

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

SP.25.02 Amended Proposed Revision to the *Statutes* (USC ST-83 Revised)

**Response to Requested Feedback on the Amended
Proposed Revision to the *Statutes* (USC ST-83 Revised)**

BACKGROUND

On August 29, 2024, the University Senates Conference (USC) sent a revised version of ST-83 to the Senates. On January 6, 2025, the USC requested additional feedback from the Senates on that August 2024 version, due no later than May 15, 2025.

The feedback that Urbana will provide the USC in advance of this May 15 deadline is not the statutorily defined input that requires a vote to concur, to modify, or to reject the proposed changes.

The [January 6, 2025 USC memo](#) also includes a December 20, 2024 resolution passed by the USC that outlines the process to be followed. Included in that resolution is:

“Before transmitting a revised version of ST-83 to the President, USC will share the version with the Senates, providing the Senates the opportunity to concur, modify, or reject the proposed amendments, sending its advice directly to USC, which will continue to endeavor to promote agreement.”

To consider ST-83, as amended in August 2024, the Urbana Senate held a Committee of the Whole discussion on [November 11, 2024](#). Based on that discussion, together with feedback received from numerous Senate committees and additional stakeholders, the Senate Committee on University Statutes and Senate Procedures (SP) after considerable deliberation returns with the following recommendations.

The current *Statutes* were last amended on July 20, 2023. However, ST-83, including the August 2024 version, is based on the *Statutes* as they were amended on November 12, 2020. A detailed background is included at the end of this document.

RECOMMENDATIONS

1. Do not make any changes to Article IX and X.
2. Define a clear, potentially more focused, scope for ST-83.
3. Request that each Senate discuss and provide feedback on the scope of faculty governance rights, with a focus on the rights of non-tenure system employees.
4. Establish procedures for future work on ST-83.

These recommendations, and additional comments in this document, are based on the [August 28, 2024 version of ST-83](#).

Recommendation #1

Do not make any changes to Article IX and X. Additionally and specifically, do not make any change that would alter the application or definition of academic freedom. Retain the current text of the Statutes in Articles IX and X.

Rationale

In [SP.22.01](#), the Urbana Senate voted (108 in favor, 3 opposed, and 5 abstentions) on April 1, 2024 to reject all changes to Articles IX and X. The August 2024 version of ST-83 took some steps to address concerns expressed by Urbana, but left other concerns unaddressed. In addition to those concerns being not fully addressed, the August 2024 version made changes that would add additional restrictions to academic freedom beyond those in the August 2021 version of ST-83. In particular, it restricted academic freedom to applying only to one's area of scholarly expertise rather than applying to their area of scholarly interest.

Prior to the November 2024 Committee of the Whole discussion, SP sought advice from the Senate Committee on Academic Freedom and Tenure (AF). Additionally, AF returned with an updated recommendation in April 2025, including additional commentary from the Chair.

- [AF Input for Committee of the Whole](#)
- [AF April 17, 2025 Recommendation](#)
- [AF Chair Roseman Notes on ST-83](#)

During the November 2024 Committee of the Whole discussion, Rob Kar, President of the local AAUP chapter, noted that this change could lead to the AAUP issuing a censure.

Throughout this process, and still today, it is unclear why changes are proposed that would alter and restrict academic freedom. The original ST-83 from September 2021 proposed a change in scope of academic freedom from academic staff to only faculty, apparently to remove the term “academic staff” from the *Statutes*. Doing so would significantly reduce the number of individuals protected by academic freedom. The August 2024 version adds back some, but not all, academic professionals and does not reintroduce graduate students to those protected by academic freedom. This exclusion is notable; the Graduate Employees' Organization (GEO) at Urbana has stated that this change would require “impact bargaining.”

