

Guidance for Program Changes Requiring Article 9 Notification
(revised March 23, 2014)

This information is intended to provide guidance to faculty and departments that are exploring program changes that could include “initiating, merging, reducing (separating, severing, or removing a program, but not eliminating), or eliminating an academic degree program or academic department/school or Library Affairs unit.” In addition, it is intended to provide clarification and guidance as to the appropriate steps in relation to Article 9 of the [SIUCFA collective bargaining agreement](#).

Initial Plan Development Stage

This will typically include informal discussions with department faculty, department chair/director, dean, and relevant administrators and stakeholders. Discussion should revolve around the practicalities of the desired changes, as well as address the necessary information that will evolve into a proposed plan for change (i.e., Reasonable and Moderate Extension (RME) or New Unit of Instruction (NUI), as appropriate). During these discussions, straw polls may be utilized to determine tentative support for the proposed changes, but **no formal vote** should occur at this point of the process.

It is important at this early stage of development to ascertain whether a prospective proposal would likely necessitate Article 9 notification procedures. Faculty and departments are encouraged to seek consultation from the Offices of the Associate Provost for Academic Programs (APAP) and of the Associate Provost for Academic Administration (APAA). The APAA office, in consultation with relevant parties, makes the final determination of whether the plan invokes Article 9 and, if so, the affected units.

Formal Proposal Preparation Stage

Once a department/unit has determined they wish to proceed with development of a formal proposal to implement a program change, several steps are required. In the early stages of development, all proposals will follow the same trajectory. If the proposal requires Article 9 notification, those processes are described below.

The department chair/director should work with the faculty to develop and prepare a formal proposal document that includes the proposed changes utilizing the RME or NUI form as necessary and appropriate. Units are encouraged to work closely with the [Associate Provost for Academic Programs](#)' office, which can provide guidance and assistance in correctly and thoroughly completing the RME/NUI. Relevant operating paper provisions related to curricular modification should be followed (e.g., review of an RME/NUI by departmental or college-level curricular committees). During the RME/NUI development process, informal input is sought by the APAP's office from the President's office, in their capacity as the university's liaison with the IBHE. For proposals involving graduate programs, informal feedback may also be sought from the Dean of the Graduate School. Following informal review, the initiating unit may make additional revision of the RME/NUI. Following completion of any such revision and transmission of the final RME/NUI to the Associate Provost for Academic Programs' office, the RME/NUI is ready for Article 9 notification and review processes. It is important that the RME/NUI brought ultimately for Faculty vote be in final form; this is the same document that will be presented to Faculty Senate and/or Graduate Council (as appropriate).

Notice Requirement

For RME/NUIs that are subject to Article 9, the initiating unit and any other affected units will be contacted by the APAA office. Section 9.01 of the Collective Bargaining Agreement requires notification and specific documentation to be provided to Faculty in all affected unit(s), as well as to the Faculty Association. This must be done **prior** to scheduling any formal meeting to include a vote on the proposal, but should occur after the RME/NUI (i.e., the proposed plan) has been developed and passed the informal review stage noted above. The APAP office provides the final version of the RME/NUI to the APAA office. *This is the formal trigger for initiation of the Article 9 notification process.*

Collection of required 9.01 information material

Following receipt of the final RME/NUI, the APAA office will transmit a detailed memorandum to *all* affected units to provide specific guidance as to the information that §9.01 requires. This initial phase requires collection of additional documentation from affected units. Please note that the APAA office will officially transmit all required information to the Faculty Association in our role as Contract Administrator

once it has been compiled. This information is not to be transmitted directly to the Faculty Association by the affected units.

The information to be provided to the APAA office by all relevant parties as part of the Article 9 Notification, **prior to any vote**, must minimally include the following:

- A. The reasons for the proposed plan (this is typically included in a cover memo, but may well be included in the RME/NUI itself);
- B. A copy of all documents clearly related to the proposed plan. This will include:
 - 1. The plan itself (most typically, the RME/NUI)
 - 2. Any minutes of meetings taken during faculty meetings during which the provisional plan was discussed (during both the initial planning and/or formal proposal preparation stages)
 - 3. Any other documents that could be construed as being clearly related to the plan (e.g., any written communication (feedback, listserv discussions, etc.) submitted regarding the provisional plan).
- C. Possible consequences, if any, of the proposed plan on the University's Carnegie Research Extensive status plan (this is typically included in a cover memo, but may well be included in the RME/NUI itself) ;
- D. If known, the direct effect, if any, on Faculty salary lines (this is typically included in a cover memo, but may well be included in the RME/NUI itself); and,

Section 9.01 Notice

Following collection of all the information above, the APAA office will transmit the information packet to the affected units (recognizing that there might be information from one affected unit that had not been known to another affected unit) and to the Faculty Association. This transmission includes a detailed memo to the affected units that provides specific guidance on scheduling the required meeting and vote on the RME/NUI, as well as deadlines for the required §9.02 Faculty vote.

