

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

SP.17.12 Proposed Revisions to the *Statutes*, Article II, Section 3 – Faculty Role in Governance and Article X, Section 2 – Academic Freedom

**BACKGROUND**

The proposed revisions to the *Statutes*, Article II, Section 3 and Article X, Section 2, are the latest step in a process initiated in 2010 to revise the academic freedom provisions in response to a recommendation by the American Association of University Professors to ensure that institutional policy documents incorporate language that would protect faculty members when speaking on matters of administration and governance. Attempts to provide these protections were approved by our Senate in 2010 (and subsequently by the other Senates) and again in 2014 (also approved by the other Senates), but those efforts were halted via administrative review before they could reach the Board of Trustees. The latest of these efforts, as ST-72, thus had no clear statutory path to follow.

In February 2017, the University Senates Conference (USC) and the University President agreed to revisit previous attempts to revise the *Statutes*, Article X, Section 2, to better address issues of administrative speech. A February 1, 2017 letter of transmittal from Kathy Novak, then chair of USC, noted that “given the time since this amendment was last approved by the university senates and the USC, new questions and concerns may have arisen.” The transmittal letter noted that ST-72 had stalled in its path to the Board of Trustees and Novak clarified that “In our discussions, the USC agreed that we would like to return this to the Urbana Senate where it originated, specifically to the University Statutes and Senate Procedures Committee (USSP), in consultation with the Urbana Committee on Academic Freedom and Tenure (CAFT). This would allow the statute to be reexamined and potentially refined, to then be returned to the senates for renewed action.” The President concurred.

Beginning in July 2017, the Senate Committee on University Statutes and Senate Procedures (SP) and the Senate Committee on Academic Freedom and Tenure (AF) met repeatedly with the Executive Vice President and University Counsel to address Counsel’s concerns with previous attempts in 2010 (SP.10.11) and 2014 (ST-72/SP.15.07) to revise the academic freedom portion of the *Statutes*. Counsel expressed repeatedly that they were only comfortable with a minimal set of changes to this portion of the *Statutes*, though they did consider our committees’ concerns. Subsequent meetings led to language provided by Counsel that they would advise the President to send to the Board. This language, first provided in August 2018, led to additional discussions, and the eventual release of acceptable language to SP and AF in December 2018. Throughout Spring 2019, SP and AF lightly modified this language, and returned to discuss potential changes with Counsel in April 2019. Counsel rejected most of these changes, but all parties agreed to move forward with the proposed revisions below.

The proposed changes accepted by Counsel would modify two portions of the *Statutes*. First, a sentence would be added to Article II, Section 3 (Faculty Role in Governance), specifying that faculty members are “encouraged to consider, review, analyze, critique, discuss, address, and debate academic policy and governance.” Second, Article X, Section 2 would be lightly revised, adding an additional sentence: “Academic Freedom includes the right to discuss and present scholarly opinions and conclusions both in and outside the classroom.” Additionally, a few phrasing issues have been addressed, and the new *Statutes* language emphasizing “system”/“university” has been employed.

Importantly, the rights and protections of academic freedom have been extended beyond tenure-track faculty to all academic staff, including specialized faculty, non-tenure-track faculty, and academic professionals, by replacing the phrasing “faculty member” with “academic staff,” which is defined in the *Statutes*, Article IX, Sections 4 and 11.

SP and AF also attempted to include additional phrasing in Article II, Section 3 protecting “actions as individuals or as members of agencies of institutional governance.” Counsel did not accept this additional phrasing. Further, the two committees proposed that a reference to Article II, Section 3b be included directly under the academic freedom protections in Article X, Section 2a. Counsel did not accept this addition. The committees also proposed adding a full sentence to Article X, Section 2b: “When a member of the academic staff is speaking on matters of public interest or concern, it is presumed that the member is doing so on behalf of oneself and not the institution.” The committees and Counsel discussed variations on this concept and agreed to not include it.