It is unclear why removing the term “academic staff” from the *Statutes* would require removing the protection of academic freedom from this large group of employees. The August 2024 version of the academic freedom section not only continues to exclude individuals who currently have academic freedom protection but also introduces other changes that alter the long-established understanding of this section. SP currently recommends retaining the term “academic staff” until there can be further study and discussion within the three Senates. SP recommends against any changes that modify which employees are protected by academic freedom. SP, furthermore, recommends against any changes that would modify the definition of academic freedom. Due to the severity of the impact either change could have, SP recommends no changes to all of Articles IX and X.

Proposed Replacement Language

- See Article IX of the [Statutes](#) as amended on July 20, 2023.
- See Article X of the [Statutes](#) as amended on July 20, 2023.

Recommendation #2

Define a clear, more focused, scope for ST-83. Pause consideration of all changes, except for the definition and rights of faculty.

Rationale

The August 28, 2024 version of ST-83 includes proposed changes in every article of the *Statutes*. Given the breadth and interdependencies of the proposed changes, it is unclear what is within the scope of the proposed revision. That, together with a lack of specific rationales for the myriad proposed changes, creates significant difficulty in drafting alternative language. Any potential alternative language faces two uncertainties: Is it in scope? Does it interact with other changes?

SP recommends defining a clear scope for any potential changes to the *Statutes* and presenting specific rationales for any change proposed. One potential approach would be to limit changes to the definition and rights of faculty, specifically to consider expanding the rights of non-tenure system employees in governance at the university, college, and department levels. Using this approach would provide a basis for a considered discussion within the three senates to establish consensus on an issue that has occupied much attention in the discussion of ST-83. It would also connect with the role of ST-83 as a follow-up proposal to the original ST-77.

Subsequently, the text of the August 28, 2024 version of ST-83 could be used as a guide for future proposals that deal with further elements. SP believes that using multiple, separate proposals would result in a more efficient process.

Recommendation #3

Request that each Senate discuss the definition and rights of faculty and provide feedback for USC to distribute to the other Senates. Include non-tenure system employees in the current definition of the faculty (Article II, Section 3(a)), but engage the Senates in a discussion on faculty roles in governance, focusing on the scope of governance rights extended to non-tenure system employees.

Rationale

In SP.22.01, the Urbana Senate rejected changes to faculty and staff definitions. In response, USC noted:

“A proposal to eliminate all distinctions between tenure system and non-tenure system faculty (e.g., in governance roles, or in granting non-tenure system faculty sabbaticals) would fall beyond the scope of the revisions proposed in ST-83 and require a separate set of proposals to revise the Statutes.”

At the time of Urbana’s April 1, 2024 response to ST-83, SP.22.01, the Senate did not suggest that the distinction be eliminated between tenure system and non-tenure system faculty. It did note, however, that although the definition may have expanded, other elements of ST-83 left in place major inequities in the rights of tenure system and non-tenure system faculty. More importantly, despite claims that the changes were purely definitional, the full range of implications was unclear. That lack of clarity was in part due to the many interdependencies in the proposed revision.

If ST-83 is to consider the definition of faculty, however, SP believes that it would be appropriate to discuss potential implications to governance rights resulting from placing non-tenure system employees into the definition of faculty. Currently, the proposed changes place non-tenure system employees into the definition of faculty, but the numerous other proposed changes ensure that doing so does not grant additional rights.

Instead, SP recommends exploring and discussing policy before creating language. SP has had preliminary discussions of text to amend the *Statutes* to incorporate non-tenure system employees into the definition of faculty as defined in Article II, Section 3. This most basic change in definition could be used as the starting point for a discussion of the core issue: the extent to which rights are granted to non-tenure system employees.

Recommendation #4

Establish procedures for future work on ST-83.

Rationale

Whatever happens to ST-83, aside from removing it from consideration, any proposed revisions are likely to be significant. To more effectively and efficiently develop those revisions, it may prove useful to establish additional procedures for that work.

