

**UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE**

Committee on University Statutes and Senate Procedures
(First Reading; Information)

SP.15.06 General Revisions to the *Statutes* Motions #1 and #2

BACKGROUND

In August 2012, the Governance, Personnel, and Ethics Committee of the Board of Trustees requested an overall review of the *University Statutes*. The Board authorized an ad hoc committee to conduct this review. That committee consisted of faculty from all three campuses, as well as various University administrators. The Statutes and Governance subcommittee of the University Senates Conference (USC) also participated in the review process. The Board's committee on Governance, Personnel, and Ethics reviewed the proposed changes, and this October, asked USC to seek the approval of the changes from the campus senates. At the October 20, 2014 Senate meeting, item UC.15.03 communicated a redline/strikeout version of the *Statutes* for consideration. To correct for a clerical error, the Senate Committee on University Statutes and Senate Procedures (USSP) was later provided with an October 24, 2014 updated version of the proposed revisions.

As mandated by the *Bylaws* of the Urbana-Champaign Senate, USSP has conducted its own review of these recommended revisions, prior to their being submitted to the Senate to vote on its advice to the Board, as provided by Article XIII, Section 8 b of the *Statutes*. The suggested changes are extensive, affecting every Article of the *Statutes*. Some of them are simply editorial adjustments, clarifying ambiguous language, for example, but some proposals would make more substantive changes.

In the course of its review, USSP found the vast majority of the changes to be appropriate and advisable, but it had specific concerns about some of the proposed changes. USSP has identified these below as part of its recommendations to the UIUC Senate.

For the Senate to consider these amendments in an orderly way, USSP will offer several resolutions covering different sections of the revisions. Because of the extent of the changes being proposed and because of a delay arising from having been provided with a superseded set of the revisions, USSP has not yet completed its review of all of the proposed changes. However, to ensure progress, it wishes to bring those sections which it has readied for action to the Senate for discussion and action. This is the first in that series of proposals, covering amendments to the Preamble of the *Statutes*, as well as Article I, Sections 1 – 5 and Article II, Sections 1 - 2.

To organize the Senate's discussion and deliberation, USSP has followed the division of the proposed revisions into eight separate motions as suggested by USC. At the December 8, 2014 meeting, USSP is presenting Motions One and Two and recommends that they be treated in succession. The committee intends to report to the Senate in several additional motions, and at the end of the process, to propose a single motion of final approval of advice to the Board. This is analogous to the procedure in *Robert's Rules of Order* for "consideration by paragraph, or *seriatim*," except that the process will be spread out over several meetings, rather than in one single meeting.

Attached is the text of the *Statutes* related to this portion of the review with redline/strikeout markings to illustrate the revisions emerging from the Board of Trustees review and below are USSP's recommendations for action to be taken by the Senate.

RECOMMENDATION ONE

The Senate Committee on University Statutes and Senate Procedures recommends tentative approval, subject to a later final vote, of the revisions to the *University Statutes* as contained in Motion 1 (pages i-ii and lines 41-122, i.e., through Article I, Section 5) with the exceptions identified below. For these exceptions, we note the

Board's proposed change, followed by USSP's recommendation. Text to be added is underscored and text to be deleted is indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

1. Page i "Nondiscrimination Statement" The statement should be edited to add "political affiliation" as the first of its list of prohibited forms of discrimination. This is necessary to adjust for the fact that the proposed revisions in Motion 5 call for the deletion of Article XI, Section 1 which has previously articulated areas of nondiscrimination. Political affiliation has been part of Article IX, Section 1, and if that Section is to be deleted, USSP believes the categories it has included should be carried forward to the *Statutes* prefatory Nondiscrimination Statement. With the Board's proposed revisions and USSP's addition the statement would read:

NONDISCRIMINATION STATEMENT: The commitment of the University of Illinois to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on merit and be free from invidious discrimination in all its forms.

The University of Illinois will not engage in discrimination or harassment against any person because of political affiliation, race, color, religion, sex, national origin, ancestry, age, marital status, genetic information, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment in University programs and activities. University complaint and grievance procedures provide employees and students with the means for the resolution of complaints that allege a violation of this Statement. Members of the public should direct their inquiries or complaints to the appropriate equal opportunity office.

2. In Article I, Section 2, lines 61-62, USSP objects to the deletion of the provision requiring that the President be a member of the faculty of each unit of the University. Although symbolic, this provision reflects an important qualification that the President be a faculty member and have been able to meet the standards of tenure that are required of faculty. Accordingly, USSP recommends that the first sentence of Article I, Section 2 remain unchanged, reading as: "The president is the chief executive officer of the University and a member of the faculty of each college, school, institute, division, and academic unit therein."

