

1 **COMMITTEE ON ACADEMIC FREEDOM & TENURE REPORT ON**  
2 **ST-83 REVISION TO THE *STATUTES* AND ACADEMIC FREEDOM**

3 CHARLES C ROSEMAN†

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*Date:* 2024 10 16

† Associate Professor

Department of Evolution, Ecology, & Behavior

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Chair

Committee on Academic Freedom & Tenure.

#### 4 Summary

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6 *Purpose:* This report details the Committee on Academic Freedom and Tenure’s (CAFT) position  
7 on ST-83 REVISION TO THE *STATUTES* (ST-83<sup>1</sup>) and its potential effects on the University of  
8 Illinois, Urbana-Champaign (University of Illinois).

9

10 *Findings:* Adoption of ST-83 would strip academic freedom protections from a large proportion  
11 of the instructors of courses, labs, studios, practicum, and discussion sections along with several  
12 classes of researcher. This would expose many instructors to unreasonable and unnecessary risks,  
13 including legal exposure and arbitrary termination of employment.

14 Further, ST-83 narrows the scope of academic freedom and its accompanying protections to  
15 teaching, discourse, and research that lies within the bounds of an individual’s “expertise.” This is  
16 a radical departure from the current *Statutes*, which defines the same in terms of an individual’s  
17 “interests.” Scholars at the University of Illinois work at the knife’s edge of human knowledge, which  
18 means that they are continuously putting themselves in the position of being *inexpert* with respect  
19 to the problems they address. Scholars at the University of Illinois are inexpert because there *are*  
20 *no experts in these uncharted parts of the world*. Moreover, many academic staff on campus do  
21 not have degrees in the disciplines that the departments in which they are housed represent. That  
22 the University of Illinois has an abundance of such faculty is a sign that it is a forward-thinking  
23 institution that redefines what it means to be an expert. The academic culture at the University  
24 of Illinois does not content itself with the state of the art. It seeks to change the state of the art.

25 Lastly, CAFT is concerned that the University Senates Conference substituted “expertise” for  
26 “interest” during the Summer of 2024 after any of the Senates had last reviewed the document.  
27 As such, none of the System Senates had the opportunity to consider the effects of this substitution  
28 and to approve or reject it. Combined with the fact that ST-83 introduces an undefined and  
29 undiscussed term (i.e., “expertise”), it is cause for considerable worry that it was transmitted to  
30 the President. CAFT suspects that there have been procedural irregularities during the process of  
31 writing, debating, and the transmission of ST-83 to the Office of The President.

32

33 *Potential Consequences:* Adoption of ST-83 would have widespread and profoundly deleterious ef-  
34 fects on the research and teaching missions of the University. If ST-83 is adopted in place of the  
35 current *Statutes*, the University should expect disruptions to instruction, a decrease in the amount  
36 interdisciplinary research conducted, a stifling of innovation, and a diminishment of the standing  
37 of the University of Illinois among institutions of higher learning, among several other damaging  
38 consequences.

39

40 *Conclusion:* If ST-83 is adopted by the University of Illinois System, it will cause lasting harm to  
41 the teaching and research missions of the University. It would do so immediately upon adoption  
42 into the *Statutes*. This is particularly true for the system’s flagship campus, the University of Illi-  
43 nois, Urbana-Champaign. It would effectively cease to function as an institution of higher learning  
44 and its considerable research prowess would quickly wither.

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<sup>1</sup>The copy to which all references of “ST-83” refer are to the version presented in the file:  
*af2501\_ST83\_Statutes-REVISED 828 (Senate version)\_20240828 (1).pdf*, which is included in the at-  
tachments to the email sent to the Office of The Provost. The CAFT document identifier is AF.25.01.

46 CAFT recommends:

47

48 (1) ST-83 be rejected *in toto* and not be sent to the Board for approval but be returned for  
49 further work by USC done in a transparent and collaborative process with the Senates.50 (2) The retention of the language of the current *Statutes*.51 (3) Any future revisions to the *Statutes* affecting academic freedom should:52 (a) Be deliberated separate from any other proposed revisions. Because academic freedom  
53 is the keystone of the university, the remainder of the construction of the *Statutes* must  
54 be structurally sound before language relating academic freedom may be altered lest  
55 irreparable damage be inflicted on the University.56 (b) Include academic freedom protections for all individuals who are engaged in research  
57 and instruction at the University of Illinois, Urbana-Champaign. This must include  
58 coverage for graduate assistants and other groups of academic staff that ST-83 would  
59 leave unprotected.60 (c) Maintain the breadth of the scope of academic freedom by retaining the protection of  
61 a scholar's interest and not merely expertise.

