

SIMULATION-LAB FACULTY
Memorandum of Agreement
12/23/2024

The following article titled “Simulation-Lab Faculty”, along with the changes to Articles 2 and 26 identified below, outline the terms and conditions of the new rank of “Simulation-Lab Faculty” and shall be incorporated into the current 2023-2024 FSU collective bargaining agreement. Any changes agreed to in ongoing successor negotiations shall be applicable to these articles as well.

Article 21A. Simulation-Lab Faculty

This article, except as otherwise described within it, shall apply to all bargaining-unit members identified as Simulation-Lab Faculty in Article 2.2.2 of this Agreement.

99.1 Compensation for Simulation-Lab Faculty: The salary minima in Article 26.4 shall apply to all full-time and, on a pro-rata basis, all part-time Simulation-Lab faculty. At the time of any reappointment to the same title, an individual’s rate of pay may be the same as or higher than the rate at the end of the last appointment period but may not be lower.

99.2 Workload: The workload for full-time equivalent Simulation-Lab faculty shall be a maximum of 37.5 hours per week. Appointments at less than full-time shall have hours adjusted accordingly. The scheduling of Simulation-Lab faculty working hours shall be the right of the Simulation-Lab Director or designee in consultation with the faculty member.

99.2.1 Duties: The duties of Simulation-Lab faculty shall consist of simulation-lab education responsibilities and basic service, which shall include:

Teaching simulation sessions, along with assessing, evaluating, and consulting with Simulation-Lab students; Providing individualized Simulation-Lab student support as needed; Designing, reviewing, and revising simulation curriculum; Collaborating with clinical and nursing faculty and attending department and program meetings.

99.3 Additional Work for Part-Time Simulation-Lab Faculty:

99.3.1 Simulation-Lab faculty interested in teaching additional courses within a department can submit their name to the respective department chair and will be considered under Article 21.3.

99.4 Benefits for Simulation-Lab Faculty: Faculty who are employed on a part-time basis shall be entitled to appropriate fringe benefits in accordance with state rules, regulations or statutes.

99.5 Evaluation of Simulation-Lab Faculty: The annual evaluation of all Simulation-Lab faculty shall be conducted under the terms of Article 33.

99.6 Simulation-Lab Faculty at 50% FTE or Greater: These provisions shall apply to all Simulation-Lab faculty members with appointments at 50% or greater.

99.6.1 Appointments, Reappointments, and Notice Periods.

- 99.6.1.1 Initial Appointments Initial appointments may be made for any period of time, at the discretion of the Simulation-Lab Director, with approval of the Dean and Provost.
- 99.6.1.2 Subsequent reappointments shall be as follows, at the discretion of the Director:
- a. Simulation-Lab faculty in their first year of service should receive notice of reappointment or non-reappointment at least three months prior to the termination of their contract.
 - a. Individuals in their second year of service shall receive notice of reappointment or non-reappointment at least six months prior to the termination of their contract.

99.7 Continuing Appointments. Continuing appointment is defined as appointment with no end date, unless just cause for termination exists.

- 99.7.1 Reappointments before continuing appointment is achieved shall be at the discretion of the Dean (upon recommendation of the Director), who shall consider such factors as performance, need for the individual's services, availability of funding, and ongoing maintenance of licensure/certification (when required by respective accrediting and governance bodies). Non-reappointment during this same time period shall not be grievable. Any reappointment made after the faculty member reaches the service mark specified in 99.7.2 shall be a continuing appointment as specified in this section.
- 99.7.2 Upon completion of-three (3) years of continuous full-time-equivalent service at 50% time or more, from date of hire, Simulation-Lab faculty shall become eligible for reappointment to continuing appointments with no termination date. Periods of authorized leave shall not count as breaks in service towards continuing appointment but shall not accrue service towards continuing appointment.
- 99.7.3 Upon recommendation by the Director, and after a Dean's review based on such factors as performance, need for the individual's services, availability of funding, and ongoing maintenance of licensure/certification (when required by respective accrediting and governance bodies), the Dean determines whether the Simulation-Lab faculty member should be offered a continuing appointment.
- 99.7.3.1 In the case of a positive decision, the administration will extend an offer of continuing appointment at the current or above FTE level.
- 99.7.3.2 In the case of a negative decision, the Dean will give the faculty member written notice of non-reappointment in accordance with 99.3.1.3.
- 99.7.4 Termination for just cause.

