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UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN SENATE
COMMITTEE ON UNIVERSITY STATUTES AND SENATE PROCEDURES
(Final; Action)

SP.22.01 Proposed Revision to the *Statutes* (USC ST-83)

BACKGROUND

In September 2021, the University Senates Conference (USC) transmitted to the three University Senates a large and complex package of proposed revisions to the University *Statutes* (ST-83), along with a transmittal letter and an explanatory document concerning the proposed reorganization of Articles IX and X of the *Statutes*.

- [ST-83 USC Transmittal Letter](#)
- [ST-83 \(Proposed amendments to the *Statutes* as of November 12, 2020\)](#)
- [ST-83 Article IX and X Reorganization](#)

In Fall 2021, after the Senate Executive Committee referred the package to the Senate Committee on University Statutes and Senate Procedures (SP), SP established a working group to review the major proposed changes to Article II of the *Statutes*. In November 2021, SP referred portions of the package to the Faculty Advisory Committee (FAC), the Council of Academic Professionals (CAP), and the Senate Committee on Academic Freedom and Tenure (AF). The responses from these bodies, in combination with SP's deliberations, have revealed that ST-83 is deeply flawed and overly complex.

During the 2022-2023 academic year, SP identified four significant categories that needed the Senate's input, creating four prompts to present to the Senate for discussions in Committee of the Whole:

- [SP.23.03](#): Proposed definitional changes in Article II
- [SP.23.04](#): Restructuring of Articles IX and X
- [SP.23.05](#): Proposed elimination of the category of "academic staff" throughout the *Statutes*, including impacts on academic freedom
- [SP.23.06](#): Changes that may affect academic professionals and related governance matters

Summaries of these extensive discussions can be found in the minutes for each respective Senate meeting: [November 14](#), [December 5](#), [February 6](#), [March 6](#). Importantly, SP transmitted the recommendations of AF and CAP to the Senate for its consideration.

AF's response (included in SP.23.05) concluded:

A change in the scope of application of academic freedom is a matter that requires extensive discussion and consent. [...] The Senate should **reject ST-83** [emphasis added] because it changes the scope of application of academic freedom...

CAP's response (presented in SP.23.06) concluded:

CAP recommends that these proposed **changes be rejected** [emphasis added] and ask that future proposals are more balanced and inclusive of all stakeholders involved in the governance of the University.

Further, the Executive Director of Prairie Research Institute (PRI) submitted a response to SP.23.06 and spoke at the March 6, 2023 Senate meeting to matters affecting academic professionals, highlighting two key conclusions:

- *The PRI joins with the CAP in requesting that the proposed revisions to the System Statutes impacting the academic freedom protections of non-faculty University employees **be rejected** [emphasis added] and that future proposals be more balanced and inclusive of all stakeholders involved in the governance of the University; and,*
- *The PRI asserts that academic freedom protections should be based NOT on employee status but on the type of scholarly and/or scientific work done by employees.*

On April 24, 2023, the Senate approved a provisional response, including recommendations for future steps on ST-83 as [SP.22.01](#), which identified specific topics that the Senate might agree on and those that SP needed to work on.

Beyond conducting a series of Committee of the Whole discussions at the Senate meetings indicated above, SP has devoted much of its committee work for nearly three full academic years to studying the broad array of changes that ST-83 proposes. This work has included robust committee discussions on matters including the proposed definition(s) of “faculty” and governance rights; whether a binary distinction between “academic” and “administrative” appointments is possible; the impact on notice rights that might result from internal changes to Articles IX and X; the interrelation of the term “academic staff” to academic freedom and other staff protections; categories of employment such as post-doctoral research associates and fellows; the proposed addition of Civil Service terminology; and complications raised by changing existing appointment and employment terminology.

SP's Article II working group attempted to create a completely reconstructed version of the article and considered a unified and more inclusive definition of “academic staff” that could apply in the limited number of areas where retaining the term might be necessary (among the more than 50 passages in which the phrase currently appears throughout the *Statutes*). These efforts produced much documentation and some potential alternative language. Ultimately,

the issues were so extensive that any revised language would not fit within a conventional ~~underline/strikethrough~~ formatted document that SP would typically transmit to the Senate for less complex amendment proposals.

