

As discussed during bargaining today, at the September 26th bargaining session, the faculty negotiation committee requested additional information regarding the administration's authority to pause certain University Senate committees under the Enabling Act. Pursuant to its Code of Regulations, the Board of Trustees has delegated to University Senate primary responsibility for curriculum, programs, and course offerings, and advisory responsibilities on all matters related to Miami University. This delegation of authority is not absolute as the Board of Trustees maintains responsibility for the governance of the University and for determining the University's mission and strategic direction. Moreover, under the terms of the Enabling Act and the Regulations of the Board of Trustees, the Board reserves the right to "consider, approve, modify, or reject actions taken by the University Senate." Accordingly, the Board maintains the full authority to take all actions necessary for operation of the University and shall adopt, and from time to time amend, the Regulations for the conduct of the Board, and the government and conduct of the University.

The University's Board of Trustees recently took formal action to pause the All-University Committee for the Evaluation of Administrators pending negotiations, pursuant to the Board's authority under the Senate Enabling Act. In light of this action, we wanted to address statements made by the Union at the September 26th session asserting that pausing the Committee for the Evaluation of Administrators is not status quo, as well as the question posed regarding whether the University will also suspend the administrations' evaluation of bargaining unit faculty.

Status quo during negotiations of a collective bargaining agreement applies to terms and condition of employment that are subject to bargaining for the group to whom status quo applies (in this case, the librarian and faculty units certified by SERB this past summer). Status quo does not extend to terms and condition of employment for management or employees in other bargaining units, or to other University policies and practices that do not impact bargainable terms and conditions of employment for represented employees to whom status quo applies.

Evaluation of administrators implicates the terms and conditions of employment for administrators. Because administrators are not in the bargaining unit and will not be covered by the collective bargaining agreement the parties are currently negotiating, the University is free to modify their terms and conditions at any time. The fact that the administration has solicited input from other University employees on the evaluation of administrators in the past does not create bargaining obligations with respect to that input, as there is no right recognized under labor law for bargaining unit employees to participate in the evaluation of management.

Again, because status quo applies only to bargaining unit members' terms and conditions of employment, any changes the University makes to the evaluation process for administrators (which, to be clear, is not suspended and will still go forward under an alternative process) would not affect the University's right to evaluate bargaining unit faculty pursuant to O.R.C. Section 4117.08(c)(2), or its obligation to maintain the status quo with regard to terms and conditions of employment for bargaining unit faculty. The University intends to evaluate faculty as it has done in the past, pending collective bargaining negotiations, and will meet its legal obligations insofar as the University is required by law to bargain over such evaluation procedures.