RECOMMENDATION TWO

The Senate Committee on University Statutes and Senate Procedures recommends tentative approval, subject to a later final vote, of the revisions to the *University Statutes* as contained in Motion 2 (Article II, Sections 1-2 and lines 139-250) with the exceptions identified below. For these exceptions, we note the Board's proposed change, followed by USSP's recommendation. Text to be added is underscored and text to be deleted is indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

1. Article II, Section 1, line 149, USSP noted that the senate is the elected representative of the members of the campus rather than just of the faculty. In addition in line 148, USSP recommends that rather than referring to the Senate as "the" authorized partner of the Administration, the language be changed to "an" authorized partner since there are many aspects and participants of shared governance throughout the university. Accordingly, the USSP recommends that the second and third sentences (lines 148-152) of the revision for Article II, Section 1 read:

The senate is the elected representative of the campus in shared governance discussions across the full range of university concerns. It is an authorized partner to engage administration in planning, in policy, in implementation, and collaborative problem-solving on matters pertinent to the well-being of the campus and its members.

2. Article II, Section 2, Paragraph a, lines 207-208, 210-213, and 246. USSP objects to these proposed changes to the organization of the USC. The rationale for the changes defers several important issues of constitution and operation to the USC bylaws. While the objects of the proposed changes may be a better fit for a bylaws document than the *Statutes*, the authority for creation of bylaws must first come from the *Statutes*. Because the USC does not now have bylaws and because the proposed revision for this Section does not provide authority or a process for the creation, approval, and amendment of bylaws, USSP recommends deferring the revisions proposed for Article II, Section 2 until the statutory authority exists to provide for bylaws which are submitted for review and approval by the three campus Senates.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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NONDISCRIMINATION STATEMENT

The commitment of the University of Illinois to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on merit and be free from invidious discrimination in all its forms.

The University of Illinois will not engage in discrimination or harassment against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, genetic information, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment in University programs and activities. University complaint and grievance procedures provide employees and students with the means for the resolution of complaints that allege a violation of this Statement. Members of the public should direct their inquiries or complaints to the appropriate equal opportunity office.

REVISED BY UNIVERSITY POLICY COUNCIL: ~~May 31, 2005~~ OCTOBER 24, 2014

<http://www.fs.uiuc.edu/cam/cam/ix/ix-b/ix-b-1.html>

UNIVERSITY OF ILLINOIS STATUTES

The regulations of the Board of Trustees for the guidance of the staff of the University were called Bylaws until 1901, when the term *Statutes* was applied.— In 1908, the board adopted a revision of the *Statutes* which was much more comprehensive than anything that preceded it; from 1908 to 1931, separate articles were amended and new articles were added, but no general consideration was given to the regulations as a whole.— During the period of 1931 to 1934, the board adopted certain statutes relating particularly to the educational and administrative organization of the University.— In 1935, the Board of Trustees appointed a committee of its members to consider the *Statutes*, including various administrative regulations, which had been adopted from time to time, as a whole, and to present a revised code.— This compilation was approved by the Board of Trustees on March 10, 1936, as the *University of Illinois Statutes*, and all previous editions were declared to be superseded.

On January 16, 1957, the Board of Trustees adopted a revised version of the *Statutes*, upon recommendation of the University Senate and the President of the University.— Preliminary to this formal action, a special committee of the Board of Trustees worked with a committee of the University Senate in preparing the final draft.

Preliminary drafts of the present *Statutes* were prepared cooperatively by committees of the three senates and administrative officers.— The final draft, adopted on May 17, 1972, by the Board of Trustees upon recommendation of the senates, the University Senates Conference, and the President of the University superseded all previous versions and editions of all corresponding *Statutes*.— This edition contains all amendments approved since May 17, 1972.

In 2014, a thorough review of the Statutes was undertaken to revise and clarify provisions that were out of date or out of consistency with changed university practice.

Statutes on the Web:— <http://www.uillinois.edu/trustees/statutes.cfm>

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PREAMBLE

1
2
3
4 The University of Illinois, as a state university, is subject to the control of the Illinois
5 General Assembly.—The General Assembly, subject to the limitations of the state constitution
6 and to such self-imposed restraints as are essential to the maintenance of a free and distinguished
7 University, exercises control by virtue of its authority to change the laws pertaining to the
8 University and its power to appropriate funds for the maintenance and improvement of the
9 University.—Under existing state law the University of Illinois is a public corporation, the formal
10 corporate name of which is “The Board of Trustees of the University of Illinois.”