62 (d) Include a clear rationale for each proposed change, as was done with ST-77.

63 (e) Be expressed using well defined terms whose use is consistent with the remainder of the  
64 Statutes and other governing documents of the University.65 (f) Retain the capacity for CAFT to set its own procedures so that that it remains a body  
66 capable of independent and fair deliberations free of undue external influence.67 (g) Be developed, vetted, and adopted through a more transparent process that pays close  
68 attention to the introduction of novel and undefined terms whether in the academic  
69 freedom section or elsewhere in the Statutes.70 (h) Be sent to the President for transmission to the Board of Trustees only after any late  
71 changes have been reviewed by the Senates

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## 1. BACKGROUND

87 The Committee on Academic Freedom and Tenure (CAFT) met on 23 September 2024  
 88 to review the the proposed ST-83 REVISION TO THE *STATUTES* (ST-83) and its effects,  
 89 if adopted, on academic freedom at the University of Illinois, Urbana-Champaign. CAFT  
 90 took on this task in response to the University Senates Conference's (USC) transmittal  
 91 of ST-83 to the President, which was combined with a directive that the campus Senates  
 92 provide commentary to aid the President in the evaluation of the document. The most  
 93 relevant parts of the *Statutes* for CAFT's remit are the two documents' definitions of the  
 94 scope of academic freedom and the inclusiveness of its coverage of individuals from different  
 95 categories of personnel.

96 In the *Statutes* academic freedom is defined in *Statutes* Article X. §2.a as:

97 It is the policy of the University of Illinois System to maintain and encour-  
 98 age full freedom within the law of inquiry, discourse, teaching, research,  
 99 and publication and to protect all members of the academic staff against  
 100 influences, from within or without the University of Illinois System, which  
 101 would restrict the member's exercise of these freedoms in the member's area  
 102 of scholarly interest. Academic freedom includes the right to discuss and  
 103 present scholarly opinions and conclusions both in and outside the class-  
 104 room. The right to the protection of the University of Illinois System shall  
 105 not, however, include any right to the services of the University of Illinois  
 106 System counsel or the counsel's assistants in any governmental or judicial  
 107 proceedings in which the academic freedom of the staff member may be in  
 108 issue.

109 Its counterpart in the proposed revision may be found in ST-83 Article X. §6.a, and is  
 110 written:

111 It is the policy of the University of Illinois System to maintain and encour-  
 112 age full freedom within the law of inquiry, discourse, teaching, research,  
 113 and publication and to protect all faculty and those academic professionals  
 114 engaged in such activities as part of their university employment against  
 115 influences, from within or without the University of Illinois System, that  
 116 would restrict the individual's exercise of these freedoms in the individual's  
 117 area of scholarly expertise. Academic freedom includes the right to dis-  
 118 cuss and present scholarly opinions and conclusions both in and outside the  
 119 classroom. The right to the protection of the University of Illinois System  
 120 shall not, however, include any right to the services of the University of  
 121 Illinois System counsel or the counsel's assistants in any governmental or  
 122 judicial proceedings in which the academic freedom of the individual may  
 123 be in issue.

124 The colored text in each of the preceding excerpts from the two documents highlight the  
 125 changes most relevant for evaluating the potential impact of ST-83 on academic freedom.  
 126 The pair of snippets marked with orange text relate to the reduction in the categories

127 of University personnel proposed in ST-83. The key difference here is the removal of the  
 128 term “academic staff” and its substitution by “faculty and those academic professionals...”  
 129 Blue text marks the homologous places across the documents at which the substitution of  
 130 “interest” with “expertise” takes place.

131 Of particular concern is the fact that “expertise” was introduced into ST-83 by the  
 132 USC during the summer of 2024 after they had received feedback from the Senates of the  
 133 three campuses of the University of Illinois System. None of the Senates nor any of their  
 134 supporting committees had the chance to evaluate and comment on this change.

