

**AGENDA**

Senate of the Urbana-Champaign Campus  
October 19, 2015  
3:10 – 5:15 pm

**Illini Union – Illini Room A**

- I. **Call to Order** – Interim Provost Edward Feser
- II. **Approval of Minutes** – September 21, 2015
- III. **Senate Executive Committee Report** – Chair Gay Miller
- IV. **Chancellor's Remarks** – Interim Provost Edward Feser
- V. **Questions/Discussion**
- VI. **Consent Agenda**

*These items will only be distributed via <http://www.senate.illinois.edu/20151019a.asp>. If a senator wishes to move an item from the Consent Agenda to Proposals and have copies at the meeting, they must notify the Senate Office at least two business days before the meeting. Any senator can ask to have any item moved from the Consent Agenda to Proposals.*

EP.16.02	Proposal to Revise the Doctor of Philosophy (Ph.D.) Curriculum in the Department of Recreation, Sport and Tourism (RST), College of Applied Health Sciences (AHS)	Educational Policy (B. Francis, Chair)
EP.16.04	Proposal to Revise the Undergraduate Minor in Food and Environmental systems in the College of Agricultural, Consumer and Environmental Sciences	Educational Policy (B. Francis, Chair)
EP.16.09	Proposal to Request to move Gender Relations in International Development (GRID) Graduate Minor from College of ACES to School of Social Work	Educational Policy (B. Francis, Chair)
EP.16.11	Proposal to Revise the Undergraduate Curriculum in the Finance Department, College of Business	Educational Policy (B. Francis, Chair)
EP.16.15	Graduate Concentrations in the Department of Education Policy, Organization and Leadership	Educational Policy (B. Francis, Chair)
EP.16.19	Proposal to Eliminate the Joint J.D./Ph.D. Degree Program in Law and Philosophy	Educational Policy (B. Francis, Chair)
EP.16.20	Proposal to Establish (4) Four Graduate Concentrations for the Master of Laws (LL.M.) Degree at the College of Law	Educational Policy (B. Francis, Chair)
EP.16.21	Proposal to Establish a Graduate Concentration in "U.S. Legal Practice Skills" for the Master of Laws (LL.M.) Degree at the College of Law	Educational Policy (B. Francis, Chair)

**VII. Proposals (enclosed)**

CC.16.06	Nominations for Membership on Standing and ad hoc Committees of the Senate	Committee on Committees (P. Kalita, Chair)	1
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SP.16.03	Revisions to the <i>Election Rules for the Student Electorate</i>	University Statutes & Senate Procedures ( <i>W. Maher, Chair</i> )	3
SC.15.12	Open Access to Research Articles	Senate Executive Committee ( <i>G. Miller, Chair</i> )	5
SC.16.17	Statement in Support of the Faculty Senate of the University of Iowa	Senate Executive Committee ( <i>G. Miller, Chair</i> )	9

**VIII. Current Benefits Issues** (5 min.)– John Kindt, Chair of Faculty and Academic Staff Benefits

**IX. Reports (enclosed)**

EP.16.22	EPC Administrative Approvals through September 28, 2015	Educational Policy	11
SUR.15.02	SURSMAC Meeting Report – June 18, 2015	J. Kindt H.F. Williamson	13
HE.16.01	FAC/IBHE Report – September 18, 2015	A. Aminmansour	15
SC.16.12	Coal Divestiture Report	Senate Executive Committee	17
SC.15.13	Background Check Policy Response	Senate Executive Committee	23
EP.16.24	Report of Administrative Approvals through October 12, 2015	Educational Policy	31

**X. New Business**

*Matters not included in the agenda may not be presented to the Senate without concurrence of a majority of the members present and voting. Items of new business may be discussed, but no action can be taken.*

**XI. Adjournment**

**MINUTES**  
**Senate of the Urbana-Champaign Campus**  
 September 21, 2015  
 Minutes

A regular meeting of the University of Illinois at Urbana-Champaign Senate was called to order at 3:15 pm in Illini Room C at the Illini Union with Interim Chancellor Barbara Wilson presiding and Professor Emeritus H. George Friedman, Jr. and Lecturer Sara Benson serving as Parliamentarians.

**APPROVAL OF MINUTES**

09/21/15-01 The minutes from April 20, 2015 were approved as distributed. The minutes from May 4, 2015 were approved as distributed.

**SENATE EXECUTIVE COMMITTEE REPORT**

Gay Miller (VMED), faculty senator and Chair of the Senate Executive Committee (SEC) welcomed all senators and guests to the first Senate meeting of the academic year and introduced herself. Miller stated that she will try her best to represent the Senate, to keep the work of SEC focused on what is important for the broad campus, but more importantly, to make sure our senators have an opportunity to have input in our shared governance process.

Chair Miller reminded senators that the Senate and Senate committees are subject to the Illinois Open Meetings Act (OMA). OMA rules state that all members of a public body must complete the OMA electronic training, and that senators and committee members should have received an email from the Office of the Senate with a link to the online OMA training.

Over the summer, the SEC acted on behalf of the Senate to endorse the name "Carle Illinois College of Medicine". Efforts to seek additional donors will continue and if a passionate donor is named, the renaming of the College of Medicine will come back to the full Senate.

The SEC had not received a letter from President Killeen asking the SEC to begin the process associated with forming a Chancellor's search committee in time for the first SEC meeting on August 24, 2015. When the letter was received Chair Miller called an additional SEC meeting to finalize the process document for selecting a search committee. The SEC further amended the process document at a regular meeting of the SEC on September 14, 2015.

09/21/15-02 Tellers for the meeting were faculty senator Joyce Tolliver (LAS), and student senators Matthew Hill (LAS) and James Butkus (FAA).

**CHANCELLOR'S REMARKS**

Interim Chancellor Barbara Wilson stated that she cares deeply for this campus and that was part of her reason for accepting the position of Interim Chancellor. Wilson still holds her deanship in the College of Liberal Arts and Science (LAS) and will return to the LAS deanship once a new Chancellor is hired. Wilson will work hard to restore trust and in a consultative manor. Wilson will listen, consult, and be as transparent as possible along with communicating often about what is happening on campus.

Wilson announced that Ed Feser was appointed as Interim Provost and Vice Chancellor for Academic Affairs. Feser has a tremendous knowledge of budgets and a depth of knowledge about this campus.

Wilson noted some positive statistics on the freshman class. There are 7,565 new freshmen and is the second-largest freshman class ever; Illinois residents have increased; all categories of underrepresented students have increased; one in five students are the first in their family to attend college. This year's freshman class is bigger, more diverse, and includes more Illinois residents.

Wilson also announced that 120 new tenure system faculty were hired. The new College of Medicine (COM) is moving forward. The search committee for the COM Dean will be announced soon.

There is still no state budget. President Killeen met with other presidents of institution of higher education in Illinois and is trying to promote discussion on the huge value of higher education.

Wilson wants to lift the AAUP (American Association of University Professors) censure and will work with the AAUP and others on campus on this issue.

The World News and Report rankings were released. Illinois is in a five-way tie at spot 41. A big portion of rankings is reputation. Wilson described a new college scorecard that the White House has launched. The scorecard is meant to assist students and parents when making decisions about which institution to attend. Illinois is listed on the homepage under "15 public four-year colleges with high graduation leading to high incomes". Wilson is proud that Illinois is in the top 15.

#### **QUESTIONS/DISCUSSION**

Faculty senator Levine (LAS) welcomed Chancellor Wilson's commitment on restoring trust. Levine asked what Wilson and other administrators plan to do about the action resolutions passed last year. Wilson replied that she will need to review those resolutions since she was not actively involved with the Senate last year. Wilson stated that it is not up to her to decide on the employment of Steven Salaita and the case is still in litigation. Wilson is committed to lifting the AAUP censure.

09/21/15-03 Faculty senator Tolliver (LAS) made a motion to have the information in item SC.16.14 presented before resolution RS.16.02 is presented. The motion was seconded and discussion followed.

09/21/15-04 The motion to have SC.16.14 presented prior to RS.16.02 failed.

#### **CONSENT AGENDA**

Hearing no objections, the following proposals were approved by unanimous consent.

