and relevant Dean’s office staffs to provide the relevant APC with as clear an indication as possible of the known and foreseeable, likely and/or possible resource impact. Such impact statement will provide as complete an analysis of the resource consequences of the new policy as can be ascertained at that time. The University, acting through the Deans for the College and School Academic Policy Committees and the Provost for the University Academic Policy Committee, in consultation with the proposer(s), will prepare a resource-impact statement (RIS) for each proposed new academic policy. Such impact statement will include, but not be limited to, such factors as the fiscal impact on the budget, technology resource costs, library costs, faculty costs and the Facilities Monitoring Committee’s analysis of the impact of the proposal on the allocation and use of classroom and other physical spaces. The RIS will include not only the resource cost, but also the supporting research and assumptions that were used to anticipate and determine that cost. The impact statement will be made available in advance of the meeting in which the policy is being considered so that it can be posted online and committee members can give it adequate consideration. The Dean or Provost shall have a minimum of two weeks for Proposals that do not require at least two months from when initially proposed and when they may be voted by the APC and 60 days for all other proposals from the time the proposal is first put forward by the proposing department or individual to work in collaboration to create the impact statement. Prior to submission to the APC, the Dean or Provost may request additional time in which to work in consultation with the proposer(s) on the RIS, when the complexity of the proposal or the RIS requires additional time.

“Minor Proposals” include single new courses and similar modest proposals. Minor Proposals typically, will not require review by the Facilities Monitoring Committee, but may be referred to that committee at the request of the relevant Dean, the Provost, or the AAUP.

“Major Proposals” include new majors, new minors, new Programs, new departments and the like.

The parties agree to further define “Minor Proposals” in a subsequent MOU to be agreed upon and executed no later than June 30, 2018.

Prior to approving the proposed new academic policy, the APC will carefully consider the impact of the proposed policy on available resources and determine if, in its view, the benefit of the proposed policy justifies the resource costs of implementing the policy. The committee shall be free to request access to any further information or analysis that it feels it needs in order to make this judgment.

1. Policy Implementation Procedures

Before the academic policy developed by a college APC or the LAPC may be implemented, the following procedure shall be followed:

* 1. Distribution of Proposed Policies

Copies of proposed policies shall be prepared by the chairperson and made available by the dean or his/her designee electronically as follows:

1. To all University faculty by inclusion on the UAPC’s electronic portal;
2. To other college and school APCs, the LAPC, the UAPC, and the Provost via e-mail;
3. The dean’s own college or school faculty via e-mail.
   1. Responses from Other APCs and Resolution of Disagreements

The other college APCs and the LAPC shall have a period of thirty (30) days from receipt of the proposed policy to advise the enacting committee that there will be a substantial adverse impact created by the proposed policy. Such written statement shall describe why the responding committee believes such adverse impact will occur. The responding APC(s) shall meet with the enacting committee in an effort to adjust and resolve any such impact.

* 1. Application to the UAPC to Serve as Mediator in Disputes Between College APCs

If not resolved as a result of the discussions at such a meeting, a college or school APC may request that the UAPC consider the matter and serve as a mediator in attempting to adjust and resolve any such impact. The UAPC shall act only upon the written request from a college APC or the LAPC, which request shall be accompanied by written documentation of the substantial adverse impact of the proposed policy.

* 1. Procedures for Mediation

The UAPC shall then meet with each of the affected APCs or with the LAPC, if affected, and attempt to mediate the dispute. If the UAPC is unable to resolve the dispute to the satisfaction of the affected APC(s), it shall submit a written summary of the matter and a recommendation to the Provost, who shall make a final determination to resolve the dispute. If he/she does not follow the recommendation of the UAPC, he/she shall furnish to it written reasons for his/her determination.

E. Committee Enactment of Policies

1. College/Schools APCs and the LAPC

College/schools APCs and the LAPC may enact academic policy with respect to matters within the scope of their jurisdiction, as set out above, by an affirmative vote of at least five (5) members of the Committee. Enactment of policy by college and school APCs and the LAPC are subject to the requirements for the closing of debate and the limitations on the implementation by the University of any such enacted policy, as set out hereafter.