135

## 2. FINDINGS

136 The main order of business of the 23 September CAFT meeting was to assess the im-  
 137 plications of ST-83 for academic freedom<sup>2</sup> and its potential effects on the University of  
 138 Illinois, Urbana-Champaign, should it be adopted by the University of Illinois system.  
 139 CAFT’s preliminary conclusions may be categorized into those regarding the substitution  
 140 of “faculty and academic professionals...” in the place of “academic staff,” the replacement  
 141 of “interest” with “expertise,” and the apparently irregular process through which ST-83  
 142 was transmitted to the President.

143 **2.1. Substitution of *faculty and academic professionals* in the place of *academic***  
 144 ***staff*.** The definition of “academic staff” in the *Statutes* is broad. Most relevant for pur-  
 145 poses of understanding implications for members of the university who would be most  
 146 affected by the adoption of ST-83 is *Statutes* Article IX. §3.c, which reads:

147 Other academic ranks recognized within the academic staff are: (1) instruc-  
 148 tor, senior instructor, lecturer, and senior lecturer, which may be modified  
 149 by “adjunct,” “clinical,” or “visiting”; (2) clinical associate, research asso-  
 150 ciate (which may be modified by “postdoctoral”), and teaching associate,  
 151 each of which may be modified by “adjunct” or “visiting”; (3) clinical assis-  
 152 tant, research assistant, teaching assistant, and other graduate assistants.

153 Note that “academic staff” includes “clinical assistant, research assistant, teaching as-  
 154 sistant, and other graduate assistants.” The definitions of “faculty” and “academic profes-  
 155 sional” in ST-83 would exclude graduate assistants of any kind (ST-83 Article IX. §2(g)(1)).

156 Academic freedom is usually construed as a privilege of individuals that cannot be de-  
 157 veloped to members of groups under their supervision. This forms part of the rationale  
 158 for the prohibition on departments and other academic units making statements about  
 159 contentious political issues.<sup>3</sup> For instance, an academic unit does not have the same aca-  
 160 demic freedom as an individual because it is a group of individuals with an institutionally  
 161 specified mission and organization. Given that academic freedom is held by individuals, it  
 162 would be impossible to incorporate graduate instructors and scholars on the assumption  
 163 that the academic freedom of their supervisor may be devolved to them. Such a devolution

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<sup>2</sup>As defined in Article IX §3 of the *Statutes*

<sup>3</sup>Guidelines on Departmental Statements

164 of academic freedom from supervisor to supervised would require fundamentally re-defining  
165 academic freedom.

166 It is the position of CAFT that it is unreasonable and unethical to place any individual  
167 conducting research and/or teaching as a part of their employment in a position where they  
168 are assigned intellectual work that is not covered by academic freedom protections. Failure  
169 to cover graduate assistants of all varieties and civil service librarians, among other classes  
170 of workers, would place leadership and academic staff in a position in which it would be  
171 impossible to act ethically and responsibly to carry out the mission of the University.

## 172 2.2. Substitution of *expertise* in the place of *interest*.

173 But I am very poorly today and very stupid... One lives only to make  
174 blunders.<sup>4</sup>

175 Charles Darwin

176

177 While not used in the *Statutes*, ST-83 introduces “expertise” in the Academic Free-  
178 dom section but fails to provide a definition. “Expertise” by its plain meaning denotes  
179 an individual’s skill set and knowledge base that accrues through experience to such an  
180 extent that the individual is set apart from others by dint of these skills and heightened  
181 understanding of the relevant part of the world. A certain degree of expertise is no doubt  
182 necessary to complete many tasks involved in research and teaching. Expertise, however,  
183 is almost entirely retrospective. Judging the appropriateness of an individual’s expertise  
184 for a given scholarly task involves scrutinizing their career to predict how successfully a  
185 person will approach problems that are usually well-defined within traditional disciplinary  
186 bounds. Past results are no guarantee of future performance and cutting-edge scholarship  
187 like that practiced at the University is conducted in realms of inquiry in which there are no  
188 experts. Good scholars identify new problems and new ways of thinking about the world  
189 that would not occur to experts who not step outside of the domain of their expertise.