11
12 Within the limits fixed by the Illinois constitution and laws, the Board of Trustees
13 exercises final authority over the University.—For the proper use of funds appropriated by the
14 General Assembly and for the proper administration and government of the University, the board
15 is responsible to the people of Illinois, on whose behalf its members are appointed.—The board is
16 the governing body of the University and exercises jurisdiction in all matters except those for
17 which it has delegated authority to the president, other officers, or bodies of the University.

18
19 The educational policy, organization, and governance of the University as delegated by
20 the Board of Trustees are promulgated in these *Statutes*.—When acting on such matters, the
21 board relies upon the advice of the university senates transmitted to it by the President of the
22 University.—In these matters each senate has a legitimate concern which justifies its participation
23 in the enactment and amendment of the *Statutes*.—The Board of Trustees reserves the power to
24 initiate and make changes in the *Statutes*, but before making any change it will seek the advice
25 of the senates.

26
27 *The General Rules Concerning University Organization and Procedure* document
28 supplements the *Statutes*.—*The General Rules* are subordinate to the *Statutes* and deal with
29 administrative organization, with the powers, duties, and responsibilities of officers of the
30 University, and with various administrative matters.

31
32 The Board of Trustees delegates to the President of the University the authority to
33 promulgate regulations and rules implementing *The General Rules Concerning University*
34 *Organization and Procedure*.—These are printed in the *Business and Financial Policies and*
35 *Procedures* manual and other documents subordinate to the *Statutes* and *The General Rules*
36 setting forth established policies and procedures.

41 **ARTICLE I. UNIVERSITY ADMINISTRATION**

42
43 **Section 1. Functions of the Board of Trustees**

44
45 Note: This change comes from the Board of Trustees.

46
47 The Board of Trustees is appointed by the governor of Illinois and bears the ultimate
48 responsibility to the people of the State. It approves ~~formulates~~ university policies but leaves the
49 execution of those policies to its administrative agents, acting under its general supervision. ~~It is~~
50 the responsibility of the board to secure the needed revenues for the University and to determine
51 the ways in which university funds shall be applied.
52

53 **Section 2. The President of the University**

54
55 Rationale: The symbolic provision that makes the President a member of every
56 department, etc, is an anachronism. The current view of the Presidency is that he/she is
57 more an external representative and leader of the overall institution than a micro-manager
58 of campus affairs. We specified the importance of a search committee process in hiring the
59 President. We put the campus Chancellor in the loop in the process of granting degrees.
60

61 The president is the chief executive officer of the University ~~and a member of the faculty~~
62 ~~of each college, school, institute, division, and academic unit therein.~~ The president shall be
63 ~~elected~~ appointed by the Board of Trustees, after consultation with a committee appointed for the
64 purpose of recommending appropriate candidates. The ~~and the~~ president's term of office shall be
65 at the pleasure of the board. The president shall attend the meetings of the board and participate
66 in its deliberations; may act with freedom within the lines of general policy approved by the
67 board; shall prepare the annual budgets for presentation to the board; and shall recommend to the
68 board suitable persons for positions in the University, including appointments to appropriate
69 administrative positions, other than academic, which are not provided for in the **Statutes**. In case
70 of exigencies, it is within the proper jurisdiction of the president to make appointments so that
71 the work of the University shall not be interrupted, but such appointments shall be subject to
72 confirmation by the board. The president is responsible for the enforcement of the rules and
73 regulations of the University; shall make such recommendations to the board and to the senates
74 as the president may deem desirable for the proper conduct and development of the University;
75 and shall issue diplomas conferring degrees, but only on the recommendation of the appropriate
76 senate and by authority of the Board of Trustees. The president may designate the administrative
77 officer(s) who shall exercise the functions of the president during the absence of the president
78 from duty, which designation(s) shall be subject to change by the Board of Trustees.
79

80 Rationale: The *Statutes* establish the principle that the advice of the senate may be sought
81 upon reappointment of the campus chancellor, and that the University Senates Conference
82 may also give its advice upon the reappointment of the University officers. As the
83 University Senates Conference is the advisory committee for the president, it is appropriate
84 that the advice of this body also be sought upon the president's reappointment.
85

86 **Section 3. The University Officers**

87
88 The university officers are identified in *The General Rules Concerning University*
89 *Organization and Procedure*.—Prior to recommending to the Board of Trustees the initial
90 appointment or reappointment of any university officer, except the president and the
91 chancellor/vice president, the president shall seek the advice of the University Senates
92 Conference.—Prior to the reappointment of the president, the Board of Trustees shall seek the
93 advice of the University Senates Conference.~~On the occasion of the reappointment of any~~
94 ~~university officer, the University Senates Conference may submit its advice if it so elects.~~
95