Once the §9.01 required information disclosure described above is complete, the RME/NUI *may* be transmitted to the appropriate constituency group(s) (Faculty Senate and/or Graduate Council) for initial review by the APAP office, concurrent with the required Article 9 processes. RME/NUIs that are forwarded to constituency group(s) for concurrent review include documentation clarifying that no final recommendation can be made by the constituency group(s) until the constituency group(s) receive the Article

9 vote and reports from the affected unit and the deadline for Faculty Association Review (§9.03) has passed.

Formal Meeting and Vote Stage (following notification procedures outlined above)

Section 9.02 of the Collective Bargaining Agreement provides for a formal Faculty (FA-represented Faculty) meeting and vote on the proposed plan in each affected unit. Please note that department/school operating paper provisions may call for voting procedures that differ from those described below. In such cases, the Article 9 voting requirement **must** be met. In some instances, this could require that two department/school votes be taken. For example, departmental or college operating papers may allow for votes on program changes by non-FA-represented faculty. Article 9 does not prohibit such votes from taking place, but Article 9 **does** require that a vote specifically by FA-represented Faculty be reported. If votes or input from other constituency groups is taken, the department/college *may* include this information in its report, but **such votes are not reported as part of the Article 9 requirement.**

Pre-Vote Meeting Requirement

Prior to the vote (and after receipt of the §9.01 notification material described above), a formal meeting of Faculty in each affected unit(s) **must** be held in order to discuss provisions of the proposed plan. This meeting is typically called by the Chair/Director of the affected unit (or, the Dean if the affected unit is the entire college). Minutes shall be kept of any such meeting, in accordance with §9.02. Faculty in all affected unit(s) shall also be notified by the Chair/Director (or Dean if appropriate) of the specific time and place when the required Article 9 vote will occur.

Vote Requirements

1. Voting – Following the required meeting described above, a **vote by FA-represented Faculty** shall be **conducted as a secret ballot**. The vote must meet other obligations as may be outlined in the department operating paper (e.g., regarding proxies).
2. Vote Count - The vote shall be tabulated immediately at the conclusion of the voting period and in the presence of the affected unit(s) Faculty.
3. Vote Reporting – In accordance with §9.02, the results of the vote shall be provided to the APAA office. In addition, the minutes of the required affected

unit(s) meeting, the unit(s) report(s) on the proposed plan, and any recommendations/suggestions and minority reports must be provided to the APAA office within the deadline communicated previously by the APAA. Please note that the vote and associated materials are not to be communicated by the department/school directly to the Faculty Association, as there are additional materials that must be included in the communication from the APAA office to the SIUCFA. Once all affected units have provided the required §9.02 vote and supporting materials to the APAA office, the collected vote summaries and associated documents are formally transmitted by the APAA office to the Faculty Association and Faculty Senate and/or Graduate Council as appropriate. (If the RME/NUI itself was not transmitted to the Faculty Senate/Graduate Council following the initial Article 9 information disclosure as described above, the RME/NUI will be forwarded by the APAP office to the relevant constituency groups at this time.)

Review Stage

The Collective Bargaining Agreement also outlines the review process for the proposed program changes.

Faculty Association Review Requirement

Section 9.03 includes the opportunity for the Faculty Association to review the proposed plan (RME/NUI), the results of the Faculty vote of the affected unit(s), and any information that was provided (as above) related to the plan. Prior to the proposal being voted on by the Faculty Senate and/or Graduate Council, the Faculty Association is afforded an opportunity to provide a written response to either or both constituencies, as appropriate, within the specified deadline communicated to the union by the APAA office. This response is advisory and is to provide additional information for consideration by the Faculty Senate and/or Graduate Council.

Constituency Group Review Requirement

Section 9.04, *University Review* (i.e., review by Faculty Senate and/or Graduate Council), provides that those bodies review the proposal according to their by-laws. They provide their final analysis and recommendations to the Provost and Vice Chancellor for Academic Affairs within the deadline provided by that office.