190 As Darwin intimated in his letter to Lyell quoted above, the kind of research that yields  
191 revolutionary insight into the world takes place only through struggle with unfamiliar prob-  
192 lems and repeated failure. The forefront of research, like that performed at the University  
193 of Illinois, is not a place for experts. It is the place where expertise and conventional  
194 wisdom goes to die. Research at an institution of the University of Illinois’ stature is  
195 meant to upset the standards by which expertise is reckoned in the first place. Doing so  
196 requires room and protection to experiment with novel ideas, to fail, and to go through  
197 long stretches of time in which one has no idea what one is doing.

198 Moreover, it is no longer physically possible to be an expert in the most exciting and  
199 productive fields. The accelerating growth of the volume of results and publications and  
200 the rapid increase in the sophistication of theory and method means that humans simply  
201 do not have the bandwidth to get the information into their brains or the time to think all  
202 of it through.

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<sup>4</sup>Letter to Charles Lyell, 1 October [1861]. Darwin Correspondence Project

203 Most perniciously, in redefining the scope of academic freedom to cover only expertise,  
 204 ST-83 substitutes an *ad hominem* focus to issues of academic freedom in place of the  
 205 current *ad rem* definition that takes ideas in which an individual is interested to be the  
 206 proper domain of academic freedom. This is as an anti-scholarly move as an institution  
 207 could make. “Expertise” is not defined in the *Statutes* — it is not even mentioned — and  
 208 ST-83 provides no definition for the term.

209 **2.3. Proposed elimination of the procedural and institutional autonomy of CAFT.**

210 The ability for CAFT to operate as a fair, impartial, and independent body relies on being  
 211 able to set its own procedures within the bounds of the law, statutes, and institutional best  
 212 practices. This is particularly important when CAFT is charged with holding hearings on  
 213 academic freedom complaints and Article X proceedings to decide whether a member of  
 214 the academic staff, tenured faculty in particular, has engaged in conduct such that they  
 215 can no longer be relied upon to discharge their duties to the University of Illinois. In such  
 216 circumstances, even the perception of a conflict of interest or undue influence by other  
 217 parties from within and without the University could have

218 The *Statutes* Article X §2.(d) states that committees involved in hearings related to  
 219 academic freedom, including CAFT, may “from time to time establish their own rules  
 220 of procedure.” The proposed revision contained in ST-83 (Article X §6.(b)) jettisons this  
 221 language. Omission of language relating to the committee’s prerogative to establish its own  
 222 procedures in general leaves CAFT vulnerable to undue influence that would compromise  
 223 its independence and integrity.

224 **2.4. Other concerns.** It is the opinion of CAFT that it is wholly unacceptable to allow  
 225 a change in wording leading to a profound alteration of a mission critical policy, without  
 226 proper review by all campus Senates. The term “expertise” was substituted for “interest” in  
 227 ST-83 after the Senates had reviewed — and two Senates had rejected — the document. As  
 228 far as CAFT has been able to ascertain, none of the Senates had proposed that “expertise”  
 229 be introduced into ST-83 in any of their communications with USC. A process charged with  
 230 achieving agreement among different versions of a document should not involve making  
 231 fundamental changes to the definitions of bedrock principles on which an institution of  
 232 higher learning is built. Such decisions should be debated by all appropriate bodies and  
 233 not changed by a single committee without consulting stakeholders. The fundamental  
 234 redefinition of the scope of and coverage of academic freedom without any deliberation by  
 235 the Senates of the several campuses leads CAFT to suspect that procedural irregularities  
 236 have marred the process by which ST-83 was developed.

237 **3. PROBABLE CONSEQUENCES**

238 A number of deleterious effects would be visited on the University of Illinois should  
 239 ST-83 supplant the *Statutes*. CAFT identifies several probable outcomes related to the  
 240 research, teaching, and graduate training missions of the University of Illinois. Moreover,  
 241 adoption of ST-83 would have widespread negative effects on the University of Illinois’  
 242 scholarly culture.



243 **3.1. Research.** Adoption of ST-83 would leave novel research efforts, interdisciplinary  
244 projects in particular, unprotected by academic freedom. Interdisciplinary projects form  
245 the cutting edge of research in intellectual territory in which no one is an expert. Novel  
246 research that moves into unexplored conceptual and material domains is necessarily risky  
247 and requires a great deal of guesswork and failure to progress. Likewise, interdisciplinary  
248 research is based on a concession by collaborators from different disciplines that they face  
249 a problem that does not fit within legacy disciplinary structures and deals with an issue  
250 on which no member of the collaboration is an expert. As such, narrowing the focus  
251 of academic freedom to an individual's "expertise" would leave the kinds of work that  
252 produces the best that scholars at the University of Illinois have to offer unprotected by  
253 academic freedom. It would not long survive as a prominent institution of higher learning  
254 if ST-83 were to be adopted in its current state by the Board of Trustees.