- 09/21/15-05 EP.16.01\* Proposal to Revise the Environmental Fellows Program into the Sustainability, Energy, and Environment Fellows Program, and to transfer the administration of the program from the School of Earth, Society, and Environmental, College of LAS to the Institute for Sustainability, Energy, and Environment
- 09/21/15-06 EP.16.03\* Proposal to Revise the Undergraduate Concentration in Hospitality Management leading to the Bachelor of Science in Food Science and Human Nutrition in the Department of Food Science and Human Nutrition in the College of ACES
- 09/21/15-07 EP.16.06\* Proposal to Revise the PhD Program in Economics, Department of Economics, College of LAS
- 09/21/15-08 EP.16.07\* Proposal to Establish a joint degree program between the existing Master of Architecture (M. Arch) and Master of Science in Architectural Studies (MS in AS) degrees offered through the School of Architecture
- 09/21/15-09 EP.16.08\* Proposal to Create a 5-Year Program leading to a BALAS in the College of Liberal Arts and Sciences (LAS) and an MA in European Union Studies (MAEUS)
- 09/21/15-10 EP.16.10\* Proposal to Change the department level requirements for the M.S. degree and the Ph.D. degree in Atmospheric Sciences
- 09/21/15-11 EP.16.12\* Proposal to Change Unit Name from International Programs and Studies (IPS) to Illinois International Programs (IIP)

- 09/21/15-12 EP.16.13\* Proposal to Establish a Graduate Concentration in Computational Engineering within the Major in Engineering in the Master of Engineering Degree in the College of Engineering
- 09/21/15-13 EP.16.17\* Proposal to Establish a New Bachelor's of Science in Middle Grades Education in the Department of Curriculum and Instruction with Concentrations in: 1) Literacy; 2) Mathematics; 3) Science; and 4) Social Science
- 09/21/15-14 EP.16.18\* Proposal to Transfer the Center for Prevention Research and Development (CPRD) in the Institute for Government and Public Affairs to the School of Social Work

### PROPOSALS

- 09/21/15-15 SC.16.03\* Procedures for Selecting a Search Committee to Advise the President on the Selection of a Chancellor

On behalf of the SEC, Chair Miller moved adoption of SC.16.03 with the following corrections.

Senate *Constitution*, Article VI, Section 11:

When the Senate selects members of a search committee, faculty senators shall nominate and elect faculty members of the committee, Other Academic Staff senators shall nominate and elect Other Academic Staff members of the committee, and student senators shall nominate and elect student members of the committee in separate votes.

and

**Academic Professional (1):** The Council of Academic Professionals will nominate two members. ~~The full Senate~~ Other Academic Staff will elect one.

Chair Miller invited President Timothy Killeen to speak about his ideas on the composition of the search committee to select a chancellor and how a search firm might play a role.

Killeen is hopeful to find a team player that will propel the institution forward. He spoke of a consultative process where all voices would be heard. Killeen also commented that it is important to find the right search firm that will work with the search committee. An RFP (request for proposals) has been issued for a search firm. Killeen was not open to limiting the role of the search firm.

Senators requested that the top candidates for chancellor be announced and possibly give presentations. Killeen was open to this request.

Faculty senator McDuffie (LAS) read a statement of concern written on behalf of 22 faculty across campus. The statement was titled "Statement of Principles for the Appointment of a Permanent Chancellor and Provost". McDuffie had previously sent this document to President Killen.

- 09/21/15-16 Faculty senator Rosenstein (MDA) moved to amend the document by striking "by electronic means" from the second sentence in the final paragraph and by inserting "Only the names of the nominees will be presented to the full Senate at the beginning of the open nomination period. All biographical sketches for all the candidates will be presented to the full Senate by electronic means at one time." after the second sentence in the final paragraph. The motion to amend was seconded.
- 09/21/15-17 The motion to amend was approved by voice.
- 09/21/15-18 Proposal SC.16.03 was approved as amended by voice.
- 09/21/15-19 SP.15.16\* Proposed Revisions to the *Bylaws*, Part D.1 – Senate Executive Committee, Membership

On behalf of the Senate Committee on University Statutes & Senate Procedures (USSP), Chair Maher introduced and moved adoption of SP.15.16. Bohlmann, academic professional member of the SEC, asked for support of the proposal.

- 09/21/15-20 Proposal SP.15.16 was approved by voice.
- 09/21/15-21 RS.16.01\* Resolution Concerning the Formation of an ad hoc Committee Concerning Senators' in use of Non-Official Communications to Advise Campus Administrators
- Steinberg (LAS) introduced and moved adoption of resolution RS.16.01. The motion was seconded and discussion followed.
- 09/21/15-22 Tolliver moved to refer resolution RS.16.01 to the USSP committee. Her motion is as follows:
- WHEREAS, RS 16.01 cites no basis of authority in the University Statutes, or in the Urbana Senate Constitution, Bylaws, or Standing Rules for the investigation it proposes;*
- WHEREAS, the only accusation in the Resolution, that some unnamed senators used "non-official communications as a means of offering private advice to the chancellor and other administrators on important university matters" refers to a practice that is entirely consistent with state law and with Senate, campus, and university rules;*
- WHEREAS, neither of the documents quoted in RS 16.01 (Provost's Communication 27 and the USC White Paper) refers to "non-official communications" or "private advice" as inimical to the practice of shared governance;*
- WHEREAS, the Resolution specifies for the proposed committee no guidelines of procedure or evidence to rely on in its proposed investigation;*
- WHEREAS, specifically, the Resolution does not specify what are the "Senate procedures, ethical norms, or best practices of shared governance" against which the actions of senators are to be judged – and where such Senate norms and procedures are codified;*
- Whose actions are to be investigated by this committee, and what charges of misconduct are being alleged;*
- What rules of evidence pertain to this investigation, and whether the committee would rely only on currently publicly available information, or whether it would seek the power to demand additional documentary evidence and/or personal testimony;*
- Whether the unnamed subjects of this investigation are to be considered jointly or individually;*
- Whether any subjects of this investigation would be informed of any alleged violations of which they might be accused, and provided an opportunity to provide evidence on their own behalf;*
- Whether any draft report or findings would be shared with those subjects for a response before being made public;*
- To whom the stipulation applies that "faculty actively involved in these private e-mail exchanges concerning University matters may not be members of the ad hoc committee" (since these faculty are nowhere identified), and whether "to ensure the integrity of the process" there should be other such exclusions for eligibility to the committee – for example, people who have already publicly expressed opinions on the emails and/or the conduct of fellow senators in this matter (including the sponsors of RS.16.01);*
- What is the range of potential consequences or penalties for any allegations of violation that the committee might make, and on what basis of authority those penalties would be founded; therefore*
- I MOVE: that the Senate refers the proposal outlined in RS 16.01 to establish an ad hoc investigative committee to the Committee on University Statutes and Senate Procedures (USSP) to clarify first of all whether the establishment of such an investigation falls within the authority of the Senate; and*
- That if the USSP judges that such an ad hoc investigation does fall within the authority of the Senate, that the USSP determine the proper scope of authority, procedures, and rules of*

*evidence for any such investigative committee, including, among other considerations, responses to all the questions posed above; and*

*That, in order to ensure that any such process is consistent with state law and with University rules, the USSP submit any revised proposal for an investigative committee's charge and procedures to the Office of University Counsel and to the University Ethics and Compliance Office for their review and approval; and*

*That the USSP report back to the Senate with any proposed revision of the committee charge and procedures, accompanied by a summary of the advice of the Office of University Counsel and the Ethics and Compliance Office, before the committee is considered for approval.*

The motion to amend was seconded and a robust discussion followed.

- 09/21/15-23 Student senator Villanueva made a motion close debate. The motion was seconded and there was two thirds in the affirmative. Debate was closed.
- 09/21/15-24 The motion to refer the resolution to the USSP committee failed by i>Clicker. There were 48 affirmative votes and 95 negative votes.
- 09/21/15-25 The motion to adopt resolution RS.16.01 failed by i>Clicker. There were 66 affirmative votes and 80 negative votes.
- 09/21/15-26 RS.16.02\* Resolution on the Postponement of the Criminal Background Check Policy  
Faculty senator Barnes (LAS) spoke passionately about the postponement of the University Policy on Background Checks. Barnes (LAS) moved adoption of resolution RS.16.02. The motion was seconded and discussion followed.
- 09/21/15-27 Faculty senator Hilton (ENGR) moved to amend the resolution by inserting the clause "Be it also resolved that the SEC will refer the policy to the appropriate Senate Committees." at the end of the resolution.
- 09/21/15-28 The amendment was seconded and approved by i>Clicker. There were 87 affirmative votes and 30 negative votes. Further discussion followed regarding implementation of the policy on the Urbana campus. Benmamoun thanked the Senate members for their comments and advice.
- 09/21/15-29 Faculty senator Weech (LISC) moved to close debate and the motion was seconded. There were two thirds in the affirmative and debate was closed.
- 09/21/15-30 The motion to adopt the amended RS.16.02 was approved by i>Clicker. There were 100 affirmative votes and 18 negative votes.
- 09/21/15-31 CC.16.03\* Nominations for Membership on Standing and ad hoc Committees of the Senate, the Military Education Council, and the General Education Board  
On behalf of the Senate Committee on Committees, Chair Kalita moved adoption of the slate of nominees on proposal CC.16.03.
- 09/21/15-32 The motion to adopt CC.16.03 was approved by voice.
- 09/21/15-33 CC.16.04\* Nominations to the Athletic Board  
On behalf of the Senate Committee on Committees, Chair Kalita moved adoption of the slate of nominees on proposal CC.16.04.
- 09/21/15-34 The motion to adopt CC.16.04 was approved by voice.
- 09/21/15-35 CC.16.05\* Nominations to the Research Policy Committee  
On behalf of the Senate Committee on Committees, Chair Kalita moved adoption of the slate of nominees on proposal CC.16.05.

