

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Committee on University Statutes and Senate Procedures
(First Reading; Information)

SP.14.06 Proposed Revisions to the *Statutes*, Article XIII, Section 8 – to authorize the University Senates Conference or the President to initiate revisions to the *Statutes*

BACKGROUND

These proposed revisions to the University *Statutes*, Article XII, Section 8, were transmitted from the University Senates Conference (USC) on September 6, 2017, along with a background (reproduced in part below). As USC notes, these proposed modifications refine their April 2017 additions to changes approved by the Senates of all three campuses in 2014. The Senate Committee on University Statutes and Senate Procedures (USSP) then identified some additional revisions that would clarify Article XII, Section 8.

USC's September background statement reads in part:

Revisions to Article XIII, Section 8 of the *Statutes* were drafted and proposed by the University Senates Conference in January of 2013, and approved with clarifying amendments by all three university Senates by April of 2014. USC collected the advice of the three Senates and transmitted ST-79 to the President in June of 2014. Because of the large packet of changes to the *Statutes* and *General Rules* already being reviewed by the President, no further action was taken on ST-79 at that time.

The purpose of the [ST-79] revisions was to articulate a formal process for the University Senates Conference to initiate proposals for changes to the *Statutes*. [...] As the President began his review of the larger packet of *Statutes* revisions, he noted the anomaly that the *Statutes* allowed others to propose amendments, but there was no provision for him to do so. Therefore, he asked that the President also be allowed to propose revisions to the *Statutes*. The rationale was as follows:

- This opportunity would facilitate the collaborative relationship between USC and the President's Office, while maintaining the existing consultative review process;
- Under the current *Statutes*, the President's position is limited to merely accepting or rejecting proposed revisions to the *Statutes*, in contrast to the Board, the Senates, and (if ST-79 is approved), the University Senates Conference;
- Since the *Statutes* endow the President with the responsibility for enforcing the rules and regulations of the University, it follows that the President should also have an authorized path to proposing changes to those rules.

In the past, presidents have indirectly proposed amendments to the *Statutes* by suggesting potential revisions to the Board of Trustees to “propose” on their behalf. In USC’s view, it is preferable that the record clearly show the provenance of the proposed amendment. From a governance point of view, amendments proposed by the President will benefit from early consultation with the system-wide faculty elected to represent the Senates.

With the adoption of the language proposed for ST-79, regardless of where proposed changes originate, the three university Senates must always be involved in the review, approval, or possible revision of any *Statutes* changes.

USC’s September 2017 proposed language (ST-79) appears without any USSP modifications as an appendix, and includes three changes: (1) altering the Senate-approved “introduced” to “approved” in 8.a.1; (2) including the President as an initiator of *Statutes* revisions in 8.a.2; (3) striking one sentence from the April 2017 set of revisions in 8.a.3.

USSP now proposes the following additional revisions in its Recommendation below:

- Line 4: modify the title of Article XIII, Section 8.a to reflect the content of these changes
- Lines 5-6: strike language already covered by each Senate’s governance documents
- Lines 6-11: strike a repetition of the sentence on final action that USC struck later in its draft; add a repetition of the sentence “Final action in each senate on the proposed amendment may be taken by a majority of all members present and voting at a regular or special meeting held not earlier than the next meeting following the one at which it was introduced in that senate.” to match lines 32-35.
- Strike lines 11-14: this language does not accord with current practice, though Senate staff do transmit documents in ways similar to the intention of these lines.
- Merge a.2 and a.3 into one section, as both paragraphs are part of the same process dealing with amendments originating from USC or the President that will be transmitted to the Senates

RECOMMENDATION

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the *Statutes*, Article XIII, Section 8. Text to be added is underscored and text to be deleted is indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

PROPOSED REVISIONS TO THE *STATUTES*, ARTICLE XIII, SECTION 8

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2 ARTICLE XIII. GENERAL PROVISIONS

3 Section 8. Amendments

4 a. Initiation by a Senate, the University Senates Conference, or the President

5 (1) Each of the senates by vote of a majority of all members present and voting at a

6 ~~regular or special meeting~~ may propose amendments to these *Statutes*. ~~No final~~
7 ~~senate action shall be taken on a proposed amendment until the next meeting~~
8 ~~following the one at which it was introduced.~~ Final action in each senate on the
9 proposed amendment may be taken by a majority of all members present and
10 voting at a regular or special meeting held not earlier than the next meeting
11 following the one at which it was introduced in that senate. ~~The secretary of a~~
12 ~~senate shall notify the secretary of the other senates and the secretary of the~~
13 ~~University Senates Conference of the text of a proposed amendment promptly~~
14 ~~after the meeting at which it is introduced.~~ The proposed amendment shall be
15 referred to the University Senates Conference for its consideration and
16 transmission to the other senates for action; the conference may append its
17 comments and recommendations. [continue here without paragraph break]
18 The proposed amendment shall be placed promptly on the agenda of the other
19 senates.

20 (2) The University Senates Conference by vote of a majority of all members present
21 and voting at a regular or special meeting may propose amendments to these
22 *Statutes*. The President may also propose amendments and refer them to the
23 University Senates Conference for its consideration, comment, and
24 transmission to the senates for action. The secretary of the conference shall
25 notify the secretaries of the campus senates of the text of a proposed
26 amendment promptly after the meeting at which it is introduced. The
27 proposed amendment shall be transmitted to the senates for such action as each
28 of them shall see fit; the conference may append its comments. The proposed
29 amendment shall be placed promptly on the agenda of each senate.

