

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

SP.25.02 Amended Proposed Revision to the *Statutes* (USC ST-83 Revised)

**DRAFT RESPONSE TO REQUESTED FEEDBACK ON THE AMENDED
PROPOSED REVISION TO THE *STATUTES* (USC ST-83 REVISED)**

BACKGROUND

In August 2024, the University Senates Conference (USC) sent a revised version of ST-83 to the Senates. On January 6, 2025 the USC requested additional feedback from the Senates on that August 2024 version, due no later than **May 15, 2025**.

The feedback that Urbana will provide the USC in advance of this May 15 deadline is not the statutorily defined input that requires a vote to concur, to modify, or to reject the proposed changes.

The January 6 USC memo also includes a December 20, 2024 resolution passed by the USC that outlines the process to be followed. Included in that resolution is:

“Before transmitting a revised version of ST-83 to the President, USC will share the version with the Senates, providing the Senates the opportunity to concur, modify, or reject the proposed amendments, sending its advice directly to USC, which will continue to endeavor to promote agreement.”

To consider ST-83 as amended in August 2024, the Urbana Senate held a Committee of the Whole discussion on [November 11, 2024](#). Based on that discussion, together with feedback received from numerous Senate committees and additional stakeholders, SP after considerable deliberation returns with the following recommendations.

RECOMMENDATIONS

1. Do not make any changes to Article IX and X.
 2. Define a clear, potentially more focused, scope for ST-83.
 3. Reconsider changes to the definition and rights of faculty.
 4. Establish procedures for future work on ST-83.
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Recommendation #1

Do not make any changes to Article IX and X. Additionally and specifically, do not make any change that would alter the application or definition of academic freedom. Retain the current text of the *Statutes* in Articles IX and X.

Rationale

In [SP.22.01](#), the Urbana Senate voted on April 1, 2024 to reject all changes to Articles IX and X. The August 2024 version of ST-83 took some steps to alleviate the concerns expressed by Urbana, but left other concerns unaddressed. In addition to those concerns being not fully addressed, the August 2024 version made additional changes that would further restrict academic freedom. In particular, it modified academic freedom from applying to one's area of scholarly interest instead to applying only to their area of scholarly expertise. During the November 2024 Committee of the Whole discussion, Rob Kar, President of the local AAUP chapter, noted that this change could lead to the AAUP issuing a censure.

Throughout this process, and still today, it is unclear why changes are proposed that would alter and restrict academic freedom. The original ST-83 from September 2021 proposed a change in scope of academic freedom from academic staff to only faculty, apparently to remove the term "academic staff" from the *Statutes*. Of course, doing so would significantly impact which individuals are protected by academic freedom. The August 2024 version adds back some, but not all, academic professionals and does not reintroduce graduate students to those protected by academic freedom. This exclusion is notable; the Graduate Employees' Organization (GEO) at Urbana has stated that this change would require impact bargaining.

It is unclear why removing the term "academic staff" from the *Statutes* would require removing the protect of academic freedom from this large group of employees. The August 2024 version of the academic freedom section not only continues to exclude individuals who currently have academic freedom protection but also introduces other changes that alter the long-established understanding of this section. SP currently recommends retaining the term "academic staff" until there can be further study and discussion within the three Senates.

SP recommends against any changes that modify which employees are protected by academic freedom. SP, furthermore, recommends against any changes that would modify the definition of academic freedom. Due to the severity of the impact either change could have, SP, therefore, recommends no changes to all of Articles IX and X.

Proposed Replacement Language

- See Article IX of the [Statutes](#) as amended on July 20, 2023.
- See Article X of the [Statutes](#) as amended on July 20, 2023.

Recommendation #2

Define a clear, more focused, scope for ST-83. Pause consideration for all changes except for the definition and rights of faculty.

Rationale

The current version of ST-83 includes proposed changes in every article of the *Statutes*. Given the breadth and interdependencies of the proposed changes, it is often unclear what is within the scope of the proposed revision. That, together with a lack of specific rationales for the myriad proposed changes, creates significant difficulty in drafting alternative language. Any potential alternative language faces two uncertainties: Is it in scope? Does it interact with other changes?

To make future work on ST-83 more effective, SP recommends defining a clear scope for any potential changes, and presenting specific rationales for any change proposed. One potential approach would be to limit changes to the definition and rights of faculty, specifically to consider expanding the rights of non-tenure system employees in governance at the university, college, and department level. Using this approach would provide a basis for a considered discussion within the three senates to establish a sense of consensus on an issue that has occupied much attention in the discussion of ST-83. It would also connect with the role of ST-83 as a follow-up proposal to the original ST-77.

Subsequently, the text of the August 2024 version of ST-83 could be used as a guide for future proposals that tackle further elements. SP believes that using multiple distinct proposals would result in a more efficient procedure to accomplish the totality of the initial proposal.

Recommendation #3

Reconsider changes to the definition and rights of faculty. Include non-tenure system employees in the current definition of the faculty (Article II, Section 3(a)), but consider and discuss the impact on governance rights.

Rationale

In SP.22.01, the Urbana Senate rejected changes to faculty and staff definitions. In response, USC noted:

“A proposal to eliminate all distinctions between tenure system and non-tenure system faculty (e.g., in governance roles, or in granting non-tenure system faculty sabbaticals) would fall beyond the scope of the revisions proposed in ST-83 and require a separate set of proposals to revise the Statutes.”

At the time of Urbana’s April 1, 2024 response to ST-83, SP.22.01, the Senate did not mean to suggest that the distinction be eliminated between tenure system and non-tenure system faculty. We did note, however, that while the definition may have expanded, other elements of ST-83 left in place major distinctions in the rights of tenure system and non-tenure system faculty. More importantly, it was noted that while the claim was that the change was purely definitional, the resulting implications were unclear. That lack of clarity was in part due to the many interdependencies in the proposed revision.

If ST-83 is to consider the definition of faculty, however, SP believes that it would be appropriate to discuss potential implications to governance rights resulting from placing non-tenure system employees into the definition of faculty. Currently, the proposed changes place non-tenure system employees into the definition of faculty, but the numerous other proposed changes ensure that doing so does not grant additional rights.

Instead, SP recommends exploring and discussing policy before creating language. SP has had preliminary discussions to amend the *Statutes* to incorporate non-tenure system employees into the definition of faculty as defined in Article II, Section 3. This most basic change in definition could be used as the starting point for a discussion of the core issue: the extent to which right are granted to non-tenure system employees.

Recommendation #4

Establish procedures for future work on ST-83.

Rationale

Whatever becomes of ST-83, aside from removing it from consideration, any proposed revisions are likely to be significant. To more effectively and efficiently develop those revisions, it may prove useful to establish additional procedures for that work.

The current academic year's process, which is not specifically outlined in the *Statutes*, is an example of additional communication between the USC and the senates. This process could be expanded to be more frequent and iterative. That is, while USC is developing any new ST-83 language, it could periodically transmit drafts to the senates for comment and suggestions before being sent for the statutorily required senate input of concur, modify, or reject. Because that commentary would be less formal than "concur, modify, or reject" senates could be asked to respond within a short time span. SP would welcome that, or any other procedure that increases the efficiency and amount of communication throughout the process.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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