09/21/15-36 The motion to adopt CC.16.05 was approved by voice.

09/21/15-37 SP.15.04\* Proposed Revisions to the *Bylaws*, Part D.6 (b) – Committee on Committees, Membership

On behalf of the USSP committee, Chair Maher introduced and moved adoption of SP.15.04. Maher stated that this proposed change clarifies past practice.

09/21/15-38 The motion to adopt SP.15.04 was approved by voice.

09/21/15-39 SP.15.10\* Revisions to the *Senate Bylaws*, Part C, Section 4 to Conform with Student Election Practices

On behalf of the USSP committee, Chair Maher introduced and moved adoption of SP.15.10.

09/21/15-40 The motion to adopt SP.15.10 was approved by voice.

#### **CURRENT BENEFITS ISSUES**

John Kindt, Chair of Faculty and Academic Staff Benefits reported that the Illinois Supreme Court's May ruling finding the state's 2013 pension reform law (commonly referred to as SB1) unconstitutional will not be appealed to the U.S. Supreme Court.

Kindt also stressed the importance that all employees be diligent in submitting documents for the dependent verification process. If dependents are not verified, they will lose coverage.

#### **REPORTS**

09/21/15-41 EP.16.14\* EPC Administrative Approvals through August 24, 2015

09/21/15-42 UC.15.09\* USC Report – May 26, 2015

09/21/15-43 UC.15.10\* USC Report – June 25, 2015

09/21/15-44 SC.15.16\* BOT Observer Report – July 23, 2015

09/21/15-45 SC.16.13\* BOT Observer Report – September 10, 2015

09/21/15-46 SC.16.14\* University Policy on Background Checks

#### **NEW BUSINESS**

None

#### **ADJOURNMENT**

The meeting was adjourned at 5:24 pm.

Jenny Roether, Senate Clerk

\*Filed with the Senate Clerk and incorporated by reference in these minutes.

**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**  
Committee on Committees  
(Final; Action)

**CC.16.06** Nominations for Membership on Standing and *ad hoc* Committees of the Senate

**Conference on Conduct Governance**

To fill one faculty vacancy unfilled during the spring 2015 elections.

Beth Sheehan	LIBR	Term Expires 2017
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**Educational Policy**

To fill two faculty vacancies; one unfilled during the spring 2015 elections and one created by the resignation of Jerome McDonough.

Ann Reisner	MDA	Term Expires 2016
Robert Muncaster	LAS	Term Expires 2016

**Library**

To fill one student vacancy unfilled during the spring 2015 elections.

Stacy Wykle	GRAD	Term Expires 2016
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**Student Discipline**

To fill one faculty vacancy unfilled during the spring 2015 elections.

Brent Roberts	LAS	Term Expires 2017
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**Licensing Advisory Committee (*ad hoc*)**

To fill one faculty vacancy.

Wendy Shelburne	LIBR	
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**COMMITTEE ON COMMITTEES**

Prasanta Kalita, Chair  
Tim Flanagin  
George Gross  
Sarah Hochman  
Randy McCarthy  
Lisa Monda-Amaya  
Nancy O'Brien  
Titus Potter  
Marissa Roberson  
Jenny Roether, *ex officio*

Nominations from the floor must be accompanied by the nominee's signed statement of willingness to serve if elected. The statement shall be dated and include the name of the position to be filled. If present, the nominee's oral statement will suffice.



UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE

University Statutes and Senate Procedures  
(Final; Action)

SP.16.03 Revisions to the *Election Rules for the Student Electorate*

**BACKGROUND**

In October 2014, the Senate Committee on University Statutes and Senate Procedures (USSP) received an inquiry from the Campus Student Election Commission (CSEC) regarding ambiguity in the language for electing student senators. At present, students may only run for senate seats allocated to the election unit containing their degree program, but may vote in the elections for any seat allocated to their college. The CSEC was concerned that this long running practice may conflict with the election rules' stipulation that student senators be elected "by each voting unit".

In September 2015, the Illinois Student Senate was presented with a choice of alternative texts to resolve the ambiguity and recommended the proposed revision below by a vote of 21 to 8. USSP concurs with this recommendation.

**RECOMMENDATION**

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the *Election Rules for the Student Electorate*. Text to be added is underscored and text to be deleted is indicated by ~~strikeout~~ (e.g., ~~sample text for deletion~~).

**PROPOSED REVISIONS TO THE *ELECTION RULES FOR THE STUDENT ELECTORATE***

- 1 **3. Election Units; Apportionment**
- 2 3.7. *Voting Units*. Student voting units shall be determined in the following manner:
- 3 a) *Unit Structure*. In each college entitled to more than one student representative, the student body should
- 4 be divided into as many voting units as there are student representatives to be elected. One senator will
- 5 then be elected ~~by~~ from each voting unit. If it is impossible to use single-representative units and at the
- 6 same time meet other requirements set forth in these Rules in Sections 3.7 (b,c,d,e), a college may be
- 7 divided into voting units which elect more than one senator, or all senators may be elected from the college
- 8 at large.
- 9
- 10 **5. Electorate Qualifications**
- 11 5.3. *Undergraduate and Graduate Students*. Undergraduate students who are eligible to vote, as defined in
- 12 Section 5.1, may vote for candidates in all Senate student elections within their respective colleges.
- 13 Graduate students, including graduate professional students, may vote only for graduate student
- 14 candidates.

UNIVERSITY STATUTES AND SENATE PROCEDURES  
William Maher, Chair  
H. George Friedman  
Shawn Gordon  
Wendy Harris  
Calvin Lear  
Anna-Maria Marshall  
Mark Roszkowski  
Gisela Sin  
Sandy Jones, *Ex officio* (designee)  
Jenny Roether, *Ex officio*  
Dedra Williams, *Observer*



UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE  
Senates Executive Committee  
(Final; Action)

**SC.15.12** Open Access to Research Articles

**BACKGROUND**

In response to SEC's request, the Senate Committee on General University Policy (GUP) and the Senate Committee on the Library reviewed the previous subcommittee reports on the Open Access policy, in order to formulate a single coordinated campus recommendation.

Both the GUP committee and the Library committee support the University Policy Statement on Open Access to Research Articles, as it was forwarded from the University Senates Conference (USC).

In terms of specific campus implementation of that policy, both committees had suggestions. The Library committee report specifies:

*Our recommendation is that the project receives full support without as much automation between the different streams of information and content. This lies within minimal and full support scenarios mentioned in the report. The idea to hire a half time graduate assistant to coordinate the implementation of an open access policy is a good one. UIUC faculty members whose research articles are published or otherwise made available as public resources should report these to a dedicated open access office through a standard procedure, and the university should appoint specific staff to manage these files.*

*Negotiation and clarification of publisher cooperation with policy is also an important component of implementation. According to the report, this scenario costs more than the minimal one, less than the one for full support for all possible actions and less than merely leaving out the negotiation with publishers or attempts to harvest content from them, activity that is crucial to ensuring access, since this is entirely the point of open access initiatives.*

Both committees were concerned that information about the policy be widely disseminated. GUP recommended the development of a "robust informational campaign . . . so that faculty members are aware of the policy and what new actions will be requested of them when they publish scholarly articles. In our view it is especially important that faculty understand their intellectual property rights and how this policy is being implemented in a manner that will preserve those rights. Faculty also need to be made aware of the potential benefits to them, to the public, and to their scholarly fields, by participating in the open access program. Such an informational campaign might also be incorporated into the orientation sessions for new faculty members." In part this could be accomplished by setting up a web page/FAQ.

The Library committee also said that the campus "should set up a web page to explain its open access policy to the public."

**RECOMMENDATION**

The Senate Executive Committee recommends the Senate of the Urbana-Champaign communicate to USC its approval of the attached University Policy on Open Access to Research Articles.

**SENATE EXECUTIVE COMMITTEE**

Gay Miller, Chair	John Hart	Kathryn Oberdeck
Kim Graber, Vice-Chair	Matthew Hill	David O'Brien
Abbas Aminmansour	Prasanta Kalita	Michael Sandretto
Michael Bohlmann	Calvin Lear	Matthew Wheeler
Nicholas Burbules	William Maher	
Bettina Francis	Anita Mixon	

## Proposed Policy on Open Access to Research Articles at the University of Illinois

*Whereas:* The University of Illinois is a world-class engine of knowledge in diverse disciplines.