The changes in the current proposal to the Senate have been agreed to by SP, AF, the Vice President, and University Counsel, but they do not accomplish one important part of what has been previously passed by our Senate. As can be seen in the appendices, in December 2010, our Senate approved a more substantive change to Article X, Section 2 as SP.10.11, which was passed by the other Senates in 2011 and 2012. That language was transmitted to the President in 2013, but was not then forwarded to the Board of Trustees. USC later approved revised language and forwarded it to the Senates as ST-72, in 2014. A version of that was passed by our Senate in November 2014, as SP.15.07, and it is also included in the appendices. That version passed the other Senates in 2015 and was transmitted to the President in 2015, when it again was not forwarded to the Board. This sequence contravenes the amendment processes as outlined in Article XIII, Section 8 of the *Statutes*, which requires the President to transmit potential revisions to the Board for their approval or disapproval. Please review these appendices carefully to observe the differences between previous versions approved by our Senate and this set of proposed revisions.

### **RECOMMENDATION**

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the *Statutes*, Article II, Section 3 and Article X, Section 2.

Text to be added is underscored and text to be deleted is ~~struck through~~.

**PROPOSED REVISIONS TO THE STATUTES, ARTICLE II, SECTION 3 AND ARTICLE X, SECTION 2**

1

2 **ARTICLE II. LEGISLATIVE ORGANIZATION**

3

4 **Section 3. Faculty Role in Governance**

5 b. As the responsible body in the teaching, research, and scholarly activities of the University  
6 of Illinois System, the faculty has inherent interests and rights in academic policy and  
7 governance. As such, faculty members are encouraged to consider, review, analyze, critique,  
8 discuss, address, and debate academic policy and governance.

9 c. Each college or other academic unit shall be governed in its internal administration by its  
10 faculty, as defined in Section 3a (1) above. Governance of each academic unit shall be based  
11 on unit bylaws established and amended by the faculty of that unit. The bylaws shall provide  
12 for the administrative organization and procedure of the unit, including the composition and  
13 tenure of executive or advisory committees. Except that they may not conflict with these  
14 *Statutes*, or other specific actions of the Board of Trustees, or with the bylaws of a unit which  
15 encompasses it, the details of the bylaws are left to the faculty of the unit.

16 **ARTICLE X. ACADEMIC FREEDOM AND TENURE**

17

18 **Section 2. Academic Freedom**

19 a. It is the policy of the University of Illinois System to maintain and encourage full freedom,  
20 within the law, of inquiry, discourse, teaching, research, and publication and to protect any  
21 and all members of the academic staff against influences, from within or without the  
22 University of Illinois System, which would restrict the member's exercise of these freedoms in  
23 the member's area of scholarly interest. Academic Freedom includes the right to discuss and  
24 present scholarly opinions and conclusions both in and outside the classroom. The right to the  
25 protection of the University of Illinois System shall not, however, include any right to the  
26 services of the ~~University~~ Counsel or the Counsel's assistants in any governmental or  
27 judicial proceedings in which the academic freedom of the staff member may be in issue.

28 ~~b. As a citizen, a faculty member~~ A member of the academic staff may exercise the same  
29 freedoms as other citizens without institutional censorship, or discipline, or restraint. A ~~faculty~~  
30 member of the academic staff should be mindful, however, that accuracy, forthrightness, and  
31 dignity befit association with the University system and a person of learning and that the  
32 public may judge that person's profession and the University system by the individual's  
33 conduct and utterances.

34 c. If, in the president's judgment, a ~~faculty~~ member of the academic staff exercises freedom of  
35 expression as a citizen and fails to heed the admonitions of Article X, Section 2b, the president  
36 may publicly disassociate the Board of Trustees and the University of Illinois System from, and  
37 express their disapproval of, such objectionable expressions.

