

Memorandum of Agreement Between Utica University and AAUP-Utica

WHEREAS, Utica University ("Employer," "College," or "University") and AAUP-Utica ("Union") (collectively "the Parties") are parties to a Collective Bargaining Agreement ("CBA") and an October 6, 2023 Memorandum of Agreement that extends the CBA through May 31, 2027;

WHEREAS, the Union filed a grievance on January 10, 2023;

WHEREAS, the Union, in accordance with Article 16.1, Step 4 of the CBA filed a Demand for Arbitration on March 7, 2023 (Case Number 01-23-0000-9549);

WHEREAS, the request for arbitration is pending at the American Arbitration Association (Case Number 01-23-0000-9549);

WHEREAS, the Union and the University seek to settle the grievance filed on January 10, 2023;

NOW WHEREFORE, the Parties agree as follows:

Both parties agree to the understanding that the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, course content, research, and faculty status. The final authority regarding what academic programs, degrees, and credentials are awarded by the University rests with the Board of Trustees.

1) Curriculum Committee

Consistent with Article 7, Section 1 of the Collective Bargaining Agreement, the Curriculum Committee shall consider, study and make recommendations regarding matters related to the curriculum of the University.

- A) The Curriculum Committee shall receive, consider and/or initiate all requests for, or studies of new or revised curriculum changes, including but not limited to the general education program, majors, minors, special programs, courses, certificates, course credit, descriptions, numbers, titles, methods of instruction, graduation requirements, prerequisites, corequisites, course cross lists, credentials (e.g., degrees, majors, minors, certificates), and all standards and policies pertaining to the University's academic offerings.
- B) The Curriculum Committee shall consider what changes are academically wise, financially practicable, and within the mission of the University.

- C) The Curriculum Committee shall report and recommend 1A) and 1B) to the Faculty Senate.

2) Faculty Senate

Faculty Senate shall receive any and all proposed changes addressed in Section 1. Faculty Senate shall, consistent with its bylaws, review and make the final recommendations to the President to consider on such proposals.

3) Program Deactivation and Deletion Process

A deactivated program is put into abeyance and can be reactivated at a later date. A deactivated program is still part of the University's curriculum, but it is not currently active. A deactivated program can be reactivated as it remains a part of the University's curriculum.

A deleted program is completely removed from the University's curricular offerings, is no longer a part of the University's curriculum, and cannot be simply restored. An entirely new program application must be submitted that follows the standard program addition process.

No program may be deactivated or deleted, nor may any program be removed from the University catalog and/or University website, nor may the University announce it is deactivating or deleting a program, nor may the University prevent or discourage students from registering in any program, until the processes outlined in this Agreement have been completed.

Program deactivations and deletions may only be proposed by the academic department that houses the program (or academic departments that house the program as the case may be) or Academic Affairs.

A) Program Deactivation and Deletion Process If Proposed By Academic Affairs

- 1) Ideally, before a program deactivation or deletion proposal is considered by Academic Affairs, Academic Affairs will have worked collaboratively with the relevant academic department(s) and Admissions to address the issues facing the program.
- 2) Any proposal from Academic Affairs to delete or deactivate an academic program must be made by the Wednesday of the first week of traditional ground undergraduate classes during the Fall Semester for it to be considered during that academic year.
- 3) If Academic Affairs is considering deactivating or deleting a specific program, it shall call a meeting with the affected department(s), including all bargaining unit faculty members who teach in the program, to discuss the proposed program

deactivation or deletion. The affected department(s) may request a Union representative of their choosing be present at this meeting. Academic Affairs shall notify the department(s), bargaining unit faculty members, and the Union of the meeting and its purpose no less than 5 business days in advance of this meeting. Such notice shall be delivered no later the Wednesday of the first week of traditional ground undergraduate classes during the Fall Semester. The aforementioned meeting shall take place no later than Friday of the second week of traditional ground undergraduate classes during the Fall Semester.

- 4) During the meeting, Academic Affairs shall provide an explanation in writing of the reasons for the proposed deactivation or deletion, as well as all relevant documents, to the department(s). Regardless of Academic Affairs' rationale for the program deactivation or deletion, financial documents regarding the program shall be provided. The aforementioned documents shall also be provided to the Union, regardless if a Union representative is present during the meeting.
- 5) After the meeting, the academic department(s) shall review the deactivation or deletion proposal, as well as all relevant documents, and make a recommendation regarding the program deactivation or deletion in a subsequent meeting with Academic Affairs called by the department(s) for that purpose. The affected department(s) may request a Union representative of their choosing be present at this meeting. Such meeting shall take place no later than the Friday of the tenth week of traditional ground undergraduate classes during the Fall Semester.
- 6) If, after the meeting in 3(A)(4), Academic Affairs still wishes to continue forward with the proposed program deactivation or deletion, a meeting shall be called with the School/Division that houses the program for the purpose of discussing the proposed program deactivation or deletion. The recommendations of Academic Affairs and the department(s), as well as all documents produced by Academic Affairs and the department(s) shall be sent to the School/Division no later the Friday of the 11th week of traditional ground undergraduate classes during the Fall Semester.
- 7) The School/Division shall schedule the meeting in 3(A)(5) no later than the 14th week of traditional ground undergraduate classes during the Fall Semester. The School/Division may, at its discretion, request the Dean attend this meeting. The Provost shall attend this meeting to present the rationale for the program deactivation or deletion and then participate in a question and answer session. The Provost shall leave the meeting after the question and answer period. After the School/Division has concluded its deliberations, it shall vote on whether or not to recommend the proposed program deactivation or deletion. The School/Division may continue this discussion over the course of multiple School/Division meetings if it so chooses. The School/Division recommendation, if any, shall be made no later than the University deadline for submission of grades in December.