99.7.4.1

Just Cause: Just cause for dismissal will be related to the fitness of the faculty member in his or her professional capacity, and may include, but not be limited to, demonstrated substantial and manifest neglect of duty or failure to perform one's duty, failure to maintain licensure/certification (when required by respective accrediting and governance bodies), severely inadequate performance, or egregious misconduct that substantially impairs the individual's fulfillment of his or her institutional responsibilities. When remediation is deemed possible, the University will make attempts at remediation prior to invoking dismissal procedures. Dismissal procedures will not be used to restrain faculty members in the exercise of their academic freedom, or in the exercise of any other rights they possess as members of society. If the effective date of the dismissal for cause of an individual in his or her first, second, or third year of service is prior to the expiration date of his or her appointment, and in all cases of dismissal for cause involving those on continuing appointments, the individual shall be entitled to due process prior to dismissal. During the consideration of dismissal for cause, the individual shall continue to receive his or her full salary. If in the judgment of the Administration the continued service of the individual would do serious harm to the University, the individual may be relieved of duties. In all cases of dismissal for cause, the procedures outlined in Article X shall be followed.

99.7.5 Layoff of Simulation-Lab Faculty with Continuing Appointments

99.7.5.1

Reduction or Elimination of Work. Any individual who has a continuing appointment may be laid off if the Dean determines that the work performed by the individual is being eliminated or reduced. In such cases, the individual shall be entitled to notice at least one year prior to the effective date of the layoff. Written reasons for the layoff shall be provided to the individual and to the Union. Such a layoff shall not be deemed retrenchment under Article 22, and none of the terms of that article shall apply. The work being done by the individual identified for layoff may continue, provided the remaining work is less than 50 percent FTE, and be performed at a reduced level by remaining Simulation-Lab faculty members if those remaining faculty members are qualified to perform that work and have greater seniority or if their additional duties are outside the qualifications of the terminated Simulation-Lab faculty member.

99.7.5.2

Order of Layoff. If the Administration decides to reduce the number of half- time or greater Simulation-Lab faculty members, seniority shall determine the order of termination among individuals whose duties and responsibilities and expertise are, in the judgment of the Administration, substantially the same. Seniority shall be defined as the number of calendar years of service as a Simulation-Lab Faculty, I, II, or III, or in positions, excluding student employment, with duties and responsibilities substantially the same as those commonly performed by the holders of these titles. See Article 21.13 for continuity of service as it affects order of layoff.

99.7.5.3 Recall After Layoff. Any individual who has a continuing appointment and has been laid off for any reason except for cause shall, upon request, have their name placed on a recall list for a period of three years from the date of layoff. Qualified individuals whose names are on the recall list shall be given an opportunity, in inverse order of layoff within the department or program, to be reinstated to available positions in their department or program for which, in the view of the Director, they are qualified. Any individual who refuses such an employment opportunity shall be removed from the list. Any offer of employment pursuant to this section must be accepted within fourteen (14) days after the date of receipt of the offer.

99.8 Retrenchment. At any time during an individual's service, the individual may be subject to retrenchment in accordance with the provisions of Article 22 of the Agreement. In such cases, the notice provisions and all other terms of that article shall apply, anything above to the contrary notwithstanding.

99.9 Promotion of Simulation-Lab Faculty

99.9.1 Progressive Simulation-Lab Faculty Titles. The progressive ranks of Simulation-Lab faculty shall be:

- 99.9.1.1 Simulation-Lab Faculty
- 99.9.1.2 Simulation-Lab Faculty I
- 99.9.1.3 Simulation-Lab Faculty II
- 99.9.1.4 Simulation-Lab Faculty III

99.9.2 Progression in ranks.

- 99.9.2.1 Simulation-Lab Faculty who have completed six years of full-time equivalent service in that title, or in a position with duties and responsibilities substantially the same as Simulation-Lab Faculty, or who have obtained their CHSE or an equivalent certification are eligible for consideration for promotion to the rank of Simulation-Lab Faculty I.
- 99.9.2.2 Simulation-Lab Faculty I who have completed six years of full-time equivalent service in that title, or in a position with duties and responsibilities substantially the same as Simulation-Lab Faculty I or who have obtained their CHSE-A or an equivalent certification, are eligible for consideration for promotion to Simulation-Lab Faculty II.
- 99.9.2.3 Simulation-Lab Faculty II who have completed six years of full-time equivalent service in that title, or in a position with duties and responsibilities substantially the same as Simulation-Lab Faculty II, are eligible for consideration for promotion to Simulation-Lab Faculty III.