Realizing that the comments from the Committee of the Whole discussions and the detailed work of SP did not provide a clear path to the kinds of documents SP typically produces to help the Senate navigate difficult issues (e.g., ST-77 in 2014-19), SP returned to the September 2021 USC transmittal letter for guidance. After a careful review of the letter's "high points of the proposed changes," SP concluded that close examination of the text of ST-83 did not accomplish the outcomes posited by the transmittal letter.

Therefore, SP now returns to the Senate with a blanket recommendation. Based on the wealth of input and recommendations the committee has received and SP's own extensive examination, ***SP recommends the Senate fully reject ST-83 in its current form*** because it fundamentally does not achieve the goals stated as its purpose in the USC transmittal letter. Accordingly, SP has provided below a series of responses and rationales to the categories identified in the September 2021 USC transmittal letter accompanying ST-83.

In general, SP finds that some categories proposed for amendment in ST-83 may be worth pursuing as separate, distinct proposals: a clearer and more consistently used definition of "faculty"; a more specific description of the role of the senates; a reorganization of Articles IX and X; and so on. However, the revisions currently proposed in ST-83 are of such complexity and imply such wide-ranging consequences, both known and unknown, that SP believes these particular objectives cannot be accomplished in the form they were presented.

RECOMMENDATION

The Senate Committee on University Statutes and Senate Procedures recommends rejection of the proposed revisions to the University *Statutes* known as ST-83. More specific recommendations follow, organized according to the broad categories of proposed changes outlined in the September 2021 USC transmittal letter. Those categories are:

1. Faculty and Staff Definitions
2. Academic Staff
3. Administrative and Academic Staff
4. Role of the Senate
5. Staff Categories
6. Visiting Definition
7. Article IX and X Reorganization

SP added a category for other changes that do not fit into any of the broad USC categories:

8. Other Changes

Each of the following categories begins with the relevant language (*in italics*) from the USC transmittal letter, describing the proposed changes, followed by SP's recommendations and rationales within these categories. Footnotes contain excerpts from ST-83.

1. Faculty and Staff Definitions

USC Transmittal Letter Text: *"A critically important proposed revision, new in Article 2, Section 1, clarifies the **definitions** [emphasis added] of faculty and staff positions, including placing non-tenure system colleagues into the definition of faculty for the first time. It also lays out the implications of this inclusion for governance and other issues."*

SP Recommendation: *Reject* the textual changes to the definition of faculty but encourage placing non-tenure system members into the definition of faculty in the future.

SP Rationale: ST-83 does not provide clarity on the nature of faculty and staff positions. It does not provide an explicit definition of faculty, and its implied definition is internally inconsistent. Rather than truly creating inclusion of non-tenure system faculty in academic governance, it instead maintains the current two-tier structure whereby non-tenure system faculty are included in governance only if tenure system faculty grant such privileges.

When first introduced in ST-83, "faculty" implies both tenure system (Article II, Section 1.a¹) and non-tenure system faculty (Article II, Section 1.d²).

Later, at the college level, "faculty" is defined to imply only tenure system faculty (Article III, Section 2.b³ by reference to Article II, Section 4.a.1⁴). The college is governed by its (tenure system) faculty under bylaws established by its (tenure system) faculty, and rights may be

¹ **Article II, Section 1.a** *Academic and administrative employees of the University of Illinois System can be divided into faculty and staff, which entails different roles, rights, and responsibilities. The tenure system faculty of the University of Illinois System consists of those members of any academic unit, except for the Graduate College, with the rank of professor, associate professor, or assistant professor who are tenured or on tenure-track (receiving probationary credit toward tenure), and those administrators in the direct line of responsibility for academic affairs (for example, persons who hold the title director or dean of an academic unit, provost or equivalent officer, chancellor/vice president and president).*

² **Article II, Section 1.d** *Non-tenure system faculty provide specialized contributions to teaching, research, clinical activities, or engagement. They include members of any academic unit who have the rank of professor, associate professor, or assistant professor modified by the terms "adjunct," "clinical," "research," or "teaching"; or the rank of "instructor" or "lecturer" with or without modification.*

³ **Article III, Section 2.b** *The faculty of a college shall be constituted as specified in Article II, Section 4a (1). The college shall be governed in its internal administration by its faculty under bylaws established by the faculty, as specified in Article II, Section 4b.*

⁴ **Article II, Section 4.a.1** *Tenure system faculty (as defined by Article II, Section 1 (a)) have a primary role in governance. They also may grant additional governance privileges and rights to others.*

granted to non-tenure system faculty (Article II, Section 4.c⁵). SP infers that the intended reference should be Article II, Section 4.c, but ST-83 references Article II, Section 4.b⁶, which defines senate governance not unit governance.