- 8) If, after the School/Division recommendation, Academic Affairs still wishes to continue forward with the proposed program deactivation or deletion, the Academic Affairs proposal, the recommendations of the School/Division and the academic department(s), as well as all of the aforementioned documents, shall then be sent to the Curriculum Committee for its consideration. Academic Affairs shall be responsible for submitting all of these materials into the Curriculum Committee portal no later than three days before the start of traditional Spring ground undergraduate classes. The School/Division and affected Departments shall be notified when this material has been submitted to the Curriculum Committee Portal.
- 9) As part of its deliberation, the Curriculum Committee may request a meeting with the affected academic department(s) and/or Academic Affairs. The affected department(s) may request a Union representative of their choosing be present at this meeting. After it has deliberated, the Curriculum Committee shall vote on whether or not to recommend the proposed program deactivation or deletion. The Curriculum Committee recommendation shall be forwarded to Academic Affairs and to the Faculty Senate so that the item can appear as a notification on the agenda of the regularly scheduled March Faculty Senate meeting. The proposed program deactivation or deletion by Academic Affairs proposal, the School/Division recommendation, the academic department(s) recommendation, and the Curriculum Committee recommendation, as well as all of the aforementioned documents, shall then be sent to the Faculty Senate for its consideration before the regularly scheduled March Faculty Senate meeting.
- 10) A special meeting (or meetings) of the Faculty Senate for the purpose of discussing the proposed program deactivation or deletion shall be scheduled after spring break.
- 11) The Faculty Senate shall review the proposed program deactivation or deletion. The proposed program deactivation or deletion shall be brought to the floor of Faculty Senate for discussion. After the Faculty Senate has concluded its deliberations, it shall make a recommendation on the proposed program deactivation or deletion in a manner consistent with its bylaws. Such recommendation shall be made no later than April 30.
- 12) Once the Faculty Senate has made its recommendation about the proposal, such recommendation, along with the recommendations of the affected academic department(s), the School/Division that houses the program, and the Curriculum Committee, shall be forwarded to the Provost.
- 13) If the Faculty Senate votes against the recommendation to deactivate or delete the program and Academic Affairs still wishes to move forward with the proposed deactivation or deletion, the Provost shall appear at the next regularly scheduled Faculty Senate meeting. During this meeting, the Provost shall present the reasons, both in writing and in person, why Academic Affairs has chosen to move

forward with the proposed deactivation or deletion in opposition to the Faculty Senate's recommendation. No action with regards to program deactivation or deletion shall begin until this meeting has taken place. If the Faculty Senate does not allow the Provost the opportunity to present the reasons why Academic Affairs has chosen to move forward with the proposed deactivation or deletion in opposition to the Faculty Senate's recommendation at a regularly scheduled Faculty Senate meeting, the Provost's written report will fulfill this obligation.

- 14) If after the meeting in 3(A)(13) takes place, Academic Affairs still wishes to proceed with the proposed program deactivation or deletion, the Provost shall send the recommendations and voting results of the Department, School/Division, Curriculum Committee and Faculty Senate as well as all supporting documentation created during this process, to the President and Board of Trustees.
- 15) The final decision regarding the deactivation or deletion of a program by the Board of Trustees shall be reported to the academic department and faculty involved in the program, the School/Division, the Curriculum Committee and the Faculty Senate no later than 3 business days after the Board of Trustees has made its decision.
- 16) If an academic department, the School/Division, the Curriculum Committee and/or the Faculty Senate makes reasonable requests for additional documentation, such documentation shall be provided within a reasonable time period.
- 17) Throughout this process, recommendations shall be copied to the involved parties (e.g., School/Division recommendations shall be copied to the Academic Department and Academic Affairs, etc.).
- 18) Academic Department, School/Division, Curriculum Committee and Faculty Senate members must be voting members of Faculty Senate or eligible to become voting members of Faculty Senate to vote on proposed program deactivations or deletions.
- 19) If the Academic Department, School/Division, Curriculum Committee or Faculty Senate does not meet the deadline for its recommendation, the process shall proceed to the next step.
- 20) If no department houses a program, all bargaining unit faculty that have taught in the program during the past three academic years shall serve as the academic department for the purposes of this process. In such instances, the School/Division recommendation shall not be necessary, but all of the other procedures in 3(A) must be followed.
- 21) Academic Affairs may withdraw its proposal for program deletion or deactivation at any stage of this process. If Academic Affairs withdraws the proposal, any renewed efforts to delete or deactivate the program shall start at 3(A)(1).