38 d. A ~~staff~~ member of the academic staff who believes that he or she does not enjoy ~~the~~  
39 academic freedom, which it is the policy of the University of Illinois System to maintain and  
40 encourage, shall be entitled to a hearing on written request before the Committee on  
41 Academic Freedom and Tenure of the appropriate ~~campus~~ university senate. Such hearing  
42 shall be conducted in accordance with established rules of procedure. The committee shall  
43 make findings of facts and recommendations to the president and, at its discretion, may make  
44 an appropriate report to the senate. The several committees may from time to time establish  
45 their own rules of procedure.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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**SP.17.12 – Appendix A**

**SP.10.11**  
December 6, 2010

**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**

Committee on University Statutes and Senate Procedures  
(Second Reading; Action)

SP.10.11 Revisions to the *Statutes*, Article X, Section 2 – Academic Freedom

**BACKGROUND**

The principles of academic freedom are intended to prevent the disciplining of a member of the academic staff whose teaching, research, or publications might be controversial or unpopular. Although these freedoms are core values in universities, they enjoy little formal legal protection. In the United States, academic freedom is largely protected through University policies. At the University of Illinois, Article X, Section 2 of the *University Statutes* both defines and secures academic freedom.

According to a recent report prepared by the American Association of University Professors (AAUP), several recent decisions by the U.S. Supreme Court and lower courts have raised questions about the limits of academic freedom for faculty and academic staff at public universities.<sup>1</sup> In these cases, the courts have limited the rights of public employees who criticize their employers. In *Garcetti v. Ceballos*, the Supreme Court allowed the Los Angeles district attorney's office to discipline an assistant district attorney who had publicly criticized the way the office was being run. The Supreme Court stated, in relevant part, that when public employees speak "pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline."

In *Garcetti*, the Supreme Court did not address the question of faculty speech in public universities and colleges, and it explicitly recognized that academic freedom could pose a separate set of questions. Nevertheless, lower federal courts have applied the *Garcetti* rule to faculty at public universities and upheld discipline of faculty members. For example, Juan Hong, a tenured professor of civil engineering at the University of California, Irvine criticized his college's hiring and promotion practices as violating university governance standards. He later sued when he was denied a merit raise, allegedly based on his statements. The trial court ruled that his statements were made in the course of his "official duties." The court explained: "[A] faculty member's official duties are not limited to classroom instruction and professional research. [His]

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<sup>1</sup> American Association of University Professors (2009). "Protecting an Independent Faculty Voice: Academic Freedom After *Garcetti v. Ceballos*." <http://www.aaup.org/AAUP/comm/rep/A/postgarcettireport.htm> (accessed July 7, 2010)

professional responsibilities . . . a wide range of academic, administrative, and personnel functions in accordance with UCI’s self governance principle.” The court also held that the university “is entitled to unfettered discretion when it restricts statements an employee makes on the job and according to his professional responsibilities.” The trial court’s decision is currently being appealed in the Ninth Circuit federal appeals court.

The trial court’s decision in *Hong* – and other similar judicial decisions around the country – raises serious concerns about the scope of academic freedom at public universities. In particular, these decisions seem to limit the right of faculty who criticize the administration in the course of performing their duties of institutional governance. Thus, the AAUP recommends that academic institutions clarify their policies to include faculty governance within the scope of academic freedom.

Because this judicial trend narrows the freedom of academics to participate in governance of their institutions and civic discourse in general, the Committee on Academic Freedom and Tenure has proposed that the language of Article X, Section 2 of the *University Statutes* be strengthened to more specifically define the scope of academic freedom and to affirm the freedom of the University of Illinois’ academic staff to teach, conduct research, and participate in faculty governance and civic discourse without interference. The proposed changes to Section 2 also clarify that academic freedom is a right of all university staff who are engaged in teaching and research, including those who are not U.S. citizens.

## RECOMMENDATION

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the *Statutes*. Text to be added is underscored and text to be deleted is indicated in [square brackets].