99.9.3 Promotion Standards and Criteria: In addition to having accrued the necessary service credit, a Simulation-Lab Faculty candidate seeking promotion to a higher rank, must demonstrate evidence of:

- 99.9.3.1 Meritorious performance in the area(s) of the candidate's

responsibility.

- a. These areas shall include at minimum teaching and service referenced in Article 99.4.

99.9.3.2 Promise of continuing professional development and achievement.

99.9.4 **Timing:** The candidate should declare their intention to stand for promotion in May preceding the spring in which the promotion review will take place (see Academic Master Calendar for each year's specific deadline). The candidate may submit their portfolio to their Director no later than the first day of the spring semester of the academic year in which the candidate has accrued or will accrue the equivalent of six calendar years of service in their current rank, though additional materials may be added to the promotional file after that date as per Article 99.9.5. The review process will be conducted during the spring semester of that academic year; resulting promotions will be effective on the following September 1st. The candidate will be notified of the Provost's decision no later than August 15th of the summer after the academic year in which the review has taken place.

99.9.5 **Review Process:** Candidates for promotion to the rank of Simulation-Lab Faculty I, II, or III shall follow this review process:

99.9.5.1 Candidates who believe they are eligible to apply for promotion shall consult with the Director, who in turn shall consult with the Dean/Provost, to confirm eligibility.

99.9.5.2 Candidates must declare for promotion by the deadline date set in the Academic Master Calendar for the spring preceding the academic year in which the promotion will be reviewed.

99.9.5.3 The candidate shall assemble a portfolio of accomplishments in their area(s) of responsibility, including a personal statement, a current *curriculum vitae*, and all other materials that the candidate believes will be essential to an adequate consideration of the case and submit the portfolio to their Director by the first day of the Spring semester. When material is added to the basic file beyond the departmental level, the Departmental Personnel Committee and the Director shall have opportunity to respond as to its substance and appropriateness; unless it is protected by waiver, the faculty member shall also have this opportunity.

99.9.5.4 Candidates who wish to include in the portfolio letters of evaluation from scholars or professionals in other University departments or from outside the University shall supply a list of such potential evaluators to the Director with the portfolio. The Director shall solicit evaluations from the individuals suggested by the candidate and may solicit evaluations from

other relevant scholars and professionals.

- 99.9.5.5 The Director adds to the file all available evaluations of teaching effectiveness.
- 99.9.5.6 The Department Personnel Committee reviews the portfolio and forwards its numerical vote and recommendation to the Director, simultaneously sending a copy to the candidate.
- 99.9.5.7 The Director reviews the portfolio and forwards their recommendation to the relevant College Personnel Committee, simultaneously sending copies to the Chair of the Department Personnel Committee and to the candidate. Prior to making a recommendation that may be contrary to the recommendations forwarded from the Department Personnel Committee, the Director shall invite the DPC to provide additional information for the basic file or clarification of the recommendation.
- 99.9.5.8 College Personnel Committees shall be constituted as follows: the relevant standing College Personnel Committee, expanded by one or two Simulation-Lab Faculty I, II, or III, selected in accordance with the normal college process for populating the CPC. These committees shall review the portfolio and forward their numerical votes and recommendations to the Dean, simultaneously sending copies to the Director, the Chair of the Department Personnel Committee, and the candidate. Prior to making a recommendation that may be contrary to either of the recommendations forwarded from the DPC or Director, the CPC shall invite the DPC and/or the Director to provide additional information for the basic file or clarification of the recommendation.
- 99.9.5.9 The Dean shall review the portfolio and forward their recommendation to the Provost, simultaneously sending copies to the College Personnel Committee, the Director, the Chair of the Department Personnel Committee, and the candidate. Prior to making a recommendation or decision that may be contrary to the recommendations forwarded from the departmental level, the Dean shall invite the department to provide additional information for the basic file or clarification of the recommendation.
- 99.9.5.10 The Provost shall review the portfolio and inform the candidate and all previous levels of review of their decision. Prior to making a decision that may be contrary to either of the recommendations forwarded from the school or college level, the Provost shall invite the Dean to provide additional information for the basic file or clarification of the recommendation.

