

GROUND RULES FOR BARGAINING
BETWEEN
THE DEPARTMENT OF HIGHER EDUCATION
AND
THE MASSACHUSETTS COMMUNITY COLLEGE COUNCIL DAY UNIT

1. The parties agree that they have authority to negotiate and to make tentative agreements that shall be subject to final ratification by their respective constituencies.
2. The parties may not submit new proposals after their sixth (6th) negotiation meeting, except by mutual waiver; except, each party shall be deemed to have reserved the right, in good faith, to submit new proposals for the purpose of facilitating the resolution of other outstanding matters or to address issues that may arise during bargaining. The bargaining committees shall exchange proposals and conduct other business through their principal negotiator. (For purposes of this provision, meetings called for purposes of establishing ground rules, shall not count as one of the first six (6) meetings).
3. All tentative agreements may be initialed and dated or signed electronically by the principal representatives of each party; provided, however, that every such tentative agreement shall be subject to and contingent upon the parties' entering into a final and complete collective bargaining agreement, and each party shall be deemed to have reserved the right, in good faith, to reopen negotiations in respect of any such tentative agreement for the purpose of facilitating the resolution of other outstanding matters.
4. Meetings for the purpose of negotiations shall be held at mutually agreeable dates, times and places, including meeting on virtual platforms. The parties will be prepared to bargain at sessions. The parties agree to share the cost of collective bargaining negotiations, including, but not limited to, the cost of securing a meeting room or rooms and providing refreshments for in-person bargaining sessions.
5. In the event that either party has non-bargaining team observers at a bargaining session, such observers shall be advised in advance that they are observers to the session and shall remain muted in the media platform during the bargaining session. MCCC unit members shall be considered observers of the MCCC and college administrators shall be considered observers of the BHE/Colleges. Each party is responsible for the conduct/behavior of their respective observers. It is expressly understood that active participation, including but not limited to speaking, during bargaining sessions, is limited to bargaining team members and any experts that either party wishes to participate. Additionally, observers shall not speak or disrupt by distracting or interrupting bargaining. If an observer engages in disruptive conduct, they will be asked to comport themselves in an appropriate manner by their respective bargaining team chair. If the disruptive behavior continues after such warning, the observer will be asked to leave the session/platform by their respective bargaining team chair. All bargaining shall pause

until the disruptive observer leaves the session/platform The observer may be allowed to attend future sessions (provided they do not interrupt bargaining in that session).

6. The parties shall endeavor to establish an agenda for the next meeting after each bargaining session.
7. The parties reserve the right to communicate with their respective constituencies concerning the negotiations and to communicate with others concerning the negotiations consistently with the requirements and limitation of law. All correspondence between the parties shall be made exclusively through the principal representatives of each party and the chief negotiators of each bargaining team.
8. The Department of Higher Education and/or Colleges shall make available to the Association, upon its written or oral request and as soon as may be practicable thereafter, such statistics and information in the possession of the Department or the Colleges that are related to the collective negotiations. It is understood that this shall not require the Department or the Colleges to compile such information and statistics in the form requested unless already compiled in that form or to supply any information that is confidential as a matter of law.
9. Once the date of a negotiation session has been established, if either of the parties finds that it cannot meet on that date or that it will be unprepared to negotiate on that date, it will inform that other party promptly with forty-eight (48) hours notice when feasible. The parties agree to make every effort to have meetings start at the designated time.
10. Each side shall have the right to caucus at any time for a reasonable period of time and shall inform the other party of the anticipated length of caucus.
11. The parties agree to meet virtually, until the parties agree to schedule in-person bargaining sessions.
12. For bargaining sessions that are held virtually, the following shall apply:
 - a. The parties will use an established and secure video conference platform for their bargaining sessions such as Zoom. Security measures such as requiring the use of a password or waiting room to access the video conference bargaining session shall be used.
 - b. The Private Chat of the videoconference platform feature shall be disabled on any virtual platform the parties use.
 - c. Each party will keep its own notes. Audio and video recordings of bargaining sessions are not permitted.
 - d. Near the start of each meeting, both parties will confirm names of all participants. After this confirmation, the host shall enable the Waiting Room and any new participants joining the meeting shall be announced to both parties so attendance lists may be amended.

- e. All members participating in a bargaining session shall identify themselves by displaying their full name on their screen. All members of the bargaining team shall enable their video unless both bargaining teams agree to make an exception to this rule. A bargaining team member that is unable to join the meeting with video shall inform both teams of the need for an exception.
 - f. For bargaining sessions that span the typical lunch hour, the parties shall take a one-half hour lunch break at a mutually agreeable time.
13. Individuals participating in bargaining sessions will be respectful and courteous to all other bargaining session participants.

FOR MCCC DAY UNIT

FOR BHE

By: Claudine E. Barnes

Title: Chair, Day Negotiations

Dated: June 30, 2021

By: /S/ Michael J. Murray

Title: Director of Labor Relations

Dated: June 29, 2021