

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

SP.23.06 Potential Revisions to the *Statutes* that Impact Academic Professionals and Governance (as initiated by USC ST-83)

BACKGROUND

In September 2021, the University Senates Conference (USC) transmitted a large package of proposed revisions to the University *Statutes* (ST-83) to the three University Senates, along with a transmittal letter and explanatory document. Per the *Statutes*, Article XIII, Section 8.a.2, proposed amendments to the *Statutes* initiated by the USC are then considered by each Senate, which “may act on the proposed amendment[s] in accord with its own established procedures, including the right to concur, to modify, or to reject any proposed amendment or proposed statutory text.” The Senate Committee on University *Statutes* and Senate Procedures (SP) has thus considered ST-83 (as SP.22.01), sending portions of these proposed changes to three subject-matter bodies for their input and identifying four significant areas on which the Committee would like the Senate’s input:

1. SP.23.03: Potential changes to Article II, including definitions of “faculty” and “staff,” clearer inclusion of non-tenure-track faculty, and distinctions about “administrative” and “academic” work;
2. SP.23.04: Restructuring Articles IX and X to better align the contents of each;
3. SP.23.05: The proposed elimination of the category of “academic staff” throughout the *Statutes* and the impacts of this change, including on the academic freedom provisions in Article X;
4. **SP.23.06: Changes that may impact academic professionals and governance matters.**

Committee of the Whole discussions of SP.23.03, SP.23.04, and SP.23.05, which occurred at the November 14, 2022, December 5, 2022, and February 6, 2023 Senate meetings, will inform SP’s work on this package (ST-83/SP.22.01) of prospective changes, which will be brought to the Senate for a full discussion and vote or votes in the future.

In addition, SP had set aside a prospective discussion item, SP.23.06, to consider potential changes proposed in ST-83 that might impact academic professionals and other governance matters. In Fall 2021, SP solicited the input of the Council of Academic Professionals (CAP), “including any concerns raised by these potential changes,” as well as whether any proposed revisions “change the nature of the construction and function of Professional Advisory Committees in the *Statutes*,” as CAP fulfills the statutory role of a Professional Advisory Committee for UIUC.

CAP returned its response February 3, 2023, which is appended below. Their response letter identifies a number of concerns with changes proposed in ST-83 and comments more broadly on the role of academic professionals in governance and the *Statutes*, concluding:

CAP recommends that these proposed changes be rejected and ask that future proposals are more balanced and inclusive of all stakeholders involved in the governance of the University.

SP notes that many of the issues raised in CAP's response have been addressed via recent Senate Committee of the Whole discussions, including potential changes to Article II, the potential elimination or revision of "academic staff" and proposed changes to the scope of academic freedom protections. SP directs the Senate's attention to CAP's response to ST-83 and welcomes any input regarding their concerns, but does not request an additional Committee of the Whole discussion at this time.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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February 3, 2023

Shawn Gilmore, Chair Senate Committee on University Statutes and Senate Procedures

Via email (sgilmore@illinois.edu)

Dear Professor Gilmore,

I would like to first thank you and your committee for all your efforts on this matter.

You have asked the Council of Academic Professionals (CAP) to consider the materials related to ST-83: and the restructuring of Articles IX and X to determine whether we would recommend that the Senate accept, reject, or modify any of the proposed revisions.

CAP recommends that these proposed changes be rejected and ask that future proposals are more balanced and inclusive of all stakeholders involved in the governance of the University.

We find that the stated purpose of ST-83 is to clarify the University of Illinois Statutes: clarify definitions, remove vague terms, make clear categories, the definitions of faculty and staff positions, lay out the implications of this inclusion for governance, remove the vague term 'academic staff' and provide definitions for 'staff' categories, and define the senate's role.

The changes identified above in ST-83 were described to CAP as clarifications. However, they do not appear to be focused on clarifications but far-reaching changes in both scope and principle. In the case where the proposed changes do attempt to clarify, it is done by greatly expanding the authority of tenured faculty and uniformly diminishing the rights and privileges of all other University colleagues.

After a thorough review and discussion, we have come to the following conclusions.

The proposed Article II, section 4a and Article IX, 4c violate the basic principles of shared governance by granting all rights and privileges solely to Tenure system faculty. The suitable principle and one CAP believe in, is that Academic Professionals many of whom have primary duties of research and teaching, or have critical programmatic roles, have inherent and inalienable interests and rights in academic policy and governance. These are the result of our Appointment by the Board of Trustees and our invaluable contributions and service to this institution. Shared Governance is not something that one class can bestow upon the other. CAP recommends that these proposed changes be rejected.

The proposed Article II, Section 6, explicitly excludes colleagues who play important roles in the University's mission. As proposed, it is unclear if these roles have been intentionally removed or the result of an accidental omission. CAP recommends that these proposed changes be rejected.

The proposed Article II, Section 7, these changes are themselves subject to the same traps and inconsistencies mentioned above and hinge on the proposed redefinition of 'academic staff' in Article II, section 6. Therefore, we suggest they be rejected.

The proposed Article X, Section 5 language creates a broad restriction limiting academic freedom protections to faculty only and goes further to make it explicit that APs are **excluded** from Academic Freedom protections. Rather, since many APs teach, conduct research, give presentations to students and faculty, and represent the University at academic conferences, they should be explicitly **included** in Academic Freedom protections.

Overall, CAP believes that the proposed changes violate the principles of Shared Governance and serve to suppress and divide University staff and Stakeholders. The following are principles the committee might consider:

- The Board of Trustees has delegated to the faculty primary **but not exclusive** responsibility for matters of University governance.
- Shared governance expects those who will be affected by a decision on policy or procedures can be informed and can influence governance decisions through their participation.
- Access and equity issues are polarizing topics and the changes proposed, serve to coordinate, and endorse divisions based on employment class where none is needed.

CAP recommends that the currently proposed response to ST-83 be rejected.

Sincerely,

Richard Gegg
Chair, Council of Academic Professionals

Molly Helgesen, AP Senator, District 2
M. Aaron Smith, AP Senator, District 3
Jessica Harke, AP Senator, District 5
Carl Baker, AP Senator, District 6
Brian Farber, AP Senator, District 7
Gabe Figliuzzi, AP Senator, District 8
Jake Metz, AP Senator, District 9
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