*Whereas:* The Faculty of the University of Illinois is committed to disseminating its research and scholarship as widely as possible.

*Whereas:* This research and scholarship benefits the region, Illinois, and the rest of the world.

*Whereas:* Open access allows for the greatest dissemination of research and scholarship.

*Whereas:* The Faculty recognizes the benefits that accrue to them as individual scholars and to the scholarly enterprise from such wide dissemination, including greater recognition, more thorough review, consideration and critique, and a general increase in scientific, scholarly and critical knowledge.

*Whereas:* The General Rules of the University of Illinois affirm that Faculty retain “copyright rights to academic copyrightable works” (Article III. Section 4(a)).

*Whereas:* The state of Illinois has expressed interest in the practices on Open Access in higher education institutions of the state through Public Act 098-0295.

*Whereas:* The University Senates Conference endorsed the University of California Open Access Policy as an acceptable basis for the University of Illinois own policy.

*Be It Resolved that the Faculty at the University of Illinois adopts and implements the following policy on Open Access.*

### **Grant of License and Limitations**

Each Faculty member, for the purpose of making his or her scholarly articles widely and freely available in an open access repository, grants to the University of Illinois a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same. Any other systematic uses of the licensed articles by the University of Illinois must be approved by the Campus Senate. This policy does not transfer copyright ownership, which generally remains with Faculty authors under existing University of Illinois General Rules (Article III. Section 4(a)).

### **Scope and Waiver**

This Open Access policy covers all current Faculty members as defined by the Statutes: “members of the academic staff with the rank or title in that unit of “professor, associate professor, or assistant professor who are tenured or receiving probationary credit toward tenure, and those administrators in the direct line of responsibility for academic affairs” (Article II: Section 3.(a).1).

The policy applies to all scholarly articles authored or co-authored while the creator is a member of the Faculty except for (1) scholarly articles that fall outside of the scope of copyrightable works described in General Rules Article III, Sections 4a and 4c; (2) any articles published before the adoption of this policy; and (3) any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy.

Upon express direction by a Faculty member, the University of Illinois will waive application of the license for a particular article or delay access for a specified period of time.

### **Deposit of Articles**

To assist the University of Illinois in disseminating and archiving the articles, Faculty commit to helping the campus obtain copies of the articles. Specifically, each Faculty member who does not request a waiver of the licensing requirement as described above will provide an electronic copy of his or her final version of the article (i.e., the final author’s version post peer-review” or the “final published version” where possible) to the designated repository . If applicable, a Faculty member may instead notify the University of Illinois that the article will be made openly available in another repository or in an open-access publication, or made available via a link to public access versions of those articles on publisher websites. Faculty members who have requested a permanent waiver of the licensing requirement may nonetheless deposit a copy in the repository for archival purposes.

Notwithstanding the above, this policy does not in any way prescribe or limit the venue of publication. This policy neither requires nor prohibits the payment of fees or publication costs by authors.

### **Oversight of Policy**

The Campus Senate, through an appropriate existing committee, and the Office of the Provost will be jointly responsible for implementing this policy, resolving disputes concerning its interpretation and application, and recommending any changes to the Faculty of the campus. All the responsible parties will review the policy within three years, and present a report to the Campus Senate. This report shall be transmitted to the Vice President of Academic Affairs. The VPAA is encouraged to gather the reports from the three campuses and present the results to the University Senates Conference and the Board of Trustees of the University of Illinois.

The Campus Senate urges the responsible units to develop and monitor mechanisms that would render implementation and compliance with the policy as convenient for the Faculty as possible.



**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**  
Senates Executive Committee  
(Final; Action)

**SC.16.17** Statement in Support of the Faculty Senate of the University of Iowa

**BACKGROUND**

The 2015 CIC (Committee on Institutional Cooperation) Faculty Governance Leadership Conference was held on September 23-25, 2015. Members of the CIC institutions in attendance crafted language subsequent to this meeting in support of the University of Iowa Faculty Senate.

The Faculty Senate of the University of Iowa voted by a large majority at a September 8, 2015 meeting to issue a statement of no confidence in their Board of Regents.

Below is the text of the resolution voted on by the University of Iowa Faculty Senate:

*WHEREAS, the Board of Regents has failed in its duty of care to the University of Iowa and the citizens of Iowa and shown blatant disregard for the shared nature of university governance, and*

*WHEREAS the Regents have failed to act according to their own strategic plan's core values, namely ethical behavior, honesty, open and effective communication, public accountability, stewardship and service, and transparency, we therefore have no confidence in the ability of the Board of Regents wisely to govern our institution.*

**RECOMMENDATION**

The Senate Executive Committee unanimously recommends the Senate of the Urbana-Champaign Campus endorse the following statement crafted by those in attendance at the September 23-25, 2015 CIC Faculty Governance Leadership Conference, and in support of the University of Iowa Faculty Senate.

*We, the undersigned representatives of faculty governance systems across the CIC (Committee on Institutional Cooperation), express our support for the Faculty Senate of the University of Iowa.*

*Principles of shared governance dictate that the voice of the faculty, which carries out the core mission of the university, is accorded considerable weight in all important decisions of university governance. In appointing Bruce Harreld as the President of the University of Iowa against overwhelming opposition from the faculty, the Board of Regents, State of Iowa appear to have violated these principles. We have a common interest in ethical conduct, honesty, open and effective communication, public accountability, stewardship and service, and transparency in the process of the appointment of University Presidents and Chancellors.*

*We call on the Board of Regents, State of Iowa to adhere to the principles of shared university governance and to ethical behavior and transparency.*

*This statement will be communicated to campus, local, state, national, and education publications and to the Board of Regents, State of Iowa.*

**SENATE EXECUTIVE COMMITTEE**

Gay Miller, Chair	Prasanta Kalita
Kim Graber, Vice-Chair	Calvin Lear
Abbas Aminmansour	William Maher
Michael Bohlmann	Anita Mixon
Nicholas Burbules	Kathryn Oberdeck
Bettina Francis	David O'Brien
John Hart	Michael Sandretto
Matthew Hill	Matthew Wheeler



**UNIVERSITY OF ILLINOIS**  
**URBANA-CHAMPAIGN SENATE**  
(Final; Information)

EP.16.22 Report of Administrative Approvals at the September 28, 2015 meeting of the EPC.

**Centers**

**College of Business** – Revise the name of the Deloitte Center for Business Analytics in Accountancy, approved by the Board of Trustees on July 23, 2015 and pending IBHE approval, to “University of Illinois Deloitte Foundation Center for Business Analytics.” This name better reflects the broader scope of the Center’s mission.

**Graduate Programs**

**Master of Fine Arts in Creative Writing, College of Liberal Arts and Sciences and the Graduate College** – Revise minimum GPA requirement from 2.75 to 3.0. This program is within the English Department, the graduate GPA requirement for English is 3.0, so this brings the MFA’s GPA minimum such that it is consistent with the minimum of the department which houses the program.

**Undergraduate Programs**

**BALAS in Geography and Geographic Information Science (GIS), College of Liberal Arts and Sciences** – Revise the Concentration-specific requirements for two of the major’s four concentrations as follows:

*Human Geography Concentration:* From the list of 200- to 400-level Geography and GIS courses of which students are to select 25-27 hours, add GEOG 215, Resource Conflicts (3 hours) and SOC 280, Intro to Social Statistics (4 hours); remove GEOG 468, Biological Modeling (3 hours).

*GIS Concentration:* From the list of which students are to select a minimum of 3 courses, add SOC 280, Intro to Social Statistics (4 hours); for the requirement of one computer science course, add CS 125, such that students may select from CS 105, Intro to Computing: Non-Tech (3 hours) or CS 125, Intro to Computer Science (4 hours), or Other Computer Science course approved by Department’s Advisor.

None of these changes alter the hours required for either concentration.

**Bachelor of Science in Chemistry, College of Liberal Arts and Sciences** – In the Specialized Curriculum in Chemistry, remove CHBE 494, Special Topics, from the list of courses from which students choose to satisfy the additional laboratory work requirement. CHBE 494 is rarely a lab course and thus should be removed from this list. There is no change to the total hours required for the major.

**BSLAS in Statistics, College of Liberal Arts and Sciences** – Add STAT 443, Professional Statistics (3 hours), and STAT 480, Data Science Foundations (3 hours), to the list of courses from which students can choose to satisfy the requirement of 12 hours of advanced courses in the major. There is no change to the total hours required for the major.



