

APPROVED BY SENATE
02/16/2015

RS.15.06
February 9, 2015
AS AMENDED 2/16/2015

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE
Prefiled Resolution

RS.15.06 **Recommendations about Shared Governance and Academic Freedom**

The recent controversy over the decision to reject the recommendation to appoint Steven Salaita to a tenured position in American Indian Studies has revealed that campus policies could provide clearer guidance on how such unusual cases should be handled, particularly around divisions of authority and responsibility within campus administration. In the absence of clear policies, decisions were made in a way that was inconsistent with our usual practices of shared governance. The Senate of the University of Illinois at Urbana-Champaign expresses its serious concerns about these errors. It is imperative that we learn from these mistakes and put clearer policies in place to ensure that they will not happen again. The Senate is equally concerned about the potential for threats to academic freedom created by public statements made by the administration during this time.

Much of the recent controversy revolves around conflicting notions of the appropriate role of civility in decisions regarding hiring and dismissal of academic employees. The Senate believes that civility and respect are laudable and generally acceptable norms for public discourse; and we recognize that university employees “should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution” (AAUP *1940 Statement of Principles on Academic Freedom and Tenure*; <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>). When members of the university community fail to fulfill these obligations, it is entirely appropriate for administrators to attempt to distance the institution from any offending statements and to reemphasize the values of tolerance, inclusion, and respect. This principle is reflected in the University of Illinois *Statutes* (Article X, Section 2c).

However, university employees must remain free from the threat of either institutional censorship or discipline for the exercise of free speech that raises no questions about lack of professional fitness. When there is an allegation of professional unfitness on the part of a University of Illinois faculty member, due process must be followed, as outlined in Articles IX and X of the University of Illinois *Statutes*. Lack of civility itself should not be considered legitimate grounds for dismissal of a faculty member.

In order to assure that our governing documents are clear, consistent, and expressive of our University’s commitment to shared governance, due process, and academic freedom, the Senate recommends the following:

ISSUE #1: Provost Communications #2, #3, and #9 give apparently conflicting advice about the roles of the Chancellor and President, once a hiring and/or promotion case has been reviewed by the Provost. Some have read #2 and #3 as excluding the Chancellor and President from the process because they have “delegated responsibility” to others. Communication #9 states that “The Provost makes the final decision,” but also says that the Provost writes a “Final letter to deans and directors notifying them of those faculty members to be recommended to the Chancellor and President for promotion,” which appears to preserve an evaluative role for the Chancellor and the President in the process.

RECOMMENDATION 1: The Provost's office should revise Communications #2, #3, and #9 where necessary to resolve this apparent conflict, and to ensure that all Communications conform clearly with relevant sections of the University Statutes, including Article III, Section 3d and Article IX Section 4a. These proposed procedures should be subject to review by relevant campus governance bodies.

ISSUE #2: If these issues between different readings of the Provost's Communications and the Statutes are resolved in such a way as to preserve an independent stage of review at the Chancellor's level, it would still remain to be clarified what procedures ought to be followed in such a review. Nowhere in the Statutes or other governing documents are there guidelines about what processes of consultation, including consultation with faculty, the Chancellor should follow.

RECOMMENDATION 2: If it is judged that an independent stage of review at the Chancellor's level should be preserved, the provost's office should develop explicit procedures for consultation with unit administrators, and with relevant faculty committees, to be followed during such reviews by the Chancellor. These proposed procedures should be subject to review by relevant campus governance bodies.

At all levels (department, college, and campus) review processes should follow the principles of shared governance and consultation elaborated in Provost Communication #27, as well as the AAUP's guideline that responsible administrators "should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail" ("AAUP Statement on Government of Colleges and Universities," <http://www.aaup.org/report/statement-government-colleges-and-universities>).

ISSUE #3: Principles of due process, as well as considerations of prudence and good practice, dictate that we should re-examine our academic hiring policies to ensure that they reflect our basic commitments as an institution: commitments to openness, fairness, academic freedom, shared governance, and excellence in hiring.

Specific questions have been raised about university policies on academic freedom and extramural speech.

RECOMMENDATION 3: The Statutes and General Rules should be reviewed by a university-wide committee, with representatives of each campus's Academic Freedom and Tenure Committees, to ensure that our policies on academic freedom and extramural speech, and the language in which they are expressed, are clear, consistent, in accord with the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure, as well as informed by other relevant AAUP policy statements on the subject.

Respectfully submitted,

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