Then, at the department level (Article IV, Section 1.a⁷), “faculty” are specified as tenure-system faculty (Article II, Section 1a) or non-tenure system faculty (Article II, Section 1.d). Thus, the college and department definitions of faculty would be inconsistent and would point to different sections of the *Statutes*.

Many of the rights and benefits afforded to the current tenure system faculty, such as voting rights and sabbaticals, have been written in ST-83 to apply only to tenure system faculty. Effectively, this section not only maintains the status-quo, but also creates additional irrevocable restrictions on non-tenure system faculty’s ability to be granted rights, particularly voting rights on matters of administrative organization and procedure of the unit. The proposed changes would allow non-tenure system faculty to be elected to the executive committees of departments with chairs, while simultaneously adding significant restrictions on their role in governance. This is particularly odd at the department level, where non-tenure system faculty are defined as faculty but are explicitly excluded from governance because of restrictions on establishing and amending bylaws (Article II, Section 4.c).

⁵ **Article II, Section 4.c** *Each college or other unit shall be governed in its internal administration by unit bylaws established and amended by the tenure system faculty of that unit. The bylaws may grant specified unit governance privileges and rights to selected faculty of other units or faculty with joint appointments in that unit. The bylaws may also grant specified unit governance privileges and rights to non-tenure system faculty, emeritus/emerita faculty, academic professionals, or students. In granting specific governance privileges, such as voting privileges, to these participants the bylaws may require a minimum rank, seniority, or percent appointment in that unit. The bylaws shall provide for the administrative organization and procedure of the unit, including the composition and tenure of executive or advisory committees, except that they may not conflict with these Statutes, or other specific actions of the Board of Trustees, or with the bylaws of a unit that encompasses it. Voting on these provisions of the bylaws is limited to tenure system faculty (as defined by Article II, Section 1 (a)).*

⁶ **Article II, Section 4.b** *A university’s senate constitution and bylaws may grant specified university-level governance privileges and rights to non-tenure system faculty (as defined by Article II, Section 1 (d)), emeritus/emerita faculty, academic professionals, or students, subject to the approval of the Senate. The bylaws may mandate a minimum rank, seniority, or percent appointment for specified governance privileges. Any changes to a Senate constitution must be approved by the Board of Trustees (see Article II, Section 2).*

⁷ **Article IV, Section 1.a** *Within the University of Illinois System, the department is the primary unit of education and administration. It is established for the purpose of carrying on programs of instruction, research, and public service in a particular field of knowledge. The faculty and staff of a department includes persons of all ranks or levels who upon the recommendation of its head or chair are appointed or assigned to it. The faculty of a department shall be as specified in Article II, Sections 1a and 1d of these Statutes. All appointments that carry academic rank or tenure indicative in any way of departmental association shall be made only with the concurrence of the department(s) concerned.*

2. Academic Staff

USC Transmittal Letter Text: *“These proposed changes remove the vague term “academic staff,” which is currently used inconsistently to refer to different groups of employees in different places in the Statutes (sometimes including faculty, for example, and sometimes not). The term “academic staff” is not a System HR category.”*

SP Recommendation: *Reject* the removal of “academic staff” staff as a category.

SP Rationale: The complete elimination of “academic staff” throughout the *Statutes* will have consequences for many current academic employees because that term is widely used in policy and procedural documents beyond the *Statutes*.

SP recommends retaining a definition of academic staff, even if used only in Articles IX and X, consistent with American Association of University Professors’ (AAUP) recommendation to provide a definition of academic staff in governing documents⁸. AF strongly recommended rejecting any changes to academic freedom, including removing the definition of academic staff.