**UNIVERSITY OF ILLINOIS**  
**URBANA-CHAMPAIGN SENATE**

State University Retirement System Members Advisory Committee  
(Final; Information)

**SUR.15.02** Report on SURSMAC\* Meeting June 18, 2015\*\*

SURSMAC held its summer meeting at the SURS headquarters in Champaign beginning at 10 a.m. Two issues involved indirect discussions before and after the SURSMAC meeting. First, there were proposals to modify the SURSMAC bylaws. Secondly, it was noted that on May 8, 2015 the Illinois Pension Reform Act, S.B. 1, was determined to be unconstitutional per a unanimous decision of the Illinois Supreme Court in *Heaton v. Quinn*, 32 N.E. 3d 1 (2015). (New developments re *Heaton* are reported as an addendum to this report.)

Following the SURSMAC agenda, the minutes of the meeting of November 18, 2014 were approved. Then the SURS Executive Director Update noted that the new SURS Director is Bryan Lewis who assumed office in spring 2015, replacing William Mabe. Re-emphasized were the SURS missions to insure SURS financial security and to deliver retirement benefits to state employees. To enhance communications, SURS is now directing everyone to the SURS website for their initial contacts with SURS.

The Investment Update by Dan Allen reported that SURS pays \$2.1 billion per year in benefits, but the funding ratio for SURS is only 45%. This ratio needs to be improved by the State of Illinois, but political issues make an improved ratio unlikely for the near future. SURS is trying to reduce equity exposure, and to reduce risk SURS is investing more in emerging markets. SURS is also researching investing in hedge funds. SURS traditional has low management fees but SURS is going to hire a manager to manage other financial managers, which is supposedly a common strategy. SURS is trying to de-risk the SURS portfolio. Andrew Matthews also noted the first SMP search for providers in 15 years, and during the September SURS Board Meeting 2 to 7 SMP providers will be considered.

The Legislative Update was provided by Kristen Houch and Albert Lee. Interested parties are currently monitoring Chicago pension cases, including *Jones v. Municipal Employees*. Most of these cases propose to cut Cost of Living Adjustments (COLAs), more properly referred to in Illinois as Automatic Annual Increases (AAI). The Illinois cases and concomitant proposed legislation are also drafted to increase employee contributions, change actuarial calculations, and involve union leave issues.

The Joint Committee on Administrative Rules (JCAR), a 12-member legislative oversight committee, is expected to issue new Affected Annuitant Rules as updates—which could adversely affect annuitants.

Per the 2014 *Kanerva v. Weems* case, the Illinois Supreme Court (with only one dissenting justice), compelled the State of Illinois via Central Management Services (CMS) to reimburse annuitants for medical premiums improperly taken from annuitants. The State Universities Annuitants Association (SUAA) was instrumental in minimizing the legal fees which were charged to annuitants as part of the class action lawsuits to recoup the CMS take-aways.

Accordingly, SURS was tasked with an overwhelming organizational effort in refunding medical premiums to annuitants, but much to the credit of SURS staff, this task was performed in a timely manner.

At noon, the meeting adjourned for lunch, and during this timeframe there were small group discussions involving different ideas for modifying the SURSMAC bylaws.

Proposed modifications to the SURSMAC bylaws include:

1. Changing the reporting structure between SURSMAC and the SURS Executive Director,
2. Clarifying terms of service and criteria for representatives,
3. Simplifying elections processes and creates the position of SURSMAC Secretary,
4. Modifying the charge of an Executive Committee,
5. Aligning SURSMAC committees to meet current needs,
6. Adding a section on parliamentary procedure, and
7. Establishing better scheduling for meeting notices.

The meeting adjourned at 1:30 p.m. with the fall meeting scheduled for October 13, 2015.

Respectfully Submitted:

H.F. (Bill) Williamson  
John Kindt  
UIUC Senate Representatives

\*SURSMAC is the State University Retirement System Members Advisory Committee to the SURS Board of Trustees. Members are faculty and staff representing the various institutions and agencies affected by SURS: public universities, community colleges, state surveys, and retiree organizations. It normally meets twice a year in October or November and April at SURS headquarters at 1901 Fox Drive in Champaign.

\*\*The assistance of Laura Czys from the University Office for Human Resources is gratefully acknowledged in the production of this report.

**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**  
(Final; Information)

HE.16.01 Report on the September 18, 2015 meeting of the Faculty Advisory Council to the IBHE.

The [Faculty Advisory Council \(FAC\)](#) of the [Illinois Board of Higher Education \(IBHE\)](#) held a regularly scheduled meeting at the [Midwestern University](#) in Downers Grove with 31 members present.

The meeting was called to order at 9:00 AM by FAC Chair Marie Donovan with introductions of those present. Dr. Karen Nichols, Dean of the Chicago College of Osteopathic Medicine at Midwestern welcomed the group to her campus and presented the history behind Osteopathic Medicine and the Chicago College. She discussed the differences between MDs and DOs. Dr. Nichols noted that Midwestern has 10 colleges, 2 campuses, and about 6500 students.

Gretchen Lohman, IBHE Assistant Director for Academic Affairs, spoke about the formation of the Commission on the Future of the Work Force. The Commission will begin its formal activities in January 2016 and will be Chaired by Dr. Jim Applegate, IBHE Executive Director. The Commission will focus on Goal 3 of the [Public Agenda](#) (Strengthen workforce development) and will include the three segments of higher education (publics, community colleges and private institutions). Lohman added that the IBHE Fellows Program is currently on hold due to lack of a State budget. She also spoke about the State Authorization Reciprocity Agreement (SARA) which establishes comparable national standards for interstate offering of postsecondary distance education courses and programs. She further spoke about the federal requirement on the Online Complaint System involving institutions. A link will be provided at the IBHE web site allowing individuals to file complaints related to higher education institutions in Illinois. IBHE will consult with institutions before taking any action.

Candace Mueller, IBHE Interim Deputy Director for Advancement, External and Government Relations reported that there had not been any progress on Illinois State budget. She added that higher education and MAP funding do not fall under any court orders. Mueller noted that the Senate Higher Education Committee will be holding hearings at various institutions over the next couple of weeks.

Donovan reported that following our public comments, Illinois State Board of Education (ISBE) is now willing to investigate the new teacher licensing requirements ([edTPA](#)). She further reported that the IBHE Student Advisory Committee is continuing to discuss issues related to textbooks. Donovan would like FAC to participate in that discussion.

There was a discussion on sharing with the public the value of higher education. It was suggested that FAC prepares information appropriate for a general readership and share that with Candace Mueller for input before going public with the statement.

A discussion was held on prior learning assessment for military personnel. Donovan reported that a report on how and what our colleges and universities are doing will be available soon. A State of Illinois Task Force on this issue will be formed with faculty participation. Donovan asked the FAC caucuses to nominate faculty for this purpose.

The three caucuses of the Council (four year public universities; community colleges and private/independent institutions) met separately and reported back to the Council. Each caucus nominated members for participation in the Action Teams of the IBHE as well as for the prior learning assessment task force. The Public Caucus discussed nominating an active faculty member for membership on the Illinois Board of Higher Education. The Community College Caucus suggested highlighting the social benefits of higher education and specifically recommended using the work of UIUC Professor Walter McMahon. Topics discussed by the Private Caucus included public relations, branding/image challenge, and social media ideas.

In the Business portion of the meeting, the minutes of the June 19, 2015 FAC meeting were approved. The Council also thanked Abbas Aminmansour for having maintained the IBHE-FAC web site over the last several years. The group expressed its appreciation to our Midwestern University hosts.

The meeting adjourned at 2:15 PM. The next FAC meeting is scheduled for October 16, 2015 at Rend Lake College.

This report is prepared based on the draft minutes of the FAC meeting minutes prepared by the FAC Secretary, Professor Steve Rock of Western Illinois University (WIU). Much credit is owed to him.

Respectfully submitted  
Abbas Aminmansour

UNIVERSITY OF ILLINOIS  
AT URBANA-CHAMPAIGN

College of Law  
504 East Pennsylvania Avenue  
Champaign, IL 61820



**Date:** February 27, 2015  
**To:** Chancellor Phyllis M. Wise  
**From:** Lesley Wexler, Chair & Jeffrey R. Brown, former Chair  
Ad-Hoc Licensing Advisory Committee  
**Re:** Student Vote on Divestiture from Coal Mining and Coal Utility Companies

As you know, students on the Urbana campus recently passed a referendum requesting that the University of Illinois at Urbana-Champaign divest from 15 major coal mining and coal utility companies. The referendum recommended a “negative screen” for the university’s \$1.81 billion endowment, meaning that these companies would be excluded from our investment portfolios. Students collected over 4000 signatures to get the referendum to appear on the ballot and the referendum passed with the support of 1730 out of 2020 votes cast (reflecting a voter turnout of under 5 percent of eligible voters). We wish to commend the students of the Beyond Coal Campaign for their commitment in bringing this issue to the University’s attention.

