

**UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE**

University Statutes and Senate Procedures
(Final; Action)

SP.16.06 Transmission of Further Comments on the General Revisions to the *Statutes*

BACKGROUND

The Committee on University Statutes and Senate Procedures (USSP) submits this proposal as the concluding step in its review of the 2014/15 proposals for general revisions to the *Statutes*, and presents comments for the Urbana Senate to submit to the President and Board of Trustees, according to the process outlined in *Statutes*, Article XIII, Section 8, paragraph b.

On May 4, 2015, the Urbana Senate adopted SP.15.18 which served as the Senate's means to express approval of and comments on the University Senates Conference (USC)'s reconciliation of differences among the work done by all three campus senates in regard to the *Statutes* amendments developed by a committee created by the Board of Trustees. USC had developed the reconciliation text for these amendments in fulfillment of its charge to foster agreement among the three campus senates. USSP had identified thirteen items where the USC's reconciliation differed from the substantive advice that the Urbana Senate had provided over the course of meetings ranging from December through April. The disposition of the reconciling items was as follows:

USSP recommended acceptance of ten of USC's proposed reconciliations (#s 1, 3, 4, 5, 6, 7, 8, 9, 11, 13). For one item (#2), USSP recommended only partial approval of the reconciled text. For a further item (# 12), USSP recommended rejection of USC's compromise text. The Urbana Senate concurred with USSP's recommendations for these twelve items at the May 4, 2015 meeting. For the remaining item (#10), USSP offered, and the Senate accepted, no recommendation for or against approval of the reconciled text that USC proposed.

The Urbana Senate's May action was reported to USC, which then presented its final recommendations in a transmittal to the President on May 27, 2015. In Fall semester 2015, after USSP received a copy of this transmittal and entire package of amendments, USSP examined the finalized version of the general revisions to the *Statutes* to determine how USC resolved the three items on which the Urbana Senate had advised differently from USC's earlier reconciliation (Items 2, 10 and 12 of SP.15.18). USSP found that the final document of general revisions to the *Statutes* transmitted by the USC to the President did not reflect the decisions of the Urbana Senate in the cases where the Urbana Senate differed from the USC.

USSP notes that in differing with the Urbana Senate's recommendations, the USC may have been simply following its statutory role of sending its own advice to the President. However, the transmittal from USC to the President does not provide an explanation of the differences with the

Urbana Senate. Therefore, the final document of general revisions to the *Statutes* does not fully reflect *all* of the decisions of the Urbana Senate. In these circumstances, the provisions of Article XIII, Section 8, Paragraph b apply: “A senate may record and send its further comments to the president for transmission to the Board of Trustees.” Accordingly, USSP presents this proposal as a means for the Senate to record and send its further comments if it wishes to do so.

RECOMMENDATION

The Committee on University Statutes and Senate Procedures recommends that the Senate authorize the Chair of the Senate Executive Committee to draft a communication to the President for transmission to the Board of Trustees. Such a communication shall be subject to review and approval by the Senate Executive Committee on behalf of the Senate. The communication shall express the following positions on the reconciling items for which the disagreement remains between the Senate and the USC:

N.B. The ordering of these positions is not intended to indicate a priority.

- 1) The Senate maintains its original objection to the addition of the word “sole” in Article II, Section 1a because this language seems to preclude other entities such as a student government, professional advisory committee, or departmental and college elected bodies as recognized components of shared governance. (See Appendix, Item One for the relevant text.)
- 2) The Senate objects to all amendments to Article IX, Section 5c and reiterates its objection to the earlier USC proposal calling for deletion of the entirety of Section 5c. The issues to which this text refers are too important to faculty rights to be relegated to the *General Rules*. Although the USC’s May 27, 2015 transmission of the general revisions retained Section 5c, it also included amendments to which the Senate had objected. Those proposed amendments would severely damage the current system of academic staff performing additional responsibilities across the University and being appropriately compensated. Additionally, the language of “appropriate administrator” is vague and is inconsistent with the specification of levels of the administrative hierarchy when discussing approvals by authorized personnel. (See Appendix Item Two for the relevant text.)
- 3) Traditionally, the *Statutes* have used the phrase “who are tenured or receiving probationary credit towards tenure” in all those places where they describe the faculty. The revisions to the *Statutes* presented in 2014/15, attempted to simplify the phrase and USC eventually landed on the phrase “tenured and tenure track”. USSP recommended, and the Urbana Senate accepted the alternate phrasing of “tenure system” as more concise and most consistent with long-standing human resource practices. While, the Senate does not find inaccurate the use of the phrase “tenured and tenure track faculty,” the Senate restates the benefits of its suggested use of the simplified term of “tenure system” throughout the *Statutes*. This term resulted from careful analysis to resolve the complex terminology proposed in the October 2014 amendments. Further, “tenure system” is the terminology currently used by Academic Human Resources on all three campuses.

- 4) The Senate notes further that the proposed text for a new Article IX, Section 3, Paragraph f, was not identified as a discrepancy in its May 4 action. However, in response to a mandate from a member resolution at the Urbana Senate's March 2015 meeting, the Senate has developed its own, substitute language on the process for making academic appointments. Its recommendation is incorporated into a separately proposed amendment to the *Statutes* in SP.15.21.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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APPENDIX

ITEM ONE:

The existing language in the *Statutes* Article II, Section 1a reads:

a. A senate shall be constituted at each campus of the University. The basic structure of a senate, including its composition, shall be provided for in its constitution. The constitution and any amendments thereto shall take effect upon adoption by the senate concerned and approval thereof by the Board of Trustees.

The proposal for general revisions to the *Statutes* made a number of changes which were acceptable to the Urbana Senate, except for the addition of the word “sole” to which the Senate objected at its May 2015 meeting. The paragraph as transmitted by the USC to the President reads:

a) A senate shall be constituted at each campus of the University. The senate is the sole representative elected legislative assembly representing the faculty, students, academic professionals, and other staff deemed eligible by the campus in shared governance discussions across the full range of university concerns. It is the authorized partner to engage administration in planning, in policy, in implementation, and in collaborative problem-solving on matters pertinent to the well-being of the campus and its members. The basic structure of a senate, including its composition, shall be provided for in its constitution. The constitution and any amendments thereto shall take effect upon adoption by the senate concerned and approval thereof by the Board of Trustees.

ITEM TWO:

At the Urbana Senate’s May meeting, USSP recommended retention of Article IX, Section 5c without any amendments. However, the May 27, 2015 USC transmittal of the general revisions to the President and Board of Trustees retained the problematic amendments as shown below:

c. Full-time employees shall not receive compensation for services with the University in excess of a normal schedule except for a reasonable amount of instruction in continuing education and public service programs, or for the grading of special examinations (outside regular course work) stipulated by the University, or other specialized functions, all to be done at a time that does not conflict with other university duties and that are not within their home unit. Exceptions may be made to this rule in special cases which are approved by the dean or appropriate administrator of the college of which the employee is a member provided that if such additional payments exceed a nominal amount the advance approval of the appropriate administrator or chancellor/vice president shall be secured. These exceptions shall be held to a minimum.