### PROPOSED REVISIONS TO THE *STATUTES*, ARTICLE X, SECTION 2

#### 1 Section 2. Academic Freedom

- 2       a. Academic freedom is the freedom to teach, both in and outside the classroom, to  
 3       conduct research and to publish the results of those investigations, and to address any  
 4       matter of institutional policy or action whether or not as a member of an agency of  
 5       institutional governance. Academic staff members have the freedom to speak to any  
 6       matter of social, political, economic, or other interest to the larger community, subject  
 7       to the applicable academic standards of conduct.
- 8 [a.] b. It is the policy of the University to maintain and encourage full freedom within the law  
 9       of inquiry, discourse, teaching, research, and publication and to protect any member  
 10       of the academic staff against influences, from within or without the University, which  
 11       would restrict the member’s exercise of these freedoms in the member’s area of  
 12       scholarly interest, as well as to maintain full freedom of discourse regarding University  
 13       policies and actions whether or not uttered as a member of an agency of institutional  
 14       governance. The right to the protection of the University shall not, however, include  
 15       any right to the services of the university counsel or the counsel’s assistants in any

- 16 governmental or judicial proceedings in which the academic freedom of the staff  
17 member may be in issue.
- 18 [b.] c. As a citizen, an [faculty] academic staff member may exercise the same freedoms as  
19 other citizens without institutional censorship or discipline. International members of  
20 the academic staff shall enjoy these same freedoms. An [faculty] academic staff  
21 member should be mindful, however, that accuracy, forthrightness, and dignity befit  
22 association with the University and a person of learning and that the public may judge  
23 that person's profession and the University by the individual's conduct and utterances.
- 24 [c.] d. If, in the president's judgment, an [faculty] academic staff member exercises freedom  
25 of expression as a citizen and fails to heed the admonitions of Article X, Section 2[b]c,  
26 the president may publicly disassociate the Board of Trustees and the University from  
27 and express their disapproval of such objectionable expressions.
- 28 [d.] e. An academic staff member who believes that he or she does not enjoy the academic  
29 freedom which it is the policy of the University to maintain and encourage shall be  
30 entitled to a hearing on written request before the Committee on Academic Freedom  
31 and Tenure of the appropriate campus senate. Such hearing shall be conducted in  
32 accordance with established rules of procedure. The committee shall make findings of  
33 facts and recommendations to the president and, at its discretion, may make an  
34 appropriate report to the senate. The several committees may from time to time  
35 establish their own rules of procedure.

UNIVERSITY STATUTES AND SENATE PROCEDURES  
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**SP.17.12 – Appendix B**

**SP.15.07**  
November 17, 2014

**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**

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

SP.15.07 Revisions to the *Statutes*, Article X, Section 2 – Academic Freedom

**BACKGROUND**

On December 6, 2010, the Urbana-Champaign Senate voted to approve SP.10.11 authorizing changes to the *University Statutes*, Article X, Section 2 governing Academic Freedom. Specifically, SP.10.11 included in its definition of academic freedom activities addressing “any matter of institutional policy or action whether or not as a member of an agency of institutional governance.” In addition, SP.10.11 extended the provisions governing academic freedom to all academic staff members. Appendix A contains the text of SP.10.11.

After the Senates for the Chicago and Springfield campuses adopted these changes to the *University Statutes*, the University Senates Conference (USC) forwarded SP.10.11 to the President. After considering these amendments, the President and his staff raised concerns about the language. A small working group including members of USC and the President’s staff met to make revisions to address those concerns. USC approved those revisions, designated ST-72 and presented in this proposal, on March 18, 2014. In forwarding ST-72 to the three campuses, the Chair of USC stated that ST-72 offered “stronger language that better defines who is covered in Article X, Section 2 and removes ambiguity between references to academic freedom and to First Amendment rights.” Appendix A also contains the text of ST-72.

The Senate Committee on Academic Freedom and Tenure (AFT) reviewed ST-72 and concluded that the proposed language clarified the objectives of the original amendments to Article X – extending academic freedom to participation in shared governance. AFT did not address the proposed changes to the coverage for academic staff.

