

**To:** David Dalpiaz, Chair, Senate Committee on University Statutes and Senate Procedures  
**From:** Praveen Kumar, Executive Director, Prairie Research Institute  
**Date:** October 13, 2024  
**RE:** Review of USC-revised University Statutes (ST-83 Academic Freedom)

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## Academic Freedom

Academic freedom is essential for protecting and promoting intellectual curiosity, critical thinking, and the pursuit of knowledge. PRI agrees with USC and AAUP that academic freedom protections should focus on protected professional activities rather than on categories of employees<sup>1</sup> and PRI is encouraged by the USC's extension of academic freedom protections to academic professionals.<sup>2</sup> However, we believe that academic freedom protections should be extended to all employees who engage in scientific and scholarly research, publication, and outreach, regardless of their job title or employment category.

PRI employs many staff who, while not faculty or academic professionals, produce scholarly and scientific research, critical publications, and engage in impactful outreach, all of which warrants academic freedom protections. This includes research on controversial environmental and energy issues, such as the impacts of carbon capture and coal ash contamination on water resources and the preservation of Illinois' wetlands. To ensure that PRI staff can conduct this research freely, strong academic freedom protections are essential.

PRI's administrative, civil service, and leadership staff also play a vital role in supporting the Institute's scientific and scholarly activities. Their work involving communications, government relations, and policy analysis, is essential for ensuring that PRI's research and outreach are effective. These staff members should also be afforded academic freedom protections to support their contributions to the Institute's mission.

Extending academic freedom protections to PRI employees who engage in scientific and scholarly research, publication, and outreach fosters a more open and intellectually vibrant research environment and encourages PRI staff to pursue innovative ideas, share their findings openly, and contribute to critical discourse without fear of censorship.

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<sup>1</sup> See [AAUP 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments](#), Comment 2 at page 14. See also, [USC Response to University of Illinois-Urbana Advice on ST-83, dated August 5, 2024](#).

<sup>2</sup> Under Article X, Section 6 of the USC Revised version of the System Statutes.

## Academic Freedom Recommendations:

1. Academic freedom protections should be extended to all System employees who engage in professional activities that are protected by academic freedom.<sup>3</sup>
2. USC should consider using the definition of “primary academic work of the System,” defined in the Preamble to the Statutes, to delineate which professional activities warrant academic freedom protection. The Preamble defines the “primary academic work of the System” as “research, scholarship and creative activities; teaching, mentoring and degree granting; public and professional service and engagement; and economic development”<sup>4</sup> (all of which warrant academic freedom protections).
3. USC should consider revising the following Sections related to academic freedom protections:
  - a. **(Article X Section 6) USC Revised Statutes lines 2208 through 2213** should be revised to read: “It is the policy of the University of Illinois System to maintain and encourage full freedom within the law of inquiry, discourse, teaching, research, and publication and to protect System employees engaged in the primary academic work of the System which includes research, scholarship and creative activities; teaching, mentoring and degree granting; public and professional service and engagement; and economic development ~~all faculty and those academic professionals engaged in such activities as part of their university employment~~ against influences, from within or without the University of Illinois System, that would restrict their ~~the individual’s~~ exercise of these freedoms.” ~~in the individual’s area of scholarly expertise.”~~
  - b. **(Article X Section 6) USC Revised Statutes lines 2219 through 2222** should be revised to read: “~~Faculty and academic professionals~~ University of Illinois System employees engaged in the primary academic work of the System who believe that they do not enjoy the academic freedom that it is the policy of the University of Illinois System to maintain and encourage shall be entitled to a hearing on written request before the Committee on Academic Freedom and Tenure of the appropriate university senate.”
  - c. **(Article II Section 6) USC Revised Statutes lines 448 through 452** should be revised to read: “Staff positions fall into two categories: those assigned as part of the State Universities Civil Service System (SUCSS) classification plan (civil service) and those exempted from that classification plan, ~~and which may~~ ~~Those exempted~~ include academic professionals and other positions related to teaching and research, such as postdoctoral research associates.” **Note:** without this wording change the provision can

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<sup>3</sup> See [AAUP 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments](#), Comment 2 at page 14. See also, [USC Response to University of Illinois-Urbana Advice on ST-83, dated August 5, 2024](#).

<sup>4</sup> University Statutes at page ii.

be read to exclude academic professional staff positions that do not entail either teaching or research. **Also of concern:** the section cites to a non-existent “Article IX, Section 2 (g)(4).”

- d. **(Article IX, Section 2.g (3)) USC Revised Statutes lines 1430 and 1431** refer back to the problematic language proposed in Article II, Section 6 and if left unchanged can also be read to exclude academic professional staff positions that do not entail either teaching or research.