99.9.6 **Effective Date of Promotion:** The promotion of a successful candidate will take effect on September 1st of the academic year following the Provost's decision.

99.10 **Continuity of Service and Seniority.** See Article 21.13

99.11 **Suspension and Dismissal for Disciplinary Reasons**

99.11.1 The provisions contained in Article 18, Sections 18.1 through 18.5 shall apply to Simulation-Lab faculty members.

99.11.2 Except for serious misconduct, progressive discipline shall ordinarily be applied, which may include specific attempts to remediate conduct or performance, as well as measures such as reprimand, censure, or suspension.

99.11.3 Notwithstanding the provisions contained in the Dismissal Hearing Procedures section of Article 18.5, whenever the University seeks to suspend or dismiss a Simulation-Lab faculty member, the following procedures shall apply:

99.11.4 **Suspension and Dismissal Hearing Procedures.** These procedures shall apply to all instances where suspension or dismissal of a Simulation-Lab faculty member is being considered except those covered by the "Policy on Responsible Conduct of Research and Scholarly Activities." It is expected that, where remediation is deemed possible, Directors will file formal charges only after attempting to resolve the situation informally with the faculty member.

99.11.4.1 **Filing of Formal Charges.** If informal efforts to resolve the matter (when called for) are not successful, the Director shall file formal charges and a recommendation for suspension/dismissal. The written notice shall be given within ninety days after the University becomes aware of the matters giving rise to the charge, or of the latest incidence of a recurring or persistent problem (though this period may be extended for an additional thirty days in order to conduct an informal resolution process). Such charges and recommendations shall be filed with the appropriate Dean with copies to the faculty member and the Union and shall include:

- a. A detailed statement of the charges, with reasonable particularity;
- a. As to each charge, the names of the witnesses, insofar as known, who will testify in support of the specific allegations; and;
- a. Insofar as known, the documentary evidence that will be presented.
- a. The faculty member may file a response with the

appropriate Dean with copies to the Director and the Union. Any response shall be become part of the record. Any written charges or responses may be amended upon the discovery of additional information.

99.11.5 Hearing and Recommendation.

99.11.5.1

The appropriate Dean shall convene the Departmental Personnel Committee (or a sub-committee as determined by the Departmental Personnel Committee), or where one does not exist an *ad hoc* committee (hereafter referred to as the Hearing Panel), for the purpose of conducting a hearing and rendering a recommendation for disposition of the charges. Any Simulation-Lab bargaining unit member subject to this dismissal process will be given a minimum of 3 weeks following receipt of notification of the formal charges to prepare for the dismissal hearing.

99.11.5.2

The Hearing Panel shall designate a Chair.

99.11.5.3

The Hearing Panel shall conduct a hearing in accordance with the following:

- a. The faculty member may be represented by the Union or other academic or personal representative, and the Director may be represented by another University academic or administrative officer. Neither party shall be represented by an attorney unless the charge includes allegations of criminal conduct.
- a. The academic Director has the burden of proof.
- a. The faculty member and the Director and their representatives shall have the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to introduce documentary evidence. Members of the Hearing Panel may also question witnesses and may limit the amount of time permitted for each of these activities.
- a. With appropriate notice to all parties, the Hearing Panel may call its own witnesses, who may be cross-examined by the faculty member and the Director or their representatives.
- a. The Hearing Panel shall not be bound by the rules of evidence.
- a. Following the hearing, the Hearing Panel shall file written findings of fact and a recommendation for disposition with the appropriate College Personnel Committee, with copies to the appropriate Dean, Director, the faculty member, and the Union.
- a. The appropriate College Personnel Committee shall review the findings and recommendation for disposition and, after inserting any comments, shall file the DPC's findings and recommendation for disposition with the appropriate Dean, with copies to the Director, the faculty member, and the Union.