In its review of ST-72, the Senate Committee on University Statutes and Senate Procedures (USSP) regrets that ST-72 restricts coverage to academic staff members “directly engaged in teaching and research,” a limitation that did not appear in SP.10.11 as previously adopted. In addition, USSP members found the phrasing of the paragraph 2.a of SP.10.11 preferable because it was clearer and more straightforward. Yet most members thought that the changes did not affect the meaning of academic freedom in a significant way. USSP also notes that the last sentence of paragraph 2.a of SP.10.11 has been moved to paragraph 2.c, and the last sentence of paragraph 2.c has been incorporated into paragraph 2.d; these rearrangements may somewhat clarify the text, and do not seem to change its meaning.



## RECOMMENDATION

The Senate Committee on University Statutes and Senate Procedures and the Senate Committee on Academic Freedom and Tenure recommend approval of the following revisions to the *Statutes*. 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 X, SECTION 2

1 Section 2. Academic Freedom

2 a. Academic freedom includes the freedom to teach, both in and outside the classroom,  
3 to conduct research and to publish the results of those investigations. The practice of  
4 shared governance that structures institutional decision-making depends on the right  
5 of a member of the faculty, or an academic staff member directly engaged in teaching  
6 or research, to address any matter of institutional policy or action, whether or not as a  
7 member of an agency or institutional governance, without fear of retaliation. This  
8 right is a core aspect of academic freedom.

9 [a.] b. It is the policy of the University to maintain and encourage full freedom within the law  
10 of inquiry, discourse, teaching, research, and publication and to protect any member  
11 of the academic staff against influences, from within or without the University, which  
12 would restrict the member's exercise of these freedoms in the member's area of  
13 scholarly interest, as well as to maintain full freedom of discourse regarding University  
14 policies and actions whether or not uttered as a member of an agency of institutional  
15 governance. The right to the protection of the University shall not, however, include  
16 any right to the services of the university counsel or the counsel's assistants in any  
17 governmental or judicial proceedings in which the academic freedom of the staff  
18 member may be in issue.

19 [b.] c. ~~As a citizen, a faculty member may exercise the same freedoms as other citizens~~  
20 ~~without institutional censorship or discipline.~~ Members of the faculty, and academic  
21 staff members who are directly engaged in teaching or research, have the freedoms  
22 identified in Article X, Section 2.a above and have the freedom to speak to any matter  
23 of social, political, economic, or other interest to the larger community. International  
24 members of the faculty, and academic staff shall enjoy these same freedoms. A  
25 ~~faculty member should be mindful, however, that accuracy, forthrightness, and dignity~~  
26 ~~benefit association with the University and a person of learning and that the public may~~  
27 ~~judge that person's profession and the University by the individual's conduct and~~  
28 ~~utterances.~~

29 [c.] d. All the rights enumerated in sections X.2. a, b and c above are subject to the  
30 applicable standards of academic conduct. Further, a member of the faculty, and any  
31 academic staff member, should be mindful that accuracy, forthrightness, and dignity  
32 benefit association with the University and a person of learning and that the public may

33 judge that person's profession and the University by the individual's conduct and  
34 utterances. If, in the president's judgment, a ~~faculty member~~ of the faculty or  
35 academic staff who is directly engaged in teaching or research, ~~exercises freedom of~~  
36 ~~expression as a citizen and~~ fails to heed ~~the~~ these admonitions of Article X, Section  
37 ~~2[b]~~, the president may publicly disassociate the Board of Trustees and the University  
38 from and express their disapproval of such objectionable expressions.

39 [d.] e. A ~~staff member~~ of the faculty, or an academic staff member directly engaged in  
40 teaching or research, who believes that he or she does not enjoy the academic  
41 freedom which it is the policy of the University to maintain and encourage shall be  
42 entitled to a hearing on written request before the Committee on Academic Freedom  
43 and Tenure of the appropriate campus senate. Such hearing shall be conducted in  
44 accordance with established rules of procedure. The committee shall make findings of  
45 facts and recommendations to the president and, at its discretion, may make an  
46 appropriate report to the senate. The several committees may from time to time  
47 establish their own rules of procedure.

