

Guide to the Article 9 Process

SIUC Faculty Association

Note: This is meant as an informal guide to a complex process. In the event of conflict between this guide and the CBA, the CBA is authoritative.

Below you'll find, first, an overview of Article 9 of the Collective Bargaining Agreement (CBA) and, second, a more detailed guide to Section 4 of Article 9 (which covers the phase we're in now).

I. Overview of Article 9, Sections 3-5

Article 9 of the CBA mandates the process for academic "Program Changes" at SIUC. The article applies to the initiation, merger, reduction, or elimination of a degree program or department/school. The rules lay out the process for developing proposals, discussion and revision of proposals, the formal votes by Faculty on plans, and the review of those plans by the FA, the Faculty Senate, and/or the Graduate Council.

It is important to note that Article 9 distinguishes between a proposed plan, sometimes referred to as a "Proposal," and a formal "Program Change Plan." In order to become a formal "Program Change Plan," the proposal must go through the processes outlined in Article 9, sections 3 and 4. Votes taken in these stages are either informal "straw polls" or votes about process. The formal Faculty vote on the "Program Change Plan"—the formal vote on whether or not to approve a plan—takes place following the procedures laid out in section 9.05. The key point at the moment is that the documents delivered to Faculty on November 13 are "Proposals," not formal plans.

Remember, too, that Faculty may develop their own proposals and plans, following the requirements and processes outlined in Article 9. The administration cannot hinder the formation of alternative proposals or plans. Alternative plans generated by Faculty will also get a hearing at the Faculty Senate and Graduate Council.

If you have any questions for the FA, or need any help in this process, please let us know. (You may write Dave Johnson at dmj2@me.com or contact any FA officer.)

9.03: Development of Proposal. This section outlines how proposals for program changes are to be developed by administrators or by Faculty. The language lays out mandatory components of the "developmental process" that must be carried out in accordance with existing departmental operating papers. It also includes a list of mandatory components of a proposal. The current proposals issued by the administration on November 13th have already gone through this process.

9.04: Presentation, Discussion, and Revision of Proposal. This section outlines the process of further development of a proposal. It includes rules guiding the "proposal dialogue process," which involves Faculty discussion, dialogue amongst Faculty and administrators, and revisions to proposals. It applies to all proposals, whether they come from the Faculty or from the Administration. At the end of this process, the "Proposal"

becomes the “Program Change Plan.” Details of any votes, meetings, etc., must be carried out in accordance with the CBA, if it differs from operating papers. The votes in this phase are not considered formal decisions of the department about the substance of the plan. The current proposals are now going through this process, the details of which are explained in section II, below.

9.05: Presentation of the Program Change Plan and Formal Faculty Vote. This process starts after the discussion phase has ended and the “proposal” has become a “plan.” Section 9.05 lays out rules for the final discussion and the formal Faculty vote on the “Program Change Plan,” whether it has been developed by Faculty or the Administration. The rules for meetings and votes are mandated by the CBA. During the process in 9.05, the “Program Change Plan” moves from the “affected units” to the FA President, and to the FS and GC. If the plan is substantively modified by the end this process, the plan must go back through the processes in this section.

II. Detailed Guide to Section 9.04

Please use this guide (and others that we’ll be sending out at the appropriate time) to make sure your department’s input into the process is accounted for, and to monitor the procedures implemented by the administration. If these diverge from this guide, keep a record of it and inform the nearest FA representative (e.g., your Departmental Council Rep, your College Rep, a member of the grievance committee or of the Executive Committee) promptly.