Instead of an overall elimination of the term, a more strategic approach would be to revise the current definition of “academic staff,” removing whatever vagueness may exist and re-examining each use of the term in the *Statutes* to determine and resolve any remaining inconsistencies.

3. Administrative and Academic Staff

USC Transmittal Letter Text: *“The current Statutes separate “Administrative and Academic Staff.” The proposed revisions make clear that administrative and academic categories each include both faculty and staff. In general, “faculty and staff” becomes the more useful guiding distinction throughout the Statutes.”*

SP Recommendation: *Reject* the changes to administrative and academic staff.

SP Rationale: The proposed changes would be necessary only if there were changes related to “faculty” and “academic staff.” Rejection of the removal of the term “academic staff,” therefore, requires rejection of this proposed change.

⁸ American Association of University Professors. Policy Documents and Reports. Johns Hopkins University Press, 2015, p. 90: “Each institution should define with particularity who are members of the academic staff.”

4. Role of the Senate

USC Transmittal Letter Text: *“Article 2, Section 2, adds an important new proposed definition of the senate’s role: ‘The senate is the sole elected assembly jointly representing the faculty, students, academic professionals, and others it deems eligible to participate in shared governance discussions across the full range of university concerns.’ ”*

SP Recommendation: *Reject* the inclusion of this sentence.

SP Rationale: SP finds that the following statement from the proposed changes in ST-83 is not a definition, but rather an incorrect assertion.

The senate is the sole elected assembly jointly representing the faculty, students, academic professionals, and others it deems eligible to participate in shared governance discussions across the full range of university concerns.

It is unclear which characteristics (sole, elected, shared governance, or university concerns) are unique to the Senate.

5. Staff Categories

USC Transmittal Letter Text: *“Article 2, Section 6, adds new proposed definitions for the different categories of staff.”*

SP Recommendation: *Reject* the inclusion of the proposed Article II, Section 6.

SP Rationale: Adding a section on staff (Article II, Section 6) does not propose new definitions for different staff categories but adds new employment categories to the *Statutes* without providing a rationale or addressing possible implications.

6. Visiting Definition

USC Transmittal Letter Text: *“Article 2, Section 8, includes clearer proposed definitions of visiting faculty and staff.”*

SP Recommendation: *Reject* the inclusion of the proposed Article II, Section 8.

SP Rationale: Rejection of previous changes, each interlinked, makes inclusion of a section on visiting faculty and academic professionals (Article II, Section 8) either unnecessary or inconsistent.

7. Article IX and X Reorganization

USC Transmittal Letter Text: “Articles IX and X were completely reorganized for greater consistency and clarity. There were some sections in one article that clearly belonged in the other, and vice versa. The content is mostly the same, simply reshuffled for better organization and topical coherence. Where changes were proposed, they are marked as such. (Attached is a marked-up pdf that shows the details of the reorganization.)”

SP Recommendation: *Reject* all changes to Articles IX and X.

SP Rationale: ST-83 not only creates a reorganization that is difficult to review, but also makes significant changes to the substance of Articles IX and X, which govern matters such as appointment terms and tenure rights. Reorganization of Articles IX and X could be useful, but the proposed changes go far beyond a reorganization, especially in Article IX, including significant textual changes with far-reaching implications. For example, the changes in Article IX, Section 2.m remove language related to research professors, consequently removing their current notice of nonreappointment rights.

Furthermore, AF recommends rejecting all proposed changes in these sections because they may affect academic freedom. Understanding the effects of these changes is non-trivial and made more difficult by simultaneously proposing a reorganization and making significant changes in language.

8. Other Changes

SP Recommendation: *Reject* any and all other changes that do not fit into any of the broad USC categories above.

SP Rationale: There are many additional changes that are not covered by these broad categories. For example, Article II and Article IX in ST-83 place postdoctoral research associates into a staff category. This is a change from the current *Statutes* and is directly contradictory to *Provost’s Communication #25*, which includes postdoctoral research associates within specialized faculty.

The proposed revisions in ST-83 represent a large and difficult set of changes to parse. SP recommends rejecting all other changes.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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