### **Additional Areas of Concern**

#### *ARTICLE II – LEGISLATIVE ORGANIZATION*

##### *Section 1. Faculty*

**Modified Article II, Section 1.g** expressly grants tenure and non-tenure faculty “inherent interests and rights in academic policy and governance.” **PRI’s concern:** the Statutes expressly grant interests and rights in “academic” policy and governance only to University faculty; there is no comparable grant for non-faculty and staff. The majority of PRI’s employees are not faculty. If shared governance is the System goal, as is strongly suggested by the Preamble to the Statutes, then the Statutes should also expressly state that like faculty, System staff also have inherent interests and rights in System policy and governance.

##### *Section 2. University Senates*

**Existing Article II, Section 2.b and 2.c** limit each Senate’s representation to the issue of shared governance on “matters of *educational policy* affecting its university.” Each Senate is elected to “jointly represent” “faculty, students, academic professionals, and others it deems eligible to participate in shared governance discussions.” **PRI’s concern:** in order for Senates to represent the myriad interests of faculty *and staff* they should not be limited to representing only educational policy affecting their University. The Institute’s interests, for example, involve more than “educational policy.” PRI recommends that the term “matters of educational policy” be replaced with “policy matters involving the primary academic work of the System, as defined in the Preamble to the Statutes.”

##### *Section 3. University Senates Conference*

**Existing Article II, Section 3.a.(1)** allows additional USC members to be appointed proportionally from each Senate depending upon the number of faculty. **PRI’s concern:** if shared governance is the goal, why is the number of faculty the criteria for additional Senate representation? This could potentially reduce representation on the USC of System units and entities that do not employ a large number of faculty and, like PRI no faculty at all (our Executive Director, excepted). PRI recommends basing criteria for additional USC membership *not solely on the number of faculty but to factor in the number of employees engaged in the “primary academic work of the System”* as defined in the Preamble, thus encompassing both faculty and staff, and potentially increasing diversity and representation on the USC.

#### *New Section 8. Visiting Faculty and Visiting Academic Professionals*

**Modified Article II, Section 8** is confusing as written. PRI recommends that Line 553 be modified as follows, for clarity: “The modifier “visiting” may be applied to faculty or academic professional staff positions in three ways.” **PRI has an additional concern related to Section 8:** units like PRI that do not employ tenured faculty cannot grant limited governance to visiting faculty or visiting academic professionals who are hired by PRI (as per Article II, Section 4.b. only tenured faculty have that right). This could potentially create disparities between colleges and units with tenured faculty who can extend this limited governance privilege, and those, like PRI who do not have tenured faculty and cannot extend the privilege to their visiting faculty or visiting academic professionals.

#### *ARTICLE III – UNIVERSITIES, COLLEGES, AND SIMILAR UNIVERSITY UNITS*

##### *Section 3. The Dean*

**Article III, Section 3.d** (Line 685 and Line 689) replaces the term "academic staff" with "faculty and staff." The replacement does not alter the continued inclusion of the same people who were covered as "academic staff" in the original Statutes, Article IX, Section 4.a and 3.c. The USC’s combined definition of "faculty and staff" includes: tenure system faculty, emeritus faculty, non-tenure system faculty (which includes clinical, research, and teaching associates), postdoctoral research associates (Article II, Section 1), state university civil service system (SUCSS) staff, and all other university employees exempted from SUCSS (Article II, Section 6). This is a good clarification/addition.

#### *ARTICLE IV – DEPARTMENTS*

**Article IV, Section 1.a** (Lines 803 through 805) could be written more clearly: "A department includes all faculty (as defined in Article II, Section 1.a and 1.d) and staff (as defined in Article II, Section 6) who upon the recommendation of its head or chair are appointed or assigned to it."

#### *ARTICLE V – GRADUATE COLLEGES*

**Article V, Section 1.g.** (Line 996) *If USC wants graduate deans* to be able to recommend appointments and promotions for *faculty as well as staff* then the term “staff” should be replaced with the term “faculty and staff” in Section 1.g. as the term “staff” does not include faculty (see Article II, Section 1.a.).

#### *ARTICLE IX – FACULTY AND STAFF EMPLOYMENT*

##### *Section 1. Principles Governing Employment*

**Article IX, Section 1.b** as revised could be clearer if “employees” is replaced with "University faculty and staff" which are clearly defined in the Statutes.

**Article IX, Section 1.c (1) and (2)** should be made consistent with Article IX, Section 1.c (3) by replacing "person" and "individual," respectively, with "faculty or staff."