Definitions:

a. **“Affected Faculty.”** Since the current proposals are for the creation of entirely new schools and the elimination of current departments and schools, the definition of the “affected Faculty” in any proposal includes any member of any existing department/school that is included in the proposal. That means that if your department is being split up among more than one new school, you are an “affected Faculty” member in any and all proposals involving your department/school. Please note that tenured and tenure-track Faculty, i.e., the Faculty covered by the CBA, are indicated by a capital F in the word “Faculty.”

b. **“Appropriate Administrator.”** Since the current proposals all involve the merger of at least two departments, the appropriate administrators discussed in this section are not department chairs or school directors. For proposals that involve the merger of department/schools that are all in the same college, the appropriate administrator is the dean of that college. For proposals that involve the merger of department/schools that are in different colleges, the appropriate administrator is the provost.¹

¹ The administration appears to believe that chairs and directors are the appropriate administrators. On our reading deans and the provost are the appropriate administrators, given that no chair routinely supervises Faculty from multiple departments, and no dean supervises Faculty from multiple colleges.

9.04 Timeline: The timeline for the “proposal dialogue” process began with the distribution of the proposal to “affected Faculty,” which in the current case happened on November 13. From that date, the CBA allows 90 calendar days (including breaks) for meetings and dialogue about the proposal. Again, the clock is now ticking. But this time limit can be modified in two ways: if the Faculty in each and every department/school involved in the proposal vote to do so by a 60% majority, the proposal can be (a) sent forward early at any time, or (b) the discussion period can be extended by 30 days. In other words, the timeline for the formal vote for a proposal involving multiple units cannot be accelerated or prolonged by a single department, but only by successful votes in each of the affected departments.

After the allotted time for the “proposal dialogue process” has been completed, Faculty have seven more days to submit written responses and dissenting opinions, which will be included with the proposal as it proceeds to the next phase. Once this process has been completed, the proposal becomes a “Program Change Plan,” and moves forward to the procedures laid out in Article 9.05.

The “Proposal Dialogue Process”: section 9.04.1-3 (the process in which we are currently involved).

The “appropriate administrator” coordinates the “proposal dialogue process.” At some point after distributing the proposal (which has already happened), they must schedule at least two meetings:

(a) one meeting including all “affected Faculty” (i.e., a joint meeting of all Faculty from all the current department and schools involved in the proposal) and other “interested parties” with appointments in the affected units *excluding* non-bargaining unit administrators (permanent chairs on up).

(b) one meeting including all affected Faculty and interested parties with appointments, *including* relevant administrators.²

The minimum requirement is these two meetings, but affected Faculty are welcome to schedule as many meetings as they want to complete this process, including meetings within individual affected departments.

The appropriate administrator must make sure that the “proposal dialogue process” makes possible the following:

- a) Questions and clarification from affected Faculty
- b) Anonymous, non-binding votes
- c) Anonymous feedback

² The administration’s guide to the Article 9 calls only for meetings *within each affected unit*. The FA has no objection to such meetings, but on our reading the contract requires *joint meetings attended by faculty from all affected units*. It is obviously imperative that faculty considering a merger meet with all those they are considering merging with.

d) Written drafts from Faculty or administrators to develop or revise the plan.

The mechanisms for a, b, c and d should be set up by the appropriate administrator. Any anonymous feedback or new drafts (c and d) should be shared with faculty in a timely fashion and must be shared before the proposal proceeds to the next phase.

Faculty should keep minutes of meetings and records of any votes, anonymous feedback, and drafts for revision because these will be included in the “Program Change Plan” that will be forwarded to the Faculty Senate, Graduate Council, and Faculty Association President at the end of this phase.

Within seven days after the “proposal dialogue process” time period has been completed (including any extension), dissenting opinions and other written responses may be submitted to the appropriate administrator. These will also be included in the “Program Change Plan.” This does not preclude written responses from being submitted to the administration or Board of Trustees prior to the end of the process.

The proposal, including any proposed changes emerging out of the dialogue process, should be shared with curriculum committees at the department/school and college levels and with the central administration (APAP) for informal review. The proposal can be modified in response to these reviews.

All the documentation from this phase will be gathered by the administration and included with the “Program Change Plan” that will be formally considered through the various processes outlined in section 9.05. We anticipate sending out more guidance on that part of the CBA early next semester.

Once again, please keep the FA informed promptly if the processes in your department diverge from the rules outlined in this guide.