30 Each senate may act on the proposed amendment in accord with its own
31 established procedures, including the right to accept, to modify, or to reject any
32 proposed amendment or proposed statutory text. Final action in each senate on
33 the proposed amendment may be taken by a majority of all members present
34 and voting at a regular or special meeting held not earlier than the next meeting
35 following the one at which it was introduced in that senate.

36 (3) If every senate acts affirmatively on the proposed amendment and concurs as to
37 its text, the conference shall send the proposed amendment to the president for
38 transmission to the Board of Trustees and shall simultaneously notify the
39 senates of its action; the conference may append its comments. If the senates do
40 not agree as to the proposed amendment, the conference shall endeavor to
41 promote agreement of the senates. Where agreement cannot be effected among
42 all the senates within a reasonable period of time, but the text of a proposed
43 amendment has been agreed upon by all but one of the senates, the conference
44 shall send that proposed amendment, the recommendations of the dissenting
45 senate, and its own recommendations to the president for transmission to the
46 Board of Trustees and shall simultaneously notify the senates of its action. A

47 senate may record and send its further comments to the president for
48 transmission to the Board of Trustees.

- 49 *b. Initiation by the Board of Trustees.* The Board of Trustees may initiate proposals to
50 amend the *Statutes*, but the board shall not finally adopt any such proposal without
51 first seeking the advice of the president, the senates, and the University Senates
52 Conference. Any proposal to amend the *Statutes* which is initiated by the Board of
53 Trustees shall be transmitted through the president to the University Senates
54 Conference and transmitted by the conference, with its recommendations, to the
55 senates for consideration and advice. The proposed amendment shall be placed
56 promptly on the agenda of each of the senates. If the senates do not agree in their
57 advice concerning the proposed amendment, the conference shall endeavor to
58 promote agreement; where agreement cannot be achieved within a reasonable
59 period of time, the conference shall send the advice of the senates and its own
60 recommendations to the president for transmission to the Board of Trustees and
61 shall simultaneously notify the senates of its action. A senate may record and send
62 its further comments to the president for transmission to the Board of Trustees.
- 63 *c.* An amendment shall become effective when approved by the Board of Trustees or
64 at such later time as the board may specify.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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Appendix: USC ST-79

USC ST-79

Approved 4/27/17
Editorial revision
9/1/17

(The underlined changes in black have already been approved by the senates. The proposed revisions of 4/27/17 are in blue underline. The editorial revision is in ~~blue strikethrough~~.)

Section 8. Amendments

a. Initiation by a Senate or by the University Senates Conference.

(1) Each of the senates by vote of a majority of all members present and voting at a regular or special meeting may propose amendments to these Statutes. No final senate action shall be taken on a proposed amendment until the next meeting following the one at which it was introduced. The secretary of a senate shall notify the secretary of the other senates and the secretary of the University Senates Conference of the text of a proposed amendment promptly after the meeting at which it is ~~introduced~~ approved. The proposed amendment shall be referred to the University Senates Conference for its consideration and transmission to the other senates for action; the conference may append its comments and recommendations. [continue here without paragraph break] The proposed amendment shall be placed promptly on the agenda of the other senates.

(2) The University Senates Conference by vote of a majority of all members present and voting at a regular or special meeting may propose amendments to these Statutes. ~~The President may also propose amendments and refer them to the University Senates Conference for its consideration, comment, and transmission to the senates for action.~~ The secretary of the conference shall notify the secretaries of the campus senates of the text of a proposed amendment promptly after the meeting at which it is introduced. The proposed amendment shall be transmitted to the senates for such action as each of them shall see fit; the conference may append its comments. The proposed amendment shall be placed promptly on the agenda of each senate.

(3) Each senate may act on the proposed amendment in accord with its own established procedures, including the right to accept, to modify,

or to reject any proposed amendment or proposed statutory text. ~~No final senate action shall be taken on a proposed amendment until the next meeting following the one at which it was introduced.~~ Final action in each senate on the proposed amendment may be taken by a majority of all members present and voting at a regular or special meeting held not earlier than the next meeting following the one at which it was introduced in that senate.

(4) If every senate acts affirmatively on the proposed amendment and concurs as to its text, the conference shall send the proposed amendment to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action; the conference may append its comments. If the senates do not agree as to the proposed amendment, the conference shall endeavor to promote agreement of the senates. Where agreement cannot be effected among all the senates within a reasonable period of time, but the text of a proposed amendment has been agreed upon by all but one of the senates, the conference shall send that proposed amendment, the recommendations of the dissenting senate, and its own recommendations to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action. A senate may record and send its further comments to the president for transmission to the Board of Trustees.

b. *Initiation by the Board of Trustees.* The Board of Trustees may initiate proposals to amend the *Statutes*, but the board shall not finally adopt any such proposal without first seeking the advice of the president, the senates, and the University Senates Conference. Any proposal to amend the *Statutes* which is initiated by the Board of Trustees shall be transmitted through the president to the University Senates Conference and transmitted by the conference, with its recommendations, to the senates for consideration and advice. The proposed amendment shall be placed promptly on the agenda of each of the senates. If the senates do not agree in their advice concerning the proposed amendment, the conference shall endeavor to promote agreement; where agreement cannot be achieved within a reasonable period of time, the conference shall send the advice of the senates and its own recommendations to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action. A senate may record and send its further comments to the president for transmission to the Board of Trustees.

An amendment shall become effective when approved by the Board of Trustees or at such later time as the board may specify.