

BHE Proposal

Memorandum of Agreement

This Memorandum of Agreement (“MOA”) is by and between the Board of Higher Education (“BHE”), acting through the Council of Presidents of the State Universities, and the Massachusetts Teachers Association/NEA (the “Association”), acting through the Massachusetts State College Association (collectively, the “Parties”).

WHEREAS, the BHE and Association are parties to a collective bargaining agreement;

WHEREAS, the Parties acknowledge Appendix R of the parties’ collective bargaining agreement contains a “Policy on Handling Anonymous Complaints,” which addresses the handling of complaints where the complaining individual, either known or unknown, does not give authorization to disclose their identity;

WHEREAS, the existing language within Appendix R precludes a University from taking adverse action based on an anonymous complaint(s);

WHEREAS, the parties acknowledge that there are instances in which multiple anonymous complaints of the same or similar nature are made against a unit member and the language in Appendix R restricts a University’s ability to address these anonymous complaints with the unit member beyond disclosing to the unit member the nature of and substance of the complaints and informing the unit member concerning their legal obligations;

WHEREAS, the parties recognize that there are benefits in being able to take action when multiple anonymous complaints of the same or similar nature are made against a unit member;

NOW, THEREFORE, in consideration of the foregoing premises and of the mutual covenants hereinafter set down, the Parties agree as follows:

1. The Parties shall create a taskforce composed of no more than six (6) members (three (3) representatives of the bargaining unit and three (3) administrative representatives) who shall work together to recommend how the University will address circumstances in which multiple anonymous complaints of the same or similar nature are made against a unit member, including the process the University should follow. The work of the taskforce shall be completed within six (6) months of its initial meeting.
2. In making its recommendations, the taskforce shall take into consideration, but not be limited to, such factors as (a) whether the individual(s) making the complaints can be identified, despite not disclosing their identity to the unit member; (b) the extent to which the complaints can be verified; (c) the number of complaints received; and (d) the severity of the complaints.
3. The task force shall also consider in its recommendations the remedial measures that should be taken by the University in regard to anonymous complaints.

4. Following the receipt of the taskforce's recommendations, the Parties shall engage in mid-term negotiations regarding a process for addressing anonymous complaints, which shall replace Appendix R, "Policy on Handling Anonymous Complaints."
5. The taskforce's recommendation(s) shall be limited to the circumstances involving multiple anonymous complaints and shall have no bearing on the manner in which complaints that are not anonymous may be used or addressed and shall have no application to complaints falling under the state universities' Equal Opportunity, Nondiscrimination and Title IX Policy.
6. Should the Parties fail to reach an agreement on how to address circumstances involving multiple anonymous complaints, the existing language within Appendix R of the parties' collective bargaining shall remain unchanged.

WHEREFORE, the Parties hereunder set their signs and seals as follows:

BOARD OF HIGHER EDUCATION

MASSACHUSETTS TEACHERS
ASSOCIATION/MSCA

By: _____

By: _____

NAME, Chair
Council of Presidents

NAME, Chair
MSCA Bargaining Team

Date: _____

Date: _____