A proposed academic policy may be brought to a vote concerning its enactment only in one of the following ways:

* 1. A vote of at least four (4) members of the committee including the dean, in favor of curtailing discussion and debate and voting on the proposed policy.
  2. A vote of at least four (4) members of the committee not including the dean, in favor of curtailing discussion and debate and voting on the proposed policy, in which case such a vote concerning the enactment of the proposed policy may only occur if (i) committee meetings in three (3) separate months have included discussions of the proposed policy and (ii) an arbitrator, in accordance with the following procedure, has directed that discussion on such policy be concluded and a vote concerning enactment of the policy take place. The arbitrator shall be an individual from the panel of arbitrators contained in Article XXII (Grievance and Arbitration Procedure) of this Agreement, and shall be selected from such panel by the committee members voting in favor of curtailing discussion and debate. In such case the otherwise secret ballot shall be opened up. The otherwise secret ballot shall be an open vote if at least four (4) committee members not including the dean, have voted in favor of curtailing discussion and debate. In such case, the committee members favoring curtailment of discussion and debate and those members of the committee opposing such curtailment shall prepare and exchange statements in support of their respective positions within ten (10) days of the meeting at which at least four (4) committee members (not including the dean) have voted to curtail discussion. Within seventeen (17) days of such meeting, the respective groups of committee members shall transmit to the designated arbitrator their statements in support of their respective positions, revised and supplemented as they deem appropriate, and shall also forward copies thereof to the other members of the committee. No hearing or testimony before the arbitrator shall be required, and the arbitrator's authority shall be strictly limited to either directing that discussion and debate be curtailed and a vote be taken on the enactment of the proposed policy, or that discussion and debate be continued. The arbitrator shall not be authorized to place a time limit or any other limit on further discussion and debate, if he/she directs that discussion and debate be continued.

1. Distribution of Approved Policies

Copies of approved policies shall be prepared by the chairperson and distributed electronically by the dean or his/her designee to all faculty members within that college or school by placement on the APC’s electronic portal, and by e-mail to the other APCs, the UAPC, the Provost, and the Registrar, prior to implementation date of the policy.

F. Scope and Jurisdiction of the UAPC

The University Academic Policy Committee shall have the primary responsibility for the formulation and development of the University's academic policy with respect to the following matters:

1. student advising;
2. core curriculum or other curriculum not specific to a particular college;
3. course review and approval;
4. grading standards;
5. academic standing;

6. degree requirements;

1. major and minor program requirements;
2. honors standards;
3. subordinate committee creation, deletion, and oversight;
4. methods of instruction;
5. academic aspects of orientation for new students;
6. academic aspects of the University calendar pertaining to length of class sessions, length of the semester, final examination periods, and reading days;
7. library support of academic programs;
8. high school course requirements for applicants for admission to Rider University;
9. admissions policies and programs. \*

\*subject to the restriction in Section F(2)(b).

The Dean of University Libraries will meet with the UAPC and review the acquisition budgets of both Moore and Talbott Libraries each year prior to the adoption of those budgets. The UAPC may make recommendations for changes in those budgets, and while the University shall not be bound by those recommendations, it shall give them serious consideration.

Notwithstanding the foregoing, upon an affirmative vote of the Provost and twelve (12) members of the committee, other than the Student Government Association representative, such committee may extend the scope of its jurisdiction to other academic matters not set forth on the foregoing list.

Matters not within the scope of the jurisdiction of the committee, as aforesaid, nor added thereto by the required number of votes, may be considered and discussed by the committee, but will not be subject to the procedures set out hereafter, nor may the committee adopt binding policies with respect thereto.