This matter was referred to the Ad-Hoc Licensing Advisory Committee for further consideration. This committee is comprised of representatives from faculty, staff, and students and has historically been used to provide advice on a number of economic and financial issues. In consultation with university and campus investment officials, we have drafted this memo as a recommendation for possible next steps.

### **Background on the Role of Coal Companies in the University’s Investment Portfolio**

Approximately \$500 million is held in the university’s endowment, and another \$1.3 billion is held and managed by the University of Illinois Foundation (UIF). As is common in higher education, both the university and the foundation hire external investment managers, who in turn utilize a variety of active and passive management strategies to provide broad portfolio diversification. The university, acting in a fiduciary capacity, is required under the Uniform Prudent Management of Institutional Funds Act (760 ILCS 51/1) to “diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.” Diversification is essential to providing a portfolio that maximizes the expected investment returns for any given level of risk.

Neither the UIF nor the university has any *direct* holdings in the coal companies that were targeted by the referendum. However, the endowment has an *indirect* exposure, via the externally managed funds, to the 15 major coal mining and coal utility companies valued at \$5.1 million. This represents just 0.28% of the total endowment. \$4.2 million of this exposure, or 82% of our total exposure to the 15 companies, is held in passively managed indexed funds that seek

to mirror overall market performance at very low cost – the average index fund fee is less than 0.10% of assets annually.

### **Context for the Issues Raised in the Student Referendum**

Over time, social issues regarding investments change to reflect the current zeitgeist. Historically, there have been calls for divestment from gun and weapons manufacturers, tobacco companies, alcohol producers, companies with unpopular labor practices, agricultural GMOs, financial services firms, and companies using animal testing. Although the university certainly is concerned about many of these issues, it would be impossible to build an efficient investment portfolio that is acceptable to all constituents. Thus, an important consideration when evaluating any call for divestiture is to consider whether this sets a precedent for further winnowing of our investment opportunities as additional issues arise in the future.

We also note that although some social issues, e.g., apartheid in South Africa, are quite obviously net negatives for society, the use of fossil fuels is a more complex societal issue. Although the use of fossil fuels does generate significant negative environmental externalities that are not reflected in their market price, it is also true that society benefits from the use of fuel to manufacture goods, cultivate crops, conduct research, deliver medical care, and provide transportation. At present, a significant proportion of U.S. energy comes from fossil fuels, including coal. That said, the University has signed the American Colleges and University Presidents' Climate Commitment and is in the process of "systematically shifting [its] reliance on fossil fuels to an appropriate balance of energy conservation and alternative and renewable energy sources."<sup>1</sup> The university community is currently addressing the environmental impact of fossil fuels through building design efficiency, behavioral changes that reduce consumption, and continued research and development of renewable energy sources.

### **Implications of Negative Screening**

Though the committee shares the Beyond Coal Campaign's unease with the environmental effects of fossil fuel usage, we also want to raise some potential costs and concerns about adopting a strategy of divestment through negative screening.

1. *Negative screening would increase investment costs:* Switching to a manager that would screen out coal investments would require an investment policy statement change by the Board of Trustees, engagement of investment consultants, plus a lengthy and potentially costly search process. Moreover, the change would increase annual investment costs by two and one half times (fees would increase from 0.10% for passively managed funds to at least 0.35% for actively managed funds). This increase would result in additional investment costs of at least \$2.5 million annually based on a \$1 billion portfolio.

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<sup>1</sup> Energy Management, University of Illinois at Urbana-Champaign, Goals & Strategies, <http://www.energymanagement.illinois.edu/goals-strategies.cfm>.

2. *Negative screens may hinder investment performance:* As a general principle of financial economics, placing investment restrictions on a portfolio makes it more difficult to invest in the “efficient frontier” that maximizes expected returns on a risk-adjusted basis.

3. *Negative screening may not be consistent with donor intent:* Donors to the endowment pool have a reasonable expectation that their gifts will be invested to maximize benefits to the university. The donors themselves have not requested restrictions on investments or negative screens.

4. *It is not clear that negative screening will produce positive effects:* If we required our fund managers to sell the approximately \$1 million of stock in coal and utility companies, those shares will be purchased by another buyer with virtually no long-term impact on the companies. The cash would not be withdrawn or taken away from the company. Divestment would have no effect on the firm’s revenues and no long-term effect on the share prices.

If the goal is simply to express a message that is supportive of renewable energy and distance the University from a relationship with coal, we worry that a strategy of passive divestment coupled with ongoing use of coal burning plants on campus and along with other existing and potential connections to coal companies will be viewed as hypocritical.

5. *Negative screening for coal does not contain an obvious limiting principle:* Other student groups interested in divestment from a plethora of companies involved in socially questionable or controversial practices may be emboldened by the adoption of negative screening for coal companies. The current divestment campaign does not contain an obvious limiting principle that would exclude other groups for asking for similar measures which, if adopted, would magnify the potential negative implications. The licensing committee is not the ideal venue for addressing such campaigns and the University does not currently employ a comprehensive approach to these issues. We think it makes more sense to address such concerns systematically, if possible, rather than opening the door to future ad-hoc divestment decisions.

### **Recommended Next Steps**

1. *Going forward, we would strongly encourage the reconstruction of a Social Responsibility Committee.* Such a committee ought to address both licensing and investment issues with members drawn from relevant bodies including the University of Illinois Foundation, the Chancellor’s office, the faculty, and the students. The existing licensing committee might function as a subcommittee to the larger committee by convening for those matters within its expertise. A broadly constituted Social Responsibility committee could consider not only the pros and cons of a single divestment campaign, but systematically address socially responsible behavior including the creation of access to investment funds for future donors to make gifts consistent with their social preferences and the ongoing work of the licensing committee. It is our understanding that such a committee used to exist, but we are unaware for the reasons leading to its disbandment.

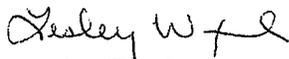
*2. In the present environment, the Committee recommends that we do not divest from coal.* Although the Committee recognizes that social or ethical issues could warrant active shareholder engagement or divestment, we do not think this committee is well positioned to endorse an ad-hoc approach to divestment. Rather we think such issues along with possible pro-active social responsibility investment strategies should be considered by a Social Responsibility Committee. In the absence of such a committee, we are not convinced that divestment from coal companies is a compelling case for the reasons identified above. Coal and other fossil fuels are a necessity of the production of energy in today's modern life. Although there are negative environmental effects from the use of fossil fuels, divestment would have no immediate impact on the production or use of these products.

*3. We recommend that the campus continue to invest in other efforts to directly reduce energy consumption and move towards more sustainable energy sources.* The campus has already taken a number of direct steps that are consistent with the attainment of the ultimate goals of the "Beyond Coal" movement, and we encourage continued support of these and similar activities. These include:

- a. continue to support the mission of the Institute for Sustainability, Energy, and Environment, which was reaffirmed at the November 14 Board of Trustees meeting;
- b. continue the existing policies of making university endowment farms available for wind turbine development, placing Zipcars on campus, planning for the 7.5 GWH per year solar farm at the corner of First Street and Windsor Road in Champaign, installing solar photovoltaic on the Business Instructional Facility and the Electrical Computer Engineering building;
- c. continue to work towards the campus goal of reducing energy consumption in existing buildings (note: the Urbana campus has reduced energy consumption in existing buildings by 25%) and pursue the campus goal of 5% renewable energy by 2015; and
- d. continue to support campus research that seeks to develop alternative energy and battery storage technologies where students could get directly involved in developing technologies that may replace fossil fuels for energy production.

*4. Develop a long-term plan for the Abbott Power Plant that reduces coal consumption.* We note that coal has not been burned at the Abbott Power Plant during the past three summers. Facilities and Services is reviewing infrastructure and fuel options for the Abbott Power Plant with an eye toward continued reduction in coal consumption balanced with meeting campus demand for reliable steam, cooling, and electricity.

5. Finally, we view this referendum as a possible opportunity to more fully engage the university community. Our faculty includes many leading experts on the technical, environmental and economic impacts of energy. This referendum may be an opportunity for the campus to support an on-going campus conversation, such as through a panel discussion or workshop, which more fully explores issues related to climate change initiatives. We welcome the dedicated students of the Beyond Coal campaign to join us in this conversation.



Lesley Wexler  
Professor of Law  
University of Illinois College of Law



Jeffrey R. Brown  
Professor of Finance  
University of Illinois College of Business

c: J. Barrett  
J. Brown  
M. DeLorenzo  
M. Gold  
M. Kaufmann  
L. Mwilambwe  
L. Wexler  
C. Wojtan  
A. Woronowicz



**UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE**  
Senates Executive Committee  
(Final; Information)

**SC.15.13** Report in Response to the University Policy on Background Checks

In response to resolution RS.16.02 that was approved by the full Senate on September 21, 2015, the Senate Executive Committee (SEC) referred the University Policy on Background Checks to the Senate Committee on General University Policy (GUP) and the Senate Committee on Equal Opportunity and Inclusion (EQ) for review. Attached are response documents from GUP and EQ.