The current academic year's process, which is not specifically outlined in the *Statutes*, is an example of additional communication between the USC and the senates. This process could be expanded to be more frequent and regular. That is, while USC is developing any new ST-83 language, it could periodically transmit drafts to the senates for comment and suggestions before sending them for the statutorily required senate input of concur, modify, or reject. Because that commentary would be less formal than "concur, modify, or reject" senates could be asked to respond within a short time span. SP would welcome that, or any other procedure that increases the amount and efficiency of communication throughout the process.

SPECIFIC TEXTUAL CONCERNS

All references and line numbers below refer to the August 28, 2024 version of ST-83, unless stated otherwise.

Tenure-Track versus Tenure System

Article II, Section 1b, Line 97, states:

The tenure system faculty of the University of Illinois System consists of those members of any academic unit, except for the Graduate College, with the rank of professor, associate professor, or assistant professor who are tenured or on tenure-track (receiving probationary credit toward tenure),...

This text refers to both "tenure system" and "tenure-track." It is unclear why both are used, when "tenure-track" is not used elsewhere in this version of ST-83.

Faculty Definition

The September 2021 transmittal letter accompanying ST-83 states:

A critically important proposed revision, new in Article 2, Section 1, clarifies the definitions of faculty and staff positions, including placing non-tenure system colleagues into the definition of faculty for the first time. It also lays out the implications of this inclusion for governance and other issues.

However, ST-83, in each of its forms, has not included a definition of faculty. It does state a clear separation between faculty and staff. It also defines tenure system faculty, and non-tenure system faculty. However, no definition of faculty is provided. It is implied that the faculty include only tenure system faculty and non-tenure system faculty.

Department and College Faculty

Article III, Section 2a, Lines 616 states:

The faculty of a college shall be constituted as specified in Article II, Sections **4a** and **4c**. The college shall be governed in its internal administration by its faculty under bylaws established by the faculty, as specified in Article II, Section 4b.

Article II, Section 4a, Line 267, states:

All faculty are encouraged to shall have the opportunity to consider, review, analyze, critique, discuss, address, and debate academic policy and governance.

Article II, Section 4c, Line 278, states:

A university's senate constitution and bylaws may grant specified...

These are clearly not the intended references. It is unclear what the intended references were meant to be.

Article IV, Section 1a, Lines 805 states:

The faculty of a department shall be as specified in Article II, Sections 1a and 1d of these *Statutes*.

Article II, Section 1a, Line 94, states:

Employees of the University of Illinois System can be divided into faculty and staff, each of which has different roles, rights, and responsibilities.

Article II, Section 1d, Line 117, states:

Non-tenure system faculty provide specialized contributions to teaching, research, clinical activities, or engagement. They include members of any academic unit who have the rank of professor, associate professor, or assistant professor modified by the

terms “adjunct,” “clinical,” “research,” or “teaching”; or the rank of “instructor” or “lecturer” with or without modification.

Again, these are clearly not the intended references. Here, however, it seems that Article II, Section 1a should instead be Article II, Section 1b, which refers to the tenure system faculty.

It is also unclear, as noted in SP.22.01, why department and college faculty specifications would point to different sections of the *Statutes*. The current version of the *Statutes* does not do this.

Professional Advisory Committees

Article II, Section 7, Line 459, states:

Each university shall have an advisory committee or committees as defined at the university level, elected by staff (as defined in Article II Section 6) with at least a 50% appointment. System-level staff shall be eligible for membership in an equivalent advisory committee at the university or system level, as determined by the president or their designate.

This passage seems to imply the existence of a new professional advisory committee, at the university or system level. No justification or rationale was given for this addition, and it is unclear what the role of this body would be. Additionally, it changes the membership of a professional advisory committee to include all staff, rather than only academic professionals. In Urbana’s CAP October 2024 advice to SP, they noted that they had not been consulted regarding this change. The proposed changes also imply that additional professional advisory committees can be created at the university level.

Articles IX and X

The August 2021 transmittal letter stated:

“Articles IX and X were completely reorganized for greater consistency and clarity. There were some sections in one article that clearly belonged in the other, and vice versa. The content is mostly the same, simply reshuffled for better organization and topical coherence. Where changes were proposed, they are marked as such. (Attached is a marked-up pdf that shows the details of the reorganization.)”