## UNIVERSITY STATUTES AND SENATE PROCEDURES

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SP.17.12 – Appendix B

SP.15.07, Revisions to the *Statutes*, Article X, Section 2 – Academic Freedom  
Appendix A

STATUTES – CURRENT

ARTICLE X, SECTION 2

Section 2. Academic Freedom

- a. It is the policy of the University to maintain and encourage full freedom within the law of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict the member's exercise of these freedoms in the member's area of scholarly interest. The right to the protection of the

SP.10.11 – Approved by the Senate 12/6/2010

PROPOSED REVISIONS TO THE *STATUTES*, ARTICLE X, SECTION 2

Section 2. Academic Freedom

b. Academic freedom is the freedom to teach, both in and outside the classroom, to conduct research and to publish the results of those investigations, and to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance. Academic staff members have the freedom to speak to any matter of social, political, economic, or other interest to the larger community, subject to the applicable academic standards of conduct.

[a.] b. It is the policy of the University to maintain and encourage full freedom within the law of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict the member's exercise of these freedoms in the member's area of scholarly interest, as well as to maintain full freedom of discourse regarding University policies and actions whether or not

USC ST-72 – Approved by USC 3/18/14

PROPOSED REVISIONS TO THE *STATUTES*, ARTICLE X, SECTION 2

Section 2. Academic Freedom

a. Academic freedom includes the freedom to teach, both in and outside the classroom, to conduct research and to publish the results of those investigations. The practice of shared governance that structures institutional decision-making depends on the right of a member of the faculty, or an academic staff member directly engaged in teaching or research, to address any matter of institutional policy or action, whether or not as a member of an agency of institutional governance, without fear of retaliation. This right is a core aspect of academic freedom.

[a.] b. It is the policy of the University to maintain and encourage full freedom within the law of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict the member's exercise of these freedoms in the member's area of scholarly interest, as well as to maintain full freedom of discourse regarding University policies and actions whether or not uttered as a member of an

University shall not, however, include any right to the services of the university counsel or the counsel's assistants in any governmental or judicial proceedings in which the academic freedom of the staff member may be in issue.

- b. As a citizen, a faculty member may exercise the same freedoms as other citizens without institutional censorship or discipline. A faculty member should be mindful, however, that accuracy, forthrightness, and dignity befit association with the University and a person of learning and that the public may judge that person's profession and the University by the individual's conduct and utterances.

uttered as a member of an agency of institutional governance. The right to the protection of the University shall not, however, include any right to the services of the university counsel or the counsel's assistants in any governmental or judicial proceedings in which the academic freedom of the staff member may be in issue.

- [b.] c. As a citizen, an [faculty] academic staff member may exercise the same freedoms as other citizens without institutional censorship or discipline. International members of the academic staff shall enjoy these same freedoms. An [faculty] academic staff member should be mindful, however, that accuracy, forthrightness, and dignity befit association with the University and a person of learning and that the public may judge that person's profession and the University by the individual's conduct and utterances.

agency of institutional governance. The right to the protection of the University shall not, however, include any right to the services of the university counsel or the counsel's assistants in any governmental or judicial proceedings in which the academic freedom of the staff member may be an issue.

- [b.] c. [As a citizen, a faculty member may exercise the same freedoms as other citizens without institutional censorship or discipline.] Members of the faculty, and academic staff members who are directly engaged in teaching or research, have the freedoms identified in Article X, Section 2.a above and have the freedom to speak to any matter of social, political, economic, or other interest to the larger community. International members of the faculty, and academic staff shall enjoy these same freedoms. [A faculty member should be mindful, however, that accuracy, forthrightness, and dignity befit association with the University and a person of learning and that the public may judge that person's profession and the University by the individual's conduct and utterances.]

c. If, in the president’s judgment, a faculty member exercises freedom of expression as a citizen and fails to heed the admonitions of Article X, Section 2b, the president may publicly disassociate the Board of Trustees and the University from and express their disapproval of such objectionable expressions.

