

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

University Statutes and Senate Procedures

SP.16.07 Amendment to the *Statutes*: Nondiscrimination Statement

BACKGROUND

In October 2015, Vice President for Academic Affairs Christophe Pierre forwarded several revisions to the “University of Illinois Nondiscrimination Statement” (NDS) to the University Senates’ Conference (USC) for advice prior to the November 2015 meeting of the Board of Trustees. The USC forwarded these revisions to the Chairs of each Senate for action. The Senate Committee on University Statutes and Senate Procedures (USSP) began consideration of the revisions at its October 22 meeting.

Upon consideration, the USSP came to two – possibly conflicting – conclusions:

1. That the revisions to include “genetic information”, “order of protection”, “pregnancy”, and “sex” are noncontroversial. In fact, revisions to include “genetic information” and “sex” received prior approval from the Senate during the 2014-2015 *Statutes* amendment process.
2. That the NDS is not simply a separable aspirational statement or a preamble, but a fundamental part of the *Statutes*, and requires the same amendment process as the articles which it precedes. This point was particularly troubling to the USSP, because revisions to Article IX, Section 1 (“Criteria for Employment and Promotion”) during the 2014-2015 *Statutes* amendment process were made with the understanding that the NDS, to which nondiscrimination clauses were moved, received the same weight and protections as any other section of the document.

The *Statutes* specify two possible procedures for their amendment. The one most often utilized is found in Article XIII, Section 8a (“Initiation by a Senate”). The other is found in Article XIII, Section 8b (“Initiation by the Board of Trustees”). Neither of these procedures has been followed in this case.

Rather than embark on legislative journeys to move the NDS into the articles proper or to withdraw this Senate’s advice on pending revisions to Article IX, the USSP has chosen to recommend a two-pronged approach: stating the Senate’s position on the issue; and beginning the Article XIII, Section 8a sanctioned process to propose amendments to the *Statutes*.

Since the February 8, 2016 meeting of the Senate, at which Proposal 2 below was given a first reading and discussed, several suggestions have been made for additions to the list of conditions in the NDS. USSP has considered these suggestions, and has decided to recommend that the Senate adopt the text of the NDS unchanged from the presentation of February 8 (Proposal 2 below).

The suggestions made include the following:

- That “sexual orientation including gender identity” be replaced by “sexual orientation, gender identity, gender expression”.
- Add “judicial status”.
- Add “family responsibility”.
- Add “criminal conviction in matters unrelated to University operations”.

USSP finds that the phrases “gender expression”, “judicial status”, and “family responsibility” are undefined legal phrases, and their inclusion would make the NDS ambiguous and subject to a variety of interpretations.

USSP finds that the phrase “criminal conviction in matters unrelated to University operations” is covered by applicable Illinois state law and Federal guidelines.

RECOMMENDATIONS

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following proposals, with text to be added underscored and text to be deleted indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

Proposal 1 – Statement of Position

This proposal was presented and approved at the 8 February 2016 meeting of the Senate.

1 It is the position of the Senate of the Urbana-Champaign Campus that the “University of Illinois
2 Nondiscrimination Statement” (NDS) is a fully official and binding portion of the *University Statutes*,
3 regardless of its placement within the *Statutes*. Any suggestion or process to the contrary is damaging
4 to the legitimacy of the *Statutes*, of the NDS, and of the Senates’ authority to propose and advise on
5 amendments to those *Statutes*. This Senate objects to attempts to revise the NDS outside the set
6 amendment processes for the *Statutes* and urges our colleagues in the Senates of the Chicago and
7 Springfield Campuses and on the Board of Trustees to join us in this position.

Proposal 2 – Amendment to the *Statutes*, Nondiscrimination Statement, Paragraph 2

**This proposal was offered for first reading at the 8 February 2016 meeting of the Senate, with
second reading and final approval at the 7 March 2016 meeting.**

8 The University of Illinois will not engage in discrimination or harassment against any person because
9 of race, color, religion, sex, national origin, ancestry, age, order of protection, marital status, genetic
10 information, political affiliation, disability, pregnancy, sexual orientation including gender identity,
11 unfavorable discharge from the military or status as a protected veteran and will comply with all
12 federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and
13 regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment
14 in the University programs and activities.

UNIVERSITY STATUTES AND SENATE PROCEDURES

William Maher, Chair

H. George Friedman

Shawn Gordon

Wendy Harris

Calvin Lear

Anna-Maria Marshall

Mark Roszkowski

Gisela Sin

Sandy Jones, *Ex officio (designee)*

Marilyn Marshall, *Observer*

Jenny Roether, *Ex officio*