22) If Academic Affairs seeks to deactivate or delete multiple programs, each program deactivation or deletion shall be a discrete proposal.

B) Program Deactivation and Deletion Process If Proposed By Relevant Department

- 1) If a department is considering deactivating or deleting a program that is under its control, Academic Affairs shall provide the information the department requests necessary to facilitate its decision.
- 2) If, after its deliberations, the department chooses to propose deactivating or deleting a program, that proposal shall be submitted to the department's School/Division with an explanation of the reasons for the proposed deactivation or deletion, as well as any and all relevant documents. This proposal shall also be forwarded to the Union.
- 3) A meeting shall be held with the School/Division that houses the program for the purpose of discussing the proposed program deactivation or deletion.
 - a) At least 5 business days prior to the meeting, all of the aforementioned documents shall be provided to the School/Division.
 - b) After the School/Division has concluded its deliberations, it shall vote on whether or not to recommend the proposed program deactivation or deletion.
- 4) If, after the School/Division vote, the academic department(s) still wishes to continue forward with the proposed program deactivation or deletion, the recommendations of the School/Division and the academic department(s), as well as all of the aforementioned documents, shall be sent to the Curriculum Committee for consideration.
- 5) If the Curriculum Committee requests additional documents, such documentation shall be provided within a reasonable time period. After it has deliberated, the Curriculum Committee shall vote on whether or not to recommend the proposed program deactivation or deletion.
- 6) If, after the Curriculum Committee vote, the academic department(s) still wishes to continue forward with the proposed program deactivation or deletion, the Curriculum Committee recommendation, the recommendation of the School/Division, and the recommendation of the academic department(s) shall be forwarded to the Faculty Senate, along with all of the aforementioned documents that have been provided.

- 7) The Faculty Senate shall review the proposed program deactivation or deletion. The proposed program deactivation or deletion shall be brought to the floor of Faculty Senate for discussion. After the Faculty Senate has concluded its deliberations, it shall make a recommendation on the proposed program deactivation or deletion in a manner consistent with its bylaws.
- 8) Once the Faculty Senate has made its recommendation about the proposal, such recommendation, along with the recommendations of the affected academic department(s), the School/Division that houses the program, and the Curriculum Committee, as well the aforementioned documentation shall be forwarded to the Provost.
- 9) If the Faculty Senate votes against the recommendation to deactivate or delete the program and the department(s) and Academic Affairs wish to move forward with the proposed deactivation or deletion, the Provost shall appear at the next Faculty Senate meeting after Academic Affairs has made its decision. During this meeting, the Provost shall present the reasons, both in writing and in person, why Academic Affairs has chosen to move forward with the proposed deactivation or deletion in opposition to the Faculty Senate's recommendation. No action with regards to program deactivation or deletion shall begin until this meeting has taken place. If Faculty Senate does not allow the Provost the opportunity to present the reasons why Academic Affairs has chosen to move forward with the proposed deactivation or deletion in opposition to the Faculty Senate's recommendation at a regularly scheduled Faculty Senate meeting, the Provost's written report will fulfill this obligation.
- 10) If an academic department, the School/Division, the Curriculum Committee and/or the Faculty Senate makes reasonable requests for additional documentation, such documentation shall be provided within a reasonable time period.
- 11) Academic Department, School/Division, Curriculum Committee and Faculty Senate members must be voting members of Faculty Senate or eligible to become voting members of Faculty Senate to vote on proposed program deactivations or deletions.
- 12) The department may withdraw its proposal for program deletion or deactivation at any stage of this process. If the department withdraws the proposal, any renewed efforts to delete or deactivate the program shall start at 3(B)(1).

4) Deactivation and Deletion Process of Other Academic Offerings

The deactivation and deletion process for other academic offerings (e.g., courses, etc.) shall follow the same procedures outlined in Section 3 of this document, except that, at the discretion of the Faculty Senate, these items may be addressed at regularly scheduled Faculty Senate meetings.

5) Hearing Committee

The Hearing Committee, shall, upon the written request of any affected bargaining unit member to the Chair of the Hearing Committee, review any case in which it is alleged that the procedures employed for program deactivation or deletion were inconsistent with the provisions of the Collective Bargaining Agreement and/or this Memorandum of Agreement. If the Hearing Committee determines that a substantiated and documented procedural violation has occurred, it shall remand the case for reconsideration in a timely manner.

6) January 10, 2023 Grievance

The AAUP-Utica agrees to dismiss its grievance filed on January 10, 2023 and its requested arbitration for Case Number 01-23-0000-9549.

7) Grievance and Arbitration Procedure

Any dispute arising out of this Memorandum of Agreement shall be subject to the parties' grievance and arbitration provisions of the Collective Bargaining Agreement.

8) Changes or Modifications

This Memorandum of Agreement may be modified only by a written agreement between the University and the Union.

For the University:

For the AAUP-Utica:

by: Todd Pfannestiel, Ph.D.
President, Utica University

Leonore Fleming, Ph.D.
President., AAUP-Utica

Date: _____

Date: _____