99.11.5.4 Decision by Appropriate Dean. Upon consideration of the Hearing Panel's findings and recommendation, the appropriate Dean shall determine whether to: 1) reject the charges; 2) suspend or dismiss the faculty member; or 3) take other action, and shall, within fourteen days of receipt of the CPC's transmission, notify the Director, the Department Personnel Committee, the faculty member, and the Union in writing.

99.11.5.5 If the DPC has not recommended suspension or dismissal, and the Dean decides to proceed to suspend or dismiss, the Dean must provide compelling reason for doing so.

99.11.5.6 Appeal to Provost. The faculty member may file a written appeal to the Provost of an adverse decision by the appropriate Dean. The appeal shall be filed no later than fourteen (14) calendar days from receipt of the Dean's decision. The Provost shall render a decision in writing within fourteen (14) calendar days of receipt of the faculty member's appeal to the Dean's decision. The Provost's decision shall be final

Other Contract Provisions:

ARTICLE 2

2.2.2. Non-tenure-track Faculty:

- Clinical Professor and Clinical Lecturer, all ranks;
- Extension Professor, all ranks;
- Lecturer, all ranks;
- Librarian, all ranks;
- Simulation-Lab Faculty, all ranks;
- Program Director (not otherwise excluded);
- Research Professor, all ranks;
- All other Non-tenure-track Faculty (not otherwise excluded).

ARTICLE 26

Promotional Increases: A bargaining-unit member who receives a promotion shall receive the base-salary increase shown below, effective on the same date as the promotion which shall take effect September 1st following the academic year in which the successful review takes place.

Senior Lecturer/Clinical Senior Lecturer	\$6,500
Senior Lecturer II/Clinical Senior Lecturer II	\$6,500
Senior Lecturer III/Clinical Senior Lecturer III	\$6,500
Clinical Assistant Professor	\$7,500
Clinical Associate Professor	\$8,800
Clinical Professor	\$14,000
Assistant Professor	\$8,000
Associate Professor	\$9,400
Professor	\$14,700
Librarian II	\$6,500
Librarian III	\$8,000
Librarian IV	\$9,400
Librarian V	\$10,600
Simulation-Lab Faculty I	\$7,500
Simulation-Lab Faculty II	\$8,800
Simulation-Lab Faculty III	\$14,000

26.4.1 Salary Floors: The salary floors for all bargaining-unit members shall be as follows, effective July 1, 2021:

Rank	Base Salary Floor for 100% FTE by Rank
Instructor	\$61,000
Assistant Professor	\$70,000
Associate Professor	\$80,000
Professor	\$100,000
Lecturer/Clinical Lecturer	\$53,000
Senior Lecturer/Clinical Senior Lecturer	\$61,000
Senior Lecturer II/Clinical Senior Lecturer II	\$65,000
Senior Lecturer III/Clinical Senior Lecturer III	\$69,000
Clinical Assistant Professor	\$68,000
Clinical Associate Professor	\$78,000
Clinical Professor	\$98,000
Librarian I	\$54,000
Librarian II	\$60,500
Librarian III	\$68,500
Librarian IV	\$78,000
Librarian V	\$88,500
Simulation-Lab Faculty	\$75,000
Simulation-Lab Faculty I	\$100,000
Simulation-Lab Faculty II	\$105,000
Simulation-Lab Faculty III	\$110,000

Salary floors for faculty ranks are for nine-month appointments and will be adjusted accordingly for twelve-month appointments, except: 1) as provided in Article 14.3, 2) and for Simulation-Lab faculty whose salary floors are for calendar year appointments.

Mickey Gallagher

Mickey Gallagher (Dec 24, 2024, 1:31 EST)

For the University of Massachusetts Boston

Date: 24/12/24

Annetta Argyses

Professional Staff Union/MTA/NEA

Date: 23/12/24

Caroline Coscia

Caroline Coscia (Dec 23, 2024 16:27 EST)

For the Faculty Staff Union/MTA/NEA

Date: 23/12/24