SP.22.01 Provisional Senate Response to Potential Revisions to the Statutes (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. Since then, our Senate and the Senate Committee on University Statutes and Senate Procedures (SP) has been at work on these proposed revisions, initially referring relevant portions to the Faculty Advisory Committee (FAC), the Council of Academic Professionals (CAP), and the Senate Committee on Academic Freedom and Tenure (AF). The responses from these bodies, in combination with SP’s deliberations, revealed that the Senate’s response to ST-83 would need to be more detailed and complex than its typical response to proposed amendments to the Statutes.
SP identified four significant categories on which it needed the Senate’s input, creating four prompts presented to the Senate for discussion or information at its meetings of November 14 and December 5, 2022, as well as February 6 and March 6, 2023:

- **SP.23.03**: Proposed definitional changes in Article II
- **SP.23.04**: Restructuring of Articles IX and X
- **SP.23.05**: The proposed elimination of the category of “academic staff” throughout the Statutes, including impacts on academic freedom
- **SP.23.06**: Changes that may affect academic professionals and related governance matters

Summaries of these discussions can be found in the relevant minutes for each respective Senate meeting: November 14, December 5, February 6, March 6 (attached as an appendix).

SP.23.03 and SP.23.04 asked the Senate to review potential textual changes, including partial alternative language for the definitional changes in Article II proposed in ST-83 and the restructuring of Articles IX and X of the Statutes. SP.23.05 and SP.23.06 considered proposed employment category changes and included responses from both AF and CAP, alongside concerns about changes caused by the removal of the category of “academic staff” from the Statutes.

AF’s response, included in SP.23.05, concluded:
A change in the scope of application of academic freedom is a matter that requires extensive discussion and consent. [...] The Senate should reject ST-83 because it changes the scope of application of academic freedom...

CAP’s response, presented in SP.23.06, concluded:
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.

Typically, SP would work to synthesize all of this input into a full line-edited recommended response or responses to ST-83, which would then be presented to the Senate for its consideration and vote or votes for approval. However, given the scope and complications of the proposed changes, time has not allowed the development of these documents this academic year. At this stage, SP recommends that the Senate send the following provisional response to the University Senates Conference, noting that the Senate must still approve any final proposed changes via its regular procedures.

RECOMMENDATION
The Senate Committee on University Statutes and Senate Procedures (SP) recommends the Senate indicate its current support for the following categories of change proposed in ST-83:

- Clarifying that general uses of “faculty” throughout the Statutes encompass both tenure-system and non-tenure-system faculty, with any restrictions to either category clearly indicated.
- Additional definitional language in Article II, better specifying the role that each senate plays (ST-83, lines 133-135).
- The reorganization of Articles IX and X, provided that internal references to other locations in the Statutes are correctly modified, considered separately from and after any other proposed textual changes in these articles.

SP recommends that the Senate continue to deliberate:
- Whether the proposed schematic distinction between “academic” and “administrative” appointments clearly categorizes the work that various kinds of faculty and staff do.
- Whether a different definition of “academic staff” is warranted and how any changes to the category might impact governance and academic freedom rights.

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