

**ARTICLE 44
WAIVER**

- A. **The University and UPTE acknowledge that:**
1. **During the negotiations which resulted in this Agreement, each party had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining;**
 2. **This Agreement constitutes the entire contract arrived at by the parties after the exercise of that right and opportunity;**
 3. **This Agreement supersedes and replaces the specific rights and/or procedures set forth under the various personnel programs and policies, which previously applied to employees covered by this Agreement.**
- B. **As a result of the acknowledgments in Section A. above, the University and UPTE agree that, for the term of this Agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to, or covered within this Agreement, or with respect to any subject or matter not specifically referred to or covered by this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this Agreement.**
- C. **Notwithstanding Section B. above, the articles in this contract may be reopened for negotiation at any time by mutual agreement of the parties.**