[c.] d. If, in the president’s judgment, an [faculty] academic staff member exercises freedom of expression as a citizen and fails to heed the admonitions of Article X, Section 2**[b]c**, the president may publicly disassociate the Board of Trustees and the University from and express their disapproval of such objectionable expressions.

[c.] d. All the rights enumerated in sections X.2. a, b and c above are subject to the applicable standards of academic conduct. Further, a member of the faculty, and any academic staff member, should be mindful that accuracy, forthrightness, and dignity befit association with the University and a person of learning and that the public may judge that person’s profession and the University by the individual’s conduct and utterances.

If, in the president’s judgment, a [faculty] member of the faculty, or academic staff who is directly engaged in teaching or research [, exercises freedom of expression as a citizen and] fails to heed these ~~admonitions of Article X, Section 2~~**[b]**, the president may publicly disassociate the Board of Trustees and the University from and express their disapproval of such objectionable expressions.

d. A staff member who believes that he or she does not enjoy the academic freedom which it is the policy of the University to maintain and encourage

[d.] e. An academic staff member who believes that he or she does not enjoy the academic freedom which it is the policy of the University to maintain and encourage shall be entitled to

[d.] e. A [staff] member of the faculty, or an academic staff member directly engaged in teaching or research, who believes that he or she does not enjoy the academic freedom

shall be entitled to a hearing on written request before the Committee on Academic Freedom and Tenure of the appropriate campus senate. Such hearing shall be conducted in accordance with established rules of procedure. The committee shall make findings of facts and recommendations to the president and, at its discretion, may make an appropriate report to the senate. The several committees may from time to time establish their own rules of procedure.

a hearing on written request before the Committee on Academic Freedom and Tenure of the appropriate campus senate. Such hearing shall be conducted in accordance with established rules of procedure. The committee shall make findings of facts and recommendations to the president and, at its discretion, may make an appropriate report to the senate. The several committees may from time to time establish their own rules of procedure.

which it is the policy of the University to maintain and encourage shall be entitled to a hearing on written request before the Committee on Academic Freedom and Tenure of the appropriate campus senate. Such hearing shall be conducted in accordance with established rules of procedure. The committee shall make findings of facts and recommendations to the president and, at its discretion, may make an appropriate report to the senate. The several committees may from time to time establish their own rules of procedure.

COMMENT:

The Senate of the Urbana-Champaign Campus supports the statutory changes found in SP.17.12, which are the product of years of deliberation and negotiation. We acknowledge the efforts and good will on all sides to reach this compromise.

At the same time, we would like to register our view that SP.17.12 does not yet go far enough to protect some aspects of academic freedom, which are vital to free thought, shared governance, and excellence at a major research university.

We want to see these changes in SP.17.12 go forward without delay, but also want to register our intention to propose further changes in the future. These further changes may include two textual changes on p. 3.

On lines 7-8, we believe the phrase “and institutional” should be inserted after “academic” because the range of university policies and actions on which faculty might speak goes beyond only the academic. And the phrase “nor shall they be sanctioned for engaging in any of these activities.” should be added after “academic policy and governance.”

Lines 7-8 would then read: “As such, faculty members are encouraged to consider, review, analyze, critique, discuss, address, and debate academic and institutional policy and governance, nor shall they be sanctioned for engaging in any of these activities.”

On lines 18-19, we believe the phrase “and to engage in faculty governance” should be added after “outside the classroom.”

Lines 18-19 would then read: “Academic Freedom includes the right to discuss and present scholarly opinions and conclusions both in and outside the classroom and to engage in faculty governance.”

Additional changes, of course, might also be proposed and considered at a later time. The Statutes are a living document and are always subject to revision.