**SENATE EXECUTIVE COMMITTEE**

Gay Miller, Chair  
Kim Graber, Vice-Chair  
Abbas Aminmansour  
Michael Bohlmann  
Nicholas Burbules  
Bettina Francis  
John Hart  
Matthew Hill  
Prasanta Kalita  
Calvin Lear  
William Maher  
Anita Mixon  
Kathryn Oberdeck  
David O'Brien  
Michael Sandretto  
Matthew Wheeler

**Senate Committee on General University Policy  
Suggested Revisions to the University Policy on Background Checks**

University Policy  
On Background Checks

I. Purpose

In an effort to provide a safe and secure environment for all students, employees and visitors at the University of Illinois, to safeguard the University's ~~reputation,~~ property and resources, and to promote sound hiring decisions, the University has established the following policy and guidelines for conducting background checks.

II. Overview

Commencing on October 5, 2015, offers of employment to prospective new hires, as well as offers to current employees who are seeking to transition into a position that requires a background check, will be made contingent upon the results of the criminal background check and other pre-employment assessments. The purpose of these background checks is to ascertain the suitability for employment.

The University may revoke any conditional offer of employment to an individual who refuses to consent to a background check and individuals whose criminal record or history creates an unacceptable level of risk to ~~(1) maintaining a safe and secure University environment, or (2) the University's reputation, property or resources.~~ If an individual's background check indicates a criminal record or history, the University may conduct an individual assessment of the criminal record or history, which may include asking the individual about his/her criminal record or history. A criminal record or history will not automatically exclude an individual from being considered for or being offered employment with the University, as consideration is given to such factors as, but not limited to, the nature and seriousness of the underlying offense/conduct, the relatedness of the offense/conduct to the position being sought, the length of time that has elapsed since the conviction/end of sentence/conduct, and demonstrated rehabilitative efforts.

## Senate Committee on Equal Opportunity and Inclusion Advice on Background Check Implementation Plan

### Committee Statement on Background Check Policy

We make these recommendations with the caveat that the currently formulated background check policy undermines the University's stated commitment to diversity and the best way to address the safety concerns stated as the policy's primary motivating focus. A policy that examines, and an implementation plan that considers, the relation of previous convictions to suitability for positions in the context of a system of mass incarceration that implicates people of color at vastly higher rates than the rest of the population cannot be anything but discriminatory no matter how carefully the implementation plan is designed. Such a policy compounds burdens already placed on those with convictions and makes their hiring contingent on subjective evaluations of "rehabilitation" that their very availability to apply for a job has already satisfied.<sup>1</sup> The likely result of such policies is to discourage people with criminal convictions from even applying for jobs, when their experience and persistence in the face of hurdles might bring vitally important perspectives into our academic discussion and the university community as a whole. This complicates efforts of units that seek ways to make their own faculties and student populations as diverse as possible, at the very levels of institutional initiative that matter most in such efforts. Inasmuch as already financially strapped departments will be responsible for paying for mandatory checks, the policy also represents a financial burden. For the university, as well, the policy runs the risk of generating greater costs than implementing it alone will entail. Because people of color carry conviction and incarceration records disproportionately in this society, the policy opens the university to vulnerability to lawsuits based on the policy's likely disparate impact.<sup>2</sup>

If one of the main objectives is to protect safety, moreover, the implementation of a fundamentally discriminatory policy seems a poor choice of allocation of scarce University funds. When recent safety reports for the campus indicate increasing numbers of on-campus rapes over the last 5 years, coupled with a growing problem with alcohol use, statistically related to acquaintance rape, it seems to us that the safety of many students could be much better addressed by devoting funds to these important issues. Instead we are developing a kind of policy that has been criticized as ineffectual.<sup>3</sup> This is likely to achieve "safety" protection in name only, leaving many of the actual sources of vulnerability for students, employees and visitors unaddressed. This misallocation of funds is an issue because women, LGBTQ community members and others rendered vulnerable are thereby deprived of the equal opportunity it is our committee's role to promote.

Finally, we are concerned that the timing of the policy indicates an effort to react to recent cases where hires of controversial faculty rendered the "reputation" of the campus and University vulnerable in the eyes of the popular media. We are relieved to note that the policy does not propose to extend checks to social media in such a way as to pose further threats to academic freedom. In 2014, an individual with a conviction history whose hire caused controversy had never hidden his background from hiring units,

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<sup>1</sup> See especially Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).

<sup>2</sup> See Ann Springer, "Background Checks, When the Past Isn't Past," *Academe* (2003), Issue 2.

<sup>3</sup> Note that this problem is addressed even by people who favor background checks, as in D. Frank Vinik, "Why Background Checks Matter in Academe," *Chronicle of Higher Education* May 27, 2005, p. B. 13.

and later investigation into the controversy deemed the process of his hire legitimate. Under these circumstances it cannot be said that the policy addresses problems of “unknown” histories that had actually been disclosed.

We recognize that, irrespective of these problems, we are being asked by campus administrators in charge of implementing the policy to advise their efforts to develop an implementation plan for a policy they did not create. We are therefore offering specific recommendations about the proposed plan with the caveat that there is likely no implementation plan that can truly overcome the discriminatory character of the entire policy itself. We suggest that our critique of the policy be forwarded by the Senate to the proposed ad hoc committee to be formed to examine the policy at the level of University Administration. We offer the following advice and recommendations on the implementation plan in the hope of minimizing the harm that a flawed policy will do.

### **Comments and Recommendation Implementation Procedures for Background Check Policy, referring the DRAFT-Revised 9-30-15**

Objectives:

With regard to the objective to “Embody a process that confirms the commitment that a conviction history is NOT an automatic bar to employment and requires an individualized assessment”:

The commitment to a statement that the University does not discriminate in hiring due to “prior conviction history” (along with other federally mandated dimensions of non-discrimination: “equal opportunities for employment, without regard to race, color, religion, sex, national origin, disability, sexual orientation, gender identity or status as a Vietnam era or special veteran”) must be clearly stated in job announcements along with any statement of the necessity of complying with a background check.

We note that the parameters along with the “individualized assessment” will necessarily be subjective and will only propose a reconsideration of rehabilitation already addressed by the criminal justice and/or penal systems through which anyone with a conviction and/or incarceration record will have passed.

#### **Applicability**

In addition to the listing of those current University Employees to whom the policy does apply, the plan should specify in writing that the policy does not apply to current university employees who may seek promotions in their present units in the future.

#### **Standard Background Check Components**

Do criminal records include juvenile records? Though usually we expect these to be expunged upon completion of a sentence/rehabilitation, we understand that this requires initiative of the individual or her/his family, and without that initiative a criminal conviction check may pick them up. Given that the background check look-back time frame is indefinite, how will juvenile records be handled?

#### **Notification to Candidates**

1. Notice in Job Advertisement:

Clarity about the university’s commitment to non-discrimination against people with prior convictions must balance the statement about conducting background checks. See “Objectives” above.

Proposed language: *The University of Illinois conducts criminal background checks on all job candidates upon acceptance of a contingent offer. In complying with this University-wide policy, the Urbana-Champaign Campus handles background check information through a process informed by our commitment to equal opportunities for employment without regard to race, color, religion, sex, national origin, disability, sexual orientation, gender identity or status as a Vietnam era or special veteran, or prior conviction history.*

## 2. Offer Letter:

If offer letters are to specify the “contingency” of any offer based on a background check (along with the contingency of BOT approval already rendered highly problematic by recent cases), the letter must also specify the full time frame in which this contingency will be cleared in relation to the full approval of the offer.

## 3. Consent and Disclosure Requirement:

We note that inasmuch as failure to consent amounts to withdrawal of a candidate’s application, we continue to have reservations about the discriminatory nature of this policy in the context of affirmative action practices that militate against broad-based questioning of conviction histories.

### **Cost**

Burdening hiring units that are already actively trying to recruit diverse candidate pools with the cost of a policy that is likely to compromise those efforts is inappropriate. Since this is a University-wide policy the funds should come from University administrative sources.

### **Process:**

1. “Upon selection of the preferred candidate, unit extends a written offer to candidate, clearly stating the offer is contingent upon the candidate successfully completing the background check process”.

Language about the process and time frame of this contingency must be formulated for the aid of departments and candidates, so that candidates have a clear framework for resigning from existing positions in relation to the time this process might take.