A simple look at the August 2024 version of ST-83 shows that this is not the case. Concerns about the proposed changes to academic freedom are well articulated by Urbana’s Committee on Academic Freedom and Tenure. In addition to the proposed changes to academic freedom, however, the August 2024 version of ST-83 also includes several other changes that are not simply reorganizations.

Some examples include:

- Creating but not defining “academic administrator” positions. (Line 1437)
- An unclear change from “appointments” to “academic appointments.” (Line 1360) Are “academic appointments” a special class of appointments?
- Lines 1412-1417 concern matters of compensation, which seem more appropriate for the General Rules than the *Statutes*.
- An incorrect statement of who are faculty, because it excludes some faculty at Urbana, namely postdoctoral research associates. (Line 1423)
- Line 1529 states: “Dismissal prior to the end of the contract term shall be governed by Section 4, below.” That section applies only to multi-year contracts, however, not all faculty and academic professionals.
- Line 1539 includes “visiting” but refers to Article II, Section 1d which does not include “visiting” in its list of modifiers.
- The newly created Section 7 of Article X is titled “Additional Rights and Privileges of Tenure System Faculty.” However, Section 7a is clearly not a right or privilege. It is also unclear if this section is meant to apply only to tenure system faculty.

Detailed Background and Timeline of Events

In September 2021, USC transmitted to the three University Senates a large and complex package of proposed revisions to the University *Statutes* (ST-83), along with a transmittal letter and an explanatory document concerning the proposed reorganization of Articles IX and X of the *Statutes*.

- [ST-83 USC Transmittal Letter](#)
- [ST-83 \(Proposed amendments to the *Statutes* as of November 12, 2020\)](#)
- [ST-83 Article IX and X Reorganization](#)

In Fall 2021, after the Senate Executive Committee referred the package to the Senate Committee on University Statutes and Senate Procedures (SP), SP established a working group to review the major proposed changes to Article II of the *Statutes*. In November 2021, SP referred portions of the package to the Faculty Advisory Committee (FAC), the Council of Academic Professionals (CAP), and the Senate Committee on Academic Freedom and Tenure (AF). The responses from these bodies, in combination with SP’s deliberations, revealed that ST-83 was deeply flawed and overly complex.

During the 2022-2023 academic year, SP identified four significant categories that needed the Senate’s input, creating four prompts to present to the Senate for discussions in Committee of the Whole:

- [SP.23.03](#): Proposed definitional changes in Article II
- [SP.23.04](#): Restructuring of Articles IX and X
- [SP.23.05](#): Proposed elimination of the category of “academic staff” throughout the *Statutes*, including impacts on academic freedom
- [SP.23.06](#): Changes that may affect academic professionals and related governance matters

Summaries of these extensive discussions can be found in the minutes for each respective Senate meeting: [November 14](#), [December 5](#), [February 6](#), [March 6](#). Importantly, SP transmitted the recommendations of AF and CAP to the Senate for its consideration.

On [April 24, 2023](#), the Senate approved a provisional response, including recommendations for future steps on ST-83 as [SP.22.01](#), which identified specific topics that the Senate might agree on and those that SP needed to work on.

During the [2023-2024](#) academic year, SP returned to the September 2021 USC transmittal letter for guidance. After a careful review of the letter’s “high points of the proposed changes,” SP concluded that close examination of the text of ST-83 did not accomplish the outcomes posited by the transmittal letter.

This led SP to bring a recommendation to the Senate, [SP.22.01](#), to reject ST-83.

The Senate at Urbana approved SP.22.01 and thus voted to reject ST-83 in its entirety at its [April 1, 2024](#) meeting. The Senate at Springfield voted to reject ST-83 at its March 8, 2024 meeting ([RS 53-09](#)), while also submitting suggestions for “revisions and concerns.” The Senate at Chicago did not vote on ST-83, but did submit at least one “request for modifications” on December 1, 2022.