G. UAPC Committee Procedure

1. UAPC Meetings

The chairperson of the committee shall preside at committee meetings in such a manner as to facilitate the orderly and deliberative consideration of the committee's business and in accordance with procedures established for the committee by a majority of the committee members. Any dispute over committee procedures or the conduct of the committee's business shall be resolved by a majority of the committee members. During the academic year, committees shall normally meet at least twice a month. The committee shall call a faculty meeting at least once a year to keep the faculty of the University informed of the issues being considered by the UAPC. In order to avoid conflicts in scheduling between the AAUP and the UAPC, the Chair of the UAPC and the President of the AAUP shall meet on an annual basis to coordinate the scheduling of UAPC and AAUP Executive Council and Chapter meetings. It is understood that meetings of the UAPC, AAUP Executive Council, and the AAUP Chapter will normally occur during the Tuesday open period, 11:30 to 1:10. Other APCs will normally meet during the Thursday open period, 11:30 to 1:10.

Out of respect for colleagues and to ensure a sound, deliberative process, significant matters requiring UAPC approval should be presented in concept or outline form for an initial discussion not less than two months prior to being placed on the agenda for a decision. Such proposals should contain prior to the time they are discussed, (1) a proposal overview (i.e., an abstract); (2) description of the status quo (if the policy exists presently); (3) description of the need, problem, or opportunity the proposal seeks to address; and (4) rationale for the proposal. Prior to voting on a proposal the RIS for that proposal shall have been on the agenda for at least two meetings of the UAPC. Proposals shall be shared with all potentially affected departments and programs for comments. Departments and programs shall be given an opportunity to at least comment and all such comments shall be shared with all of the members of the UAPC, prior to any action being taken on the proposal. In the case of the UAPC, when an issue of broad interest is proposed and determined by the UAPC to be of import to the University as a whole, a part of the deliberative process prior to a decision being taken should include the convening of an all-faculty forum. Further, an ad hoc all- faculty forum will be convened upon the written request to the chairperson of the UAPC from not less than twenty (20) percent of the full-time faculty of the University.

Upon the request of any committee member, committee voting shall be by secret ballot. Minutes shall be limited to a list of the topics discussed, the actions taken, if any, in regard to such topics, a brief recital of the substance of such discussions and debate relating to such topics, and the proposed agenda for the next meeting.

Agendas and minutes of each UAPC meeting will be distributed by the chairperson by posting to the Electronic Governance Portal and by email to all faculty.

1. UAPC Enactment of Policies

The UAPC may enact academic policy with respect to matters within the scope of its jurisdiction, as set out above, by an affirmative vote of eleven (11) members of the committee, subject to the requirements for closing the debate and the limitations on the implementation by the University of any such enacted policy, as set out hereafter.

A proposed academic policy may be brought to a vote concerning its enactment only in one of the following ways:

* 1. A vote of at least twelve (12) members of the committee in favor of curtailing discussion and debate and voting on the proposed policy.
  2. A vote of eleven (11) members of the committee in favor of curtailing discussion and debate and voting on the proposed policy, in which case such a vote concerning the enactment of the proposed policy may occur only if (i) committee meetings in three (3) separate months have included discussions of the proposed policy and (ii) an arbitrator, in accordance with the following procedure, has directed that discussion on such policy be concluded and a vote concerning enactment of the policy take place. The arbitrator shall be an individual from the panel of arbitrators contained in Article XXII (Grievance and Arbitration Procedure) of this Agreement and shall be selected from such panel by the eleven (11) committee members voting in favor of curtailing discussion and debate (the otherwise secret ballot shall be an open vote if eleven (11) committee members, but only eleven (11), have voted in favor of curtailing of discussion and debate). In such a case, the eleven (11) committee members favoring curtailment of discussion and debate and those members of the committee opposing such curtailment shall prepare and exchange statements in support of their respective positions within ten (10) days of the meeting at which eleven (11) committee members voted to curtail discussion. Within seventeen (17) days of such meeting, the respective groups of committee members shall transmit to the designated arbitrator their statements in support of their respective positions, revised and supplemented as they deem appropriate, and shall also forward copies thereof to the other members of the committee. No hearing or testimony before the arbitrator shall be required, and the arbitrator's authority shall be strictly limited to directing either that discussion and debate be curtailed and a vote be taken on the enactment of the proposed policy or that discussion and debate be continued. The arbitrator shall not be authorized to place a time limit or any other limit on further discussion and debate if he/she directs that discussion and debate be continued.