96 **Section 4. Other University Administrative Officers**

97
98 There may be additional administrative officers with university-wide responsibilities and
99 duties as delegated by the President of the University.—The president may make changes in titles
100 and assignment of responsibilities of these officers and may recommend to the Board of Trustees
101 additional administrative positions as provided for in Section 2 of this Article.
102

103 Rationale: the added final sentence is intended to clarify what the “vice president” part of
104 the chancellor’s title means.
105

106 **Section 5. Chancellors and Vice Presidents**

107
108 There shall be a chancellor at each campus of the University who shall also be a vice
109 president of the University (chancellor/vice president).—The chancellor/vice president, under the
110 direction of the president, shall serve as the chief executive officer for the campus.—The
111 chancellor/vice president shall perform such duties as may be delegated and assigned by the
112 president and may be consistent with the *Statutes* of the University, *The General Rules*, and
113 actions of the Board of Trustees. As university officers, the chancellors/vice presidents have
114 responsibility for advising the president and working with each other to advance the well-being
115 of the entire university as well as their own individual campuses.
116

117 The chancellor/vice president shall be appointed annually by the Board of Trustees on the
118 recommendation of the president.—On the occasion of the appointment or reappointment of a
119 ~~new~~ chancellor/vice president, the president shall have the advice of a committee selected by the
120 senate of the campus concerned.—On the occasion of a reappointment, the president shall have
121 the advice of a committee selected by the senate of the campus concerned. ~~On the occasion of a~~
122 ~~reappointment, the senate may submit its advice if it so elects.~~
123

124 **Section 6. The General Rules Concerning University Organization and**
125 **Procedure**

126
127 *The General Rules* supplement the *Statutes*.—*The General Rules* are subordinate to the
128 *Statutes* and deal with administrative organization, with the powers, duties, and responsibilities
129 of officers of the University, and with university employment policies, property, and other

130 matters.—*The General Rules* are adopted by the Board of Trustees acting on the advice of the
131 President of the University.—The board reserves the right to make changes in *The General Rules*
132 after consultation with the president.—Before providing such advice or consultation, the
133 president shall consult with the University Senates Conference, with due regard for the
134 provisions of Article XII, Section 5.—However, consultation with the conference is not required
135 when because of exceptional circumstances a proposed action of the Board of Trustees would
136 authorize a deviation from *The General Rules* for a specific transaction.
137
138

139 **ARTICLE II. LEGISLATIVE ORGANIZATION**

140
141 **Rationale: this revision provides more information about the mission and role of the**
142 **senates. Section (e) is revised to reflect the actual practices of educational policy review.**
143 **The procedure for honorary degrees is being revised under a separate process, and will be**
144 **considered separately.**
145

146 **Section 1. Campus Senates**

147
148 **a.** A senate shall be constituted at each campus of the University. The senate is the
149 elected representative of the faculty in shared governance discussions across the full range of
150 university concerns. It is the authorized partner to engage administration in planning, in policy,
151 in implementation, and in collaborative problem-solving on matters pertinent to the well-being of
152 the campus and its members. The basic structure of a senate, including its composition, shall be
153 provided for in its constitution.—The constitution and any amendments thereto shall take effect
154 upon adoption by the senate concerned and approval thereof by the Board of Trustees.
155

156 **b.** Each senate ~~may exercise~~ legislative functions in matters of educational policy
157 affecting ~~the University as a whole or its own campus only.~~—No such senate action shall take
158 effect until it has been submitted to the University Senates Conference as provided in Article II,
159 Section 2, and either approved by the Board of Trustees itself or approved in a manner agreed to
160 by the board.
161

162 **c.** Except as otherwise provided in these *Statutes*, each senate shall determine for its
163 campus matters of educational policy including but not limited to:—requirements for admission
164 to the several colleges, schools and other teaching divisions; general requirements for degrees
165 and certificates; relations among colleges, schools and other teaching divisions; the academic
166 calendar; and educational policy on student affairs.—Neither the powers conferred on the senates
167 by this paragraph (c) nor the powers conferred by Article II, Section 1b shall extend to matters
168 over which the college is given jurisdiction by Article III, Section 2c.
169

170 **d.** Each senate shall recommend candidates for honorary degrees and shall determine
171 for its campus the manner in which the faculty shall recommend to the chancellor/vice president
172 candidates for earned degrees, diplomas, and certificates to be conferred by the president under
173 the authority of the Board of Trustees.
174

175 | e. No ~~new line of work involving questions of changes to~~ general educational policy
176 | shall be established on any campus except upon approval of the senate concerned and except as
177 | elsewhere provided in these *Statutes*.