In [August 2024](#), USC responded to these Senate actions with a revised version of ST-83 and additional feedback to the Senates. Concurrently, USC sent that revised version to the President for transmission to the Board of Trustees. USC’s submission to the Senates stated that the Senates could submit comments to the President by December 16, 2024. According to the *Statutes*, the only action on the August 2024 version of ST-83 is for the Senate to “record and send its further comments to the president for transmission to the Board of Trustees.”

SP identified procedural concerns with this process. According to the *Statutes*, Article XIII, Section 8.a.2, paragraph 3:

If every senate acts affirmatively on the proposed amendment and concurs as to its text, the conference shall send the proposed amendment to the president for

transmission to the Board of Trustees and shall simultaneously notify the senates of its action; the conference may append its comments. If the senates do not agree as to the proposed amendment, the conference shall endeavor to promote agreement of the senates. Where agreement cannot be effected among the senates within a reasonable period of time, but the text of a proposed amendment has been agreed upon by all but one of the senates, the conference shall send that proposed amendment, the recommendations of the dissenting senate, and its own recommendations to the president for transmission to the Board of Trustees and shall simultaneously notify the senates of its action. A senate may record and send its further comments to the president for transmission to the Board of Trustees.

On October 23, 2024, SP communicated these concerns to USC, via the Senate Executive Committee, asking USC to rescind the current version of ST-83 from the President to the Senates. SP also noted that **no version of ST-83 presented to the Senates was accompanied by a full rationale or document explaining the scope and purpose of these proposed changes** as had been done with the prior package of extensive *Statutes* revisions, ST-77, which the Senates considered from 2014 to 2019.

The August 2024 version of ST-83 contains proposed revisions to many portions of the *Statutes*, many of which were present in the August 2021 version. As was true in August 2021, the proposed changes in the August 2024 version are interrelated across the *Statutes*, creating a variety of complications. Changes, such as alteration to the parameters of academic freedom and the creation of a system-level Professional Advisory Committee, were newly proposed in the August 2024 version. In a departure from established practice, USC did not return these changes to the Senates for approval.

In September 2024, to help guide the Senate's comments on the most recent version of ST-83, SP has solicited feedback from various bodies within and outside the Senate whose domains might be affected by these changes:

- Senate Committee on Academic Freedom and Tenure
- Senate Committee on General University Policy
- Senate Committee on the Library
- Council of Academic Professionals
- Faculty Advisory Committee
- The Graduate College
- Prairie Research Institute

This feedback was presented at the November 11, 2024 Committee of the Whole meeting. Additional feedback was collected during that meeting ([Meeting recording of the Academic](#)

[Senate Meeting, Nov. 11, 2024](#)), including a statement from Rob Kar, President of the local AAUP chapter, noting that the proposed changes to academic freedom could lead to the AAUP issuing a censure.

In advance of that November 11, 2024 Committee of the Whole meeting, SP expressed procedural concerns in an [October 23, 2024 memo](#), specifically calling for the USC to rescind the transmission of ST-83 to the President and calling for the return of the item to the three senates.

On [January 6, 2025, USC transmitted a memo](#) to the three senates. This memo included a December 20, 2024 resolution passed by the USC that outlined the process to be followed as work continues on ST-83. Specifically, the memo noted that the previous deadline would be extended to May 15, 2025, and that feedback would be directed to USC rather than the President. Most importantly, the resolution states:

“Before transmitting a revised version of ST-83 to the President, USC will share the version with the Senates, providing the Senates the opportunity to concur, modify, or reject the proposed amendments, sending its advice directly to USC, which will continue to endeavor to promote agreement.”

Given this statement, the comments that the Urbana Senate is being asked to vote on, as its submission to USC in advance of the May 15 deadline, are not of the type of statutorily defined input that requires a vote to concur, to modify, or to reject the proposed changes. An opportunity to concur, modify, or reject the proposed changes will be provided after USC considers the advice of the three senates, as noted in the USC resolution.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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