## 9. Illinois HR reviews the background check results:

As with other “reviews” of results and determinations of their implications for hiring, there must be clear indication to applicants of the number and specific role of individuals who will be handling these records. In addition, there must be transparency to candidates and units about the flow of decision making indicating what happens and exactly who is informed in the event of reports 1) with no conviction information, 2) with conviction information that is subsequently deemed by the HRARC not to be an obstacle to hiring, 3) with conviction information that is deemed by the HRARC to be an obstacle to hiring. See discussion of the need for an appeal process, below.

### 1. When the background check returns a criminal conviction history report:

#### a. Communication of inaccuracies or “additional information”:

At some point prior to this point in the process, the candidate needs to have been given an opportunity to specify to HR how they would like to receive any information about a criminal history report. There is no indication prior to this point of HR interacting with the candidate to find out how they would want

this material conveyed. The candidate should have the choice of not having the material, or any indication about a positive report, e-mailed.

a and e: HRARC review:

There is NO indication in these descriptions of the process of how much time the candidate will have to provide information. Since this is likely to take considerably more than the “3-5 day” time frame indicated in FAQ #12 the full time frame must be specified, both in fairness to the candidate (if 3-5 days is the imagined time frame in which to provide information this would be grossly unjust), and to hiring units (since if there is a conviction revealed by the process units must understand that the time frame for their hiring process will take considerably longer than it has in the past). Simply assuming that the process, with this new policy implementation included, must be speedily resolved to ensure efficient hires does not adequately address these issues. There should be a very clear set of guidelines to the candidate on the process for correcting inaccuracies or supplying additional information, along with a transparent flow chart indicating the procedure going forward for different kinds of decisions that may be made.

e. HRARC review: Both here and in the “definitions” of the HRARC there should be indications of the likely size of the committee in addition to the two faculty members. In order ensure a diversity of possible faculty input, the eight faculty members selected by the Provost office should include associate as well as full faculty. While allowing that there may be different cases that require different committee compositions, some range of numbers of HR personnel, academic or staff, University law enforcement representatives, and Legal Counsel that will make up the committee must be specified. In addition, there should be some specification about what kind of representation will be available for the cases of specialized faculty, academic professionals, civil service employees, etc. Consideration must also be given to how the committee can consider demonstration of “rehabilitative efforts” in a way that is not a subjective reassessment of processes already overseen by justice and penal procedures.

e. HRARC Review: In order to minimize subjective judgments as far as possible, we recommend that cases be referred to the committee anonymously, with names or any other identifying characteristics redacted..

f. HRARC Recommendations

i. “HRARC recommendations for faculty and specialized faculty candidates are provided to the Provost or her/his designee” and “the Provost Office will make the decision.” These identifiers lack specificity. Candidates and units need more specific indication of the responsible parties making decisions.

h. Illinois Human resources retains all conviction history: The following questions need to be addressed:  
For how long will they be retained?  
Who can access these records? This needs to be specified  
Will the records be supplied to other agencies requesting them?  
In what form will they be retained? If retained in digital form, what safeguards will be in place regarding platform change, security, etc.? A clear data management plan must be in place and published as part of this procedure.

### **Appeal**

There is no process of appeal for the decisions being made by HRARC and the Provost Office (within which deciding officials need to be more carefully specified). In implementing a policy that already

renders candidates vulnerable to subjective judgments and discriminatory application because of the wider impact of conviction and incarceration on communities of color, this strikes us as unjust. “Efficiency” in hiring is not an adequate exigency weighing against a process of appeal. It is possible that in the course of the appeal not only the candidate but also hiring unit should be engaged. Without such provisions, the entire process risks a wholesale abrogation of recommendations on the primacy of faculty involvement in hiring recently adopted by the Senate.

Recommendation: That in the event of a negative decision regarding hiring by the HRARC and the Provost, the candidate should be informed of the reasons for the decision and given the opportunity to provide additional information regarding questions of “nexus” and other mitigating circumstances. The appeal should be heard by a reconstituted HRARC that has different faculty representatives in the case of faculty candidates, as well as the Dean and EO supervising the hiring unit. The candidate should be made aware of the inclusion of the Dean and EO in the event that they would elect not to have their history shared with members of their potential unit.

### **Monitoring**

Presentations about implementation to the EQ Committee and the SEC have indicated that there will be ongoing monitoring of its potentially adverse effects on the diversity of candidate pools. We recommend specific wording about the conduct of such monitoring and reporting of the results, including how often and for how long monitoring will be done and to whom the results will be reported. There should also be clearly outlined procedures for making decisions about the policy and its implementation in the event that applicant pools

### **FAQs**

The FAQs in general do not indicate how confidentiality will be kept for the candidate. They need to spell out who will have access to these records and what training they will have in protecting confidentiality. Provision needs to be made for conducting this training.

FAQ 12. 3-5 day time frame: This is unrealistic, especially in situations where there is a positive result of a criminal conviction. A candidate cannot possibly put together the suggested materials in this period of time, which will already have begun to elapse by the time s/he is notified of the result. To represent the process as involving this time frame is misleading to candidates and hiring units.

FAQ 15. Question on whether candidates “have an opportunity to provide information to the University regarding convictions or the situations around convictions”:

Some consistency of language about who receives this information (more specific than “campus” or “university”) and the time frame needs to be observed. Otherwise the FAQs foster further uncertainty as to where the information should go and who will be seeing it. Moreover, a time frame within which candidates will need to meet needs to be indicated.

FAQ 18. “What role will faculty play...”

We question the limitation of faculty to “two tenured full professors.” Considering only full professors limits the expertise and diversity of faculty who might be included on the committee. We agree that untenured faculty should probably be protected from what might become contentious discussions, but suggest that tenured professors regardless of rank should be included.

FAQ, 19. “Will information received from GIS be kept in the personnel file if the candidate is hired? If not, why not?”

Answer to this question needs to indicate where the information will be kept, why, for how long, who has access to it, and whether it is subject to distribution on request to other agencies (it should not be).

FAQ, 22. Regarding the final decision, there is no discussion of appeal or what information will be given to the candidate about the reasons. See our recommendation on an Appeals process, above.

### **BENCHMARKS**

Given the preponderance of benchmark schools who use a 7-year review period we do not recommend an indefinite review period.

UNIVERSITY OF ILLINOIS  
URBANA-CHAMPAIGN SENATE  
(Final; Information)

EP.16.24 Report of Administrative Approvals at the October 12, 2015 meeting of the EPC.

**Undergraduate Programs**

**Bachelor of Science in Animal Sciences, College of Agricultural, Consumer and Environmental Sciences –** Revise the concentration-required course lists in all three concentrations to add ANSC 309, Meat Production and Marketing (2 hours), as an applied science course students may select. There is no change to the total hours required for the major.

**BALAS in Germanic Languages and Literatures, College of Liberal Arts and Sciences –** Revise the Concentration in Scandinavian Studies as follows:

- *Add* a footnote to the requirement of 11-12 hours of Language Courses beyond SCAN 101-SCAN 102 to indicate that students may substitute credit in SCAN 110 for SCAN 103 and/or 104;
- *Add* SCAN 240, Arctic Narratives (3 hours) to the list of 200-level courses from which students are to choose 6 hours;
- *Add* SCAN 305, Introduction to Old Norse I (3 hours), SCAN 306, Introduction to Old Norse II (3 hours), SCAN 376, Children and Youth Culture (3 hours), SCAN 470, Imagining the Welfare State (3 hours), and SCAN 472, Kierkegaard and the Self (3 hours) to the list of 300- and 400-level courses from which students are to choose four courses (12-13 hours);
- *Remove* SCAN 375, Scandinavian Sexualities (3 hours) from this same list of 300- and 400-level courses from which students are to choose four courses (12-13 hours).

These changes are due to the addition of new courses that can fulfill requirements and deletion of courses no longer offered. The edits do not alter the hours required for the concentration or the major.

**Minor in Scandinavian Studies, College of Liberal Arts and Sciences –**Revise the undergraduate minor in Scandinavian Studies as follows:

- *Add* SCAN 110, Intensive Intermediate Scandinavian (4 hours); SCAN 240, Arctic Narratives (3 hours); SCAN 305, Introduction to Old Norse I (3 hours); SCAN 306, Introduction to Old Norse II (3 hours), SCAN 376, Children and Youth Culture; SCAN 470, Imagining the Welfare State (3 hours); and SCAN 472, Kierkegaard and the Self (3 hours) to the list of courses from which students are to choose 18-22 hours with at least 6 hours at the 300- or 400-level;
- *Add* a footnote by SCAN 110, Intensive Intermediate Scandinavian (4 hours), indicating students with credit in SCAN 103 and SCAN 104 will not receive credit for SCAN 110.
- *Remove* SCAN 375, Scandinavian Sexualities (3 hours) from the list of courses from which students are to choose 18-22 hours with at least 6 hours at the 300- or 400-level.

These changes are due to the addition of new courses that can fulfill requirements and deletion of courses no longer offered. The edits do not alter the hours required for the minor.