178 |
179 | f. Each senate may propose amendments to these *Statutes* through the University
180 | Senates Conference to the president and the Board of Trustees as provided in Article XIII,
181 | Section 8.

182 |
183 | g. Each senate shall adopt bylaws which, ~~shall govern~~ except as otherwise provided in
184 | these *Statutes*, shall govern its procedures and practices, including such matters as committee
185 | structure and duties, calling of meetings and establishment of agenda, and selection of officers.
186 | The bylaws of each senate shall provide for committees or other bodies to exercise those
187 | statutory duties specified in other sections of these *Statutes*, e.g., academic freedom and tenure,
188 | student discipline, and student affairs.—The bylaws and any changes thereto shall be reported to
189 | the Board of Trustees through the chancellor/vice president and the president.
190 |

191 | **Section 2. University Senates Conference**

192 | a. *Organization*

193 |
194 |
195 | (1) The University Senates Conference shall be made up of twenty members.
196 | The basic representation shall be two members from each senate.—Additional members shall be
197 | apportioned to each senate, at least one from each senate, in numbers proportional to the number
198 | of faculty members on each campus.—The apportionment shall be recalculated every five years.
199 | Each senate shall elect its own representatives from its membership.
200 |

201 | **Rationale: Changes to this section concern material more appropriate to the USC Bylaws**
202 | **than to the Statutes, and so were removed from this document.**
203 |

204 | (2) Senators whose senatorial terms expire before their conference terms
205 | expire shall complete their conference terms.—Any faculty senator or faculty senator-elect shall
206 | be eligible for election to the conference.—The term of office shall be three years beginning on
207 | the first day of the next academic year following the election.—~~Approximately one third of the~~
208 | ~~conference members from each senate shall be elected annually.~~
209 |

210 | ~~—————(3)———— A quorum for conference meetings shall consist of a simple majority of~~
211 | ~~the total membership of the conference.— If a quorum cannot be obtained otherwise, the~~
212 | ~~conference members from a senate may designate as many as two alternates from the faculty~~
213 | ~~members of their own senate to serve at a specific meeting.~~
214 |

215 | (34) The conference officers shall be a chair and a vice chair, who shall not be
216 | from the same senate and who shall be elected for one-year terms by and from the conference
217 | ~~and shall not be from the same senate.~~—The chair shall not be from the same senate in two
218 | consecutive years.
219 |

220 | (45)—The executive committee of the conference shall consist of two members
221 | from each senate:—the conference chair, the conference vice chair, and four additional members

222 | elected annually by and from the conference.—The conference may authorize the executive
223 | committee to act on behalf of the conference between scheduled meetings.

224 |
225 | **b. *Functions.***

226 |
227 | The University Senates Conference shall review all matters acted upon by each
228 | senate.—The conference shall determine whether senate actions requiring implementation or
229 | further consideration by officials or other groups within the University have been referred to the
230 | appropriate officials or groups.—The conference itself may make any original or additional
231 | referral it deems advisable, and may append its comments and recommendations.—Should the
232 | conference find a matter acted upon by one of the senates to be of concern to another senate, it
233 | shall refer the matter and the action to that senate.—If two or more senates have acted differently
234 | on a subject, the conference shall attempt to promote agreement or consistency.—Where
235 | agreement or consistency cannot be effected within a reasonable period of time, the conference
236 | shall transmit the related actions of the senates together with its own recommendations to the
237 | appropriate officials or groups within the University and shall simultaneously notify the ~~clerk or~~
238 | secretary of each senate of its action.—Any senate may record and transmit its further comments
239 | to the same addressees and to the conference.

240 |
241 | The University Senates Conference shall assist the senates to communicate with
242 | one another, with University and campus administrative officials, and with the Board of Trustees
243 | ~~(through the president)~~, and may develop and implement procedures to enhance such
244 | communication.

245 |
246 | **c.** The conference ~~may act~~s ~~and may authorize its executive committee to act~~ as an
247 | advisory group to the Board of Trustees ~~(through the president)~~, the president, other
248 | administrative officials, and the several senates on matters of university-wide concern.—It shall
249 | be a special concern of the conference executive committee to aid in maintaining harmonious
250 | relations among such officers and the units of the University.
251 |