Notwithstanding the foregoing, the committee may enact an academic policy with respect to admissions policies and programs (item 15 on the above list of jurisdictional subjects) only by a vote of twelve (12) or more members of the committee, excluding the Student Government Association representative. Each Fall the Vice President for Enrollment Management, or his/her designee, shall appear before the committee to address it with respect to recently enrolled students and current admissions strategies.

1. Distribution of Approved Policies

Copies of approved policies shall be prepared by the Chairperson and distributed electronically by the Provost or his/her designee to all faculty members by placement on the UAPC’s electronic portal, and by e-mail to the other APCs and the Registrar, prior to the implementation date of the policy.

H. Information

In order that committee discussions be well-informed, each committee member shall supply to the committee that non-confidential information that is reasonably available to him/her and that bears on matters of academic policy under discussion.

I. Eligibility for Committee Membership

Eligibility to fill bargaining unit positions on the University or college APCs shall be limited, except for adjunct member(s) of the College of Continuing Studies APC, to full-time members of the bargaining unit who have completed at least two (2) years of full-time academic service at the University. Bargaining unit members who serve as regular members of one (1) APC may not simultaneously serve as regular members of another APC, except that one (1) member of each college APC and the LAPC shall serve on the UAPC.

J. Implementation of Enacted Academic Policies by the University

1. Implementation of Policy

Within thirty (30) days of the receipt by the Provost of an academic policy passed by a University, college, school, or Library APC, the University agrees either to implement the enacted policy or to give notice to the members of the committee that enacted the policy and to the AAUP of its intention either to implement or not implement the enacted policy.

1. Reasons for Refusing to Implement Policy

The University shall implement policies duly enacted under this Article, except for the following reasons:

* 1. demonstrable impact on University finances or resources that is substantial in terms of any area(s) of the University’s operations;
  2. demonstrable impracticability resulting from the policy's impact on University administrative procedures;
  3. demonstrable incompatibility with other separate, but related, existing University policies not included in the policy under review;
  4. demonstrable conflict with laws, governmental regulations, or licensure requirements;
  5. inconsistencies with provisions of this Agreement;
  6. the enacted policy affects terms and conditions of employment;
  7. demonstrable incompatibility with the requirement(s) of the University’s general accreditation agency;
  8. demonstrable incompatibility with the strategic initiatives of the institution as outlined in the Board-approved Strategic Plan.

Additionally, the University may implement a rejected policy if the implementation of such policy is necessary to resolve a conflict with a law, governmental licensure requirement, requirement(s) of the University's general accreditation agency, or this Agreement.

1. Notification

In the event of an election by the University not to implement an academic policy duly enacted under this Article, or to implement a rejected policy, the University shall provide the appropriate committee and the AAUP within sixty (60) days of the enactment of the policy written reasons explaining such election.

1. Arbitration Under This Article

In the event that the AAUP grieves the University's election not to implement a duly enacted academic policy, or to implement a rejected policy, and the matter is referred to arbitration, upon proof by the AAUP that the University knowingly withheld from the committee reasonably available and pertinent information during the course of committee discussion of the policy, the arbitrator may disregard any reason for implementation or non-implementation based on such information. The arbitrator shall have the authority to direct implementation or non-implementation, unless such directive would require the University to violate a law.

1. Modification of Policies

During a thirty-day period after the University either commences implementation of a newly enacted academic policy or gives notice of its intention to implement the enacted policy, as referred to in Subsection 1 of this Section, the University may give notice to the members of the committee that enacted the policy and to the AAUP that, because of another conflicting policy brought to its attention after previously implementing or giving notice of its intention to implement the new policy, the University declines to implement the newly enacted policy. In such event, the newly enacted policy may be reconsidered by the committee that enacted it so as to attempt to modify and adjust the policy (and the conflicting policy, if it is within the scope of the jurisdiction of the committee) to avoid conflict between the policies.

K. Open Meetings

All meetings of the APCs shall be open to members of the University community.