255 Revocation of academic freedom protections for graduate researchers and other classes  
256 of scholar would rob the University of Illinois of the curiosity, enthusiasm, and novel per-  
257 spectives that young minds bring to old problems. The protection of academic freedom for  
258 all academic staff is necessary to give junior scholars the room to explore and fail with their  
259 fresh look on old issues. To leave them unprotected would throttle back this important  
260 engine of academic progress.

261 **3.2. Teaching.** If only acts and speech within the domain of expertise of an individual are  
262 protected under academic freedom, as mandated by ST83, then it seems that the University  
263 would not be able to sanction or discipline that individual for refusing to teach all, or at  
264 least part, of a course covering material in which they are not an expert. This includes  
265 large enrollment general education classes and the core introductory courses taught in  
266 most departments. CAFT notes that assigning an individual protected under the ST-83  
267 definition of academic freedom to teach a course in which they are not wholly expert would  
268 be an unreasonable demand of their labor.

269 By way of example, CAFT Chair Roseman is currently developing a new rendition  
270 of the core genetics class in the Integrative Biology major. While he could justifiably  
271 claim to be an expert in basic transmission genetics, the genetics of complex traits, and  
272 evolutionary genetics, these topics make up only about a third of the course material.  
273 It takes considerable study for him to clear the bar of adequacy when it comes to the  
274 molecular, developmental, and other material that comprises the remaining two thirds of  
275 the course. Since he is not an expert in developmental biology, certain statements he  
276 makes during the section dealing with embryology might be taken as cause for offense by  
277 individuals with strong feelings on abortion. Under the rules of academic freedom given  
278 in ST-83, the offended party would be entirely correct in pointing out that embryology is  
279 not remotely within Chair Roseman's expertise. As such, the offended party would have a  
280 strong case that his delivery of a standard account of embryo development is not protected  
281 under the expertise-based definition of academic freedom. Note that this is an *ad hominem*

282 In anticipation of this, Chair Roseman might argue that assigning him to teach a course  
283 covering material in which he was only partly expert would be an unreasonable assignment  
284 on the grounds that he would be denied academic freedom protections while teaching the

285 majority of it. A lack of academic freedom protection would place him at risk of firing for  
286 offending people while presenting perfectly ordinary and widely accepted accounts of how  
287 heredity works in the living world. Chair Roseman might use this as grounds to refuse  
288 to teach the course. Since Article IX. §.6.d.2 states that an individual may be disciplined  
289 for “[n]eglecting or refusing to perform reasonable assigned academic duties”, *Statutes*.<sup>5</sup>  
290 he would be faced with the choice of either teaching without the protections afforded by  
291 academic freedom or facing likely disciplinary hearings if he refuses to teach a course on the  
292 grounds that he would not be granted the protections that come with academic freedom.  
293 No member of the academic staff should be forced to make such a decision and it would  
294 be unethical for the University of Illinois to place them in such a situation.

295 Since graduate teaching assistants would not be covered under ST-83 academic freedom  
296 provisions, assigning them to teach anything at all could be unreasonable. Moreover, by  
297 definition, early career researchers and instructors are not experts and would not be covered  
298 by the narrowing of the scope of academic freedom to expertise as proposed in ST-83, thus  
299 leaving them exposed to risk any time they step into the classroom. One way or another, a  
300 considerable share of the University’s instructors and researchers would be left unprotected  
301 by academic freedom during their academically formative years.

302 **3.3. Graduate Training.** Adoption of ST-83 would remove the protections needed to  
303 sustain an academic environment in which graduate students may become experts. Be-  
304 ginning scholars need the freedom to struggle and to fail as a part of their development  
305 into experts. Graduates of the University of Illinois have a sterling reputation for being  
306 innovative, creative, and capable, not just of tackling the big problems, but entirely re-  
307 shaping the intellectual landscape on which problems are reckoned in the first place. Under  
308 ST-83, the University of Illinois would graduate only conformist parroters of out of date  
309 understandings of the world.