##### *Section 2. Appointments, Ranks, and Promotions of Faculty and Staff*

**Article IX, Section 2.a.** (Line 1360) removes “administrative staff” from being subject to the appointment, salary, and promotion requirements of Section 2 and makes the Section applicable to only “academic appointments.” The original Statutes apply the same appointment, salary, and promotion criteria to both

academic and administrative staff (Article IX, Section 3.b). PRI recommends defining the term “academic appointments” to conform with Article IX, Section 2.b which uses the phrasing: “Faculty, academic professional, and postdoctoral research associate appointments.” **PRI’s concern:** while Article IX Section 2.g.(2) allows “appropriate academic rank” to be accorded to members of the administrative staff, this is not guaranteed. For those members of the administrative staff who are not accorded “appropriate academic rank,” where and what are their appointment, salary, and promotion criteria?

**Article IX, Section 2.b** limits Board of Trustee appointments, reappointments, and promotions to “faculty, academic professionals, and postdoctoral research associates.” The original Statutes at Article IX, Section 4.b authorized the Board to appoint, reappoint, and promote “academic and administrative staffs.” PRI’s concern: while Article IX Section 2.g.(2) allows “appropriate academic rank” to be accorded to members of the administrative staff, this is not guaranteed. **PRI’s concern:** for those members of the administrative staff who are not accorded “appropriate academic rank,” where and what are their appointment, salary, and promotion criteria?

**Article IX, Section 2.c** revisions would limit terms of employment notifications to academic professionals, faculty, and post-doctoral research associates. The original Statutes authorized the notification of employment to “all members of the academic and administrative staffs.” **PRI’s concern:** while Article IX Section 2.g.(2) allows “appropriate academic rank” to be accorded to members of the administrative staff, this is not guaranteed. For those members of the administrative staff who are not accorded “appropriate academic rank,” where and what are their employment notification requirements?

**Article IX, Section 2.g (2)** revisions use the term “academic rank,” but do not define the term while the original Statutes use numerous, sometimes conflicting or incomplete examples of “academic rank.” PRI recommends defining “academic rank” by listing examples in and referring back to Article II, Section 1.b through 1.f. PRI also recommends adding an employee category of undergraduate and graduate student employee needs to Article IX Section 2.g. Finally, PRI notes that in Section 2.g (1) *emerita* appear to be excluded from categories of employee, but are defined as employees in Article II, Section 1.a.

**Article IX, Section 2.h** revisions extend “special classes of positions” to encompass non-faculty and non-academic professional staff which could benefit PRI employees. PRI recommends replacing the phrasing “special classes of positions” (which is not defined) with the phrasing “special categories of employee (as defined in Article IX, Section 2.g.)” for clarity and consistency.

**Article IX, Section 2.j** revisions use the phrase “academic professional staff” for the first time; if this is meant to have the same meaning as “academic professional” then the latter term should be used for clarity and consistency. In the original Statutes at Article X, Section 3c, these appointment parameters also applied to clinical associates and research associates, clinical assistants, and research assistants and other graduate assistants as well as to academic staff conducting educational programs consisting of “the teaching, *research, scientific*, counseling, and extension staffs; deans and directors of colleges, schools, institutes, and similar university units; editors, librarians, and such other members of the staff as are designated by the president and the chancellors/vice presidents” (Original Statutes at Article X, Section

4a). **PRI's concern:** if this Section limits appointment criteria to non-tenure System faculty and academic professionals, where and what are the appointment requirements for all the other employee categories that the original Statutes include?

**Article IX, Section 2.k** revisions require the chancellor/vice president and senate to develop implementing procedures for multi-year contract appointments for certain employees including research and clinical associates in Article IX, Section 2.m (which limits these appointments to five years or one year and which requires written notice of non-reappointment). Section 2.k appears to contradict Article IX, Section 2.n which provides that appointments for clinical assistants and research assistants can be for no longer than one year and which does not require an official notice of non-reappointment. Even if read as additive, the Section is confusing.

#### *ARTICLE XII. RESEARCH AND PUBLICATION*

##### *Section 4. Scientific and Scholarly Publications and Creative Work*

**Article XII, Section 4** authorizes copyright of specified “scientific and scholarly” works subsidized by the System, but only if done by “authors and artists who are members of the academic ranks recognized in Article IX, Section 2.” **PRI's concerns:** first, the phrase “academic ranks” is not defined in the USC Revised Statutes (see, e.g., Article IX, Section 2.g (2)); second as currently worded, the phrase implies that only faculty and other clearly delineated *academic* positions are accorded copyright authority. If so, this could limit the ability of non-faculty non-academic professional and non-“academic rank” authors to copyright their scientific and scholarly works. PRI recommends deleting the phrase (Line 2420) “Authors and artists who are members of the academic ranks” and replacing it with “Faculty and staff recognized in Article IX, Section 2 may copyright their works...” This would extend copyright authority to System employees engaged in writing scientific and scholarly works.