

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Committee on University Statutes and Senate Procedures
(Final; Action)

SP.15.06 General Revisions to the *Statutes*

BACKGROUND

In August 2012, the Governance, Personnel, and Ethics Committee of the Board of Trustees requested an overall review of the *University Statutes*. The Board authorized an ad hoc committee to conduct this review. That committee consisted of faculty from all three campuses, as well as various University administrators. The Statutes and Governance subcommittee of the University Senates Conference (USC) also participated in the review process. The Board's committee on Governance, Personnel, and Ethics reviewed the proposed changes, and this October, asked USC to seek the approval of the changes from the campus senates. At the October 20, 2014 Senate meeting, item UC.15.03 communicated a redline/strikeout version of the *Statutes* for consideration. To correct for a clerical error, the Senate Committee on University Statutes and Senate Procedures (USSP) was later provided with an October 24, 2014 updated version of the proposed revisions.

As mandated by the *Bylaws* of the Urbana-Champaign Senate, USSP has conducted its own review of these recommended revisions, prior to their being submitted to the Senate to vote on its advice to the Board, as provided by Article XIII, Section 8 b of the *Statutes*. The suggested changes are extensive, affecting every Article of the *Statutes*. Some of them are simply editorial adjustments, clarifying ambiguous language, for example, but some proposals would make more substantive changes.

In the course of its review, USSP found the vast majority of the changes to be appropriate and advisable, but it had several concerns about some of the proposed changes. USSP has identified these below as part of its recommendations to the UIUC Senate.

For the Senate to consider these amendments in an orderly way, USSP will offer several resolutions covering different sections of the revisions. Because of the extent of the changes being proposed and because of a delay arising from having been provided with a superseded set of the revisions, USSP has not yet completed its review of all of the proposed changes. However, to ensure progress, it wishes to bring those sections which it has readied for action to the Senate for discussion and action. This is the first in that series of proposals, covering amendments to the Preamble of the *Statutes*, as well as Article I, Sections 1 – 5 and Article II, Sections 1 - 2.

To organize the Senate's discussion and deliberation, USSP has followed the division of the proposed revisions into eight separate motions as suggested by USC. At the December 8, 2014 meeting, USSP is presenting Motions One and Two and recommends that they be treated in succession. The committee intends to report to the Senate in several additional motions, and at the end of the process, to propose a single motion of final approval of advice to the Board. This is analogous to the procedure in *Robert's Rules of Order* for "consideration by paragraph, or *seriatim*," except that the process will be spread out over several meetings, rather than in one single meeting.

Attached is the text of the *Statutes* related to this portion of the review with redline/strikeout markings to illustrate the revisions emerging from the Board of Trustees review and below are USSP's recommendations for action to be taken by the Senate.

RECOMMENDATION ONE

The Senate of the Urbana-Champaign Campus will consider and vote on the several separate Motions of advice on separate parts of the proposed amendments to the Statutes, while reserving the right to reconsider or supplement that advice when considering later Motions dealing with later parts of the *Statutes* if interaction are discovered which impact previously approved parts of the amendments to the *Statutes*.

The Senate Committee on University Statutes and Senate Procedures recommends approval of the revisions to the *University Statutes* as contained in Motion 1 (pages i-ii and lines 41-122, i.e., through Article I, Section 5) with the exceptions identified below. For these exceptions, we set forth the Board's proposed change, followed by USSP's recommendation. Text to be added is underscored and text to be deleted is indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

1. Page i "Nondiscrimination Statement" The statement should be edited to add "political affiliation" as the first of its list of prohibited forms of discrimination. This is necessary to adjust for the fact that the proposed revisions in Motion 5 call for the deletion of Article XI, Section 1 which has previously articulated areas of nondiscrimination. Political affiliation has been part of Article IX, Section 1, and if that Section is to be deleted, USSP believes the categories it has included should be carried forward to the *Statutes* prefatory Nondiscrimination Statement. With both the proposed revisions and USSP's addition the statement would read:

NONDISCRIMINATION STATEMENT: The commitment of the University of Illinois to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on merit and be free from invidious discrimination in all its forms.

The University of Illinois will not engage in discrimination or harassment against any person because of political affiliation, race, color, religion, sex, national origin, ancestry, age, marital status, genetic information, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment in University programs and activities. University complaint and grievance procedures provide employees and students with the means for the resolution of complaints that allege a violation of this Statement. Members of the public should direct their inquiries or complaints to the appropriate equal opportunity office.

2. Second, in Article I, Section 2, lines 61-62, USSP objects to the deletion of the provision requiring that the President be a member of the faculty. Although symbolic, this provision reflects an important qualification that the President be a faculty member and have been able to meet the standards of tenure that are required of faculty. Accordingly, USSP recommends that the first sentence of Article I, Section 2 be amended to read: "The president is the chief executive officer of the University and a member of the faculty."

RECOMMENDATION TWO

The Senate Committee on University Statutes and Senate Procedures recommends approval of the revisions to the *University Statutes* as contained in Motion 2 (Article II, Sections 1-2 and lines 139-250) with the exceptions identified below. For these exceptions, we set forth the Board's proposed change, followed by USSP's recommendation. Text to be added is underscored and text to be deleted is indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

1. Article II, Section 1, line 149, USSP noted that the senate is the elected representative of the faculty, students, and academic professional staff rather than just the faculty. Accordingly, the USSP recommends that the second sentence (lines 148-150) of the revision for Article II, Section 1 read:

The senate is the elected representative of the faculty, students, and academic professional staff in shared governance discussions across the full range of university concerns.

2. Article II, Section 2, Paragraph a, lines 207-213, and 246. USSP objects to these proposed changes to the organization of the USC. The rationale for the changes defers several important issues of constitution and operation to the USC bylaws. While the objects of the proposed changes may be a better fit for a bylaws document than the *Statutes*, the authority for creation of bylaws must first come from the *Statutes*. Because the USC does not now have bylaws and because the proposed revision for this Section does not provide authority or a process for the creation, approval, and amendment of bylaws, USSP recommends deferring the revisions proposed for Article II, Section 2, Paragraph a, lines 207-213 and 246 until the statutory authority exists to provide for bylaws which are submitted for review and approval by the three campus Senates.
3. USSP recommends approval of Article II, Section 2, Paragraph a, lines 216-17 and 243-247.

UNIVERSITY STATUTES AND SENATE PROCEDURES
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