310 **3.4. Institutional Culture.** CAFT notes that deciding what constitutes “expertise” and  
311 where the boundaries of expertise within and among disciplines lie is a Pandora’s box.  
312 Opening it by adopting ST-83 would lead a rapid deterioration of campus culture and  
313 concomitant disruptions to the achievement of the University’s mission.

314 The lack of a definition of “expertise” in ST-83 injects considerable uncertainty into  
315 differentiating among instances of discourse that are genuinely academic and those that  
316 are not under the umbrella of academic freedom protections. By introducing what is  
317 an *ad hominem* standard of an individual’s expertise for being protected by academic  
318 freedom in the stead of the current *ad rem* standard of an individual’s academic interest,  
319 we adopt an institutional culture in which members of the scholarly community may be  
320 preemptively excluded from asking questions based on their diploma and curriculum vitae  
321 alone. This would lead to a culture in which experts cannot be called upon by their to  
322 explain themselves, which is a necessary component of a healthy scholarly culture. The  
323 shift to a focus on expertise would entrench an anti-intellectual climate in which academic  
324 staff would be rewarded for being more concerned with beating disciplinary bounds than

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<sup>5</sup>The same is true for ST-83. See ST-83 Article X §3.(d)(2)

325 with altering their positions given changes in the landscape of ideas. Individuals with  
 326 degrees in disciplines that differ to varying degrees in their wording and subject matter  
 327 from that of their home department are particularly vulnerable to having their lives upset  
 328 by questions about expertise.

329 At some point, every member of the academic staff has to answer to their colleagues. In  
 330 evaluations of promotion and tenure cases, we invite people from across several domains of  
 331 expertise to evaluate individual cases. Whether individuals merit these distinctions and the  
 332 rights and privileges that come with them is a matter decided by a community of people  
 333 who are not acting within their expertise. This is precisely the kind of communication  
 334 that keeps the University of Illinois at the cutting edge of human understanding. It is  
 335 also the kind of communication that ST-83 would discourage to the University of Illinois'  
 336 detriment.

337

#### 4. CONCLUSION

338 CAFT continues to review and deliberate issues stemming from ST-83 and encourages an  
 339 immediate resolution to the issue through the rejection of ST-83 by the President. If ST-83  
 340 is adopted by the University of Illinois System, it will cause lasting harm to the teaching  
 341 and research missions of the university. It would do so immediately upon adoption into  
 342 the *Statutes*. This is particularly true for the system's flagship campus, the University  
 343 of Illinois, Urbana-Champaign. It would effectively cease to function as an institution of  
 344 higher learning and its considerable research prowess would be much diminished.

345

346 Therefore, CAFT recommends:

347

- 348 (1) ST-83 be rejected *in toto* and not be sent to the Board for approval but be returned  
 349 for further work by USC done in a transparent and collaborative process with the  
 350 Senates.
- 351 (2) The retention of the language of the current *Statutes*.
- 352 (3) Any future revisions to the *Statutes* affecting academic freedom should:
- 353 (a) Be deliberated separate from any other proposed revisions. Because academic  
 354 freedom is the keystone of the university, the remainder of the construction  
 355 of the *Statutes* must be structurally sound before language relating academic  
 356 freedom may be altered lest irreparable damage be inflicted on the University.
- 357 (b) Include academic freedom protections for all individuals who are engaged in  
 358 research and instruction at the University of Illinois, Urbana-Champaign. This  
 359 must include coverage for graduate assistants and other groups of academic  
 360 staff that ST-83 would leave unprotected.
- 361 (c) Maintain the breadth of the scope of academic freedom by retaining the pro-  
 362 tection of a scholar's interest and not merely expertise.
- 363 (d) Include a clear rationale for each proposed change, as was done with ST-77.
- 364 (e) Be expressed using well defined terms whose use is consistent with the remain-  
 365 der of the Statutes and other governing documents of the University.

- 366 (f) Retain the capacity for CAFT to set its own procedures so that that it remains  
367 a body capable of independent and fair deliberations free of undue external  
368 influence.
- 369 (g) Be developed, vetted, and adopted through a more transparent process that  
370 pays close attention to the introduction of novel and undefined terms whether  
371 in the academic freedom section or elsewhere in the Statutes.
- 372 (h) Be sent to the President for transmission to the Board of Trustees only after  
373 any late changes have been reviewed by the Senates