



SENATE COMMITTEE ON
GENERAL UNIVERSITY POLICY

Faculty Policy Guide

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<http://www.senate.illinois.edu/facultypolicyguide.asp>

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The purpose of this guide is to provide links to and selected quotes from university policies detailing some of the most important areas of faculty rights and responsibilities. This is not an exhaustive list, and faculty should take time to familiarize themselves with these important resources.

Faculty rights and responsibilities need to be understood in relation to each other: there are no unbounded rights that do not entail corresponding obligations in their proper exercise; rights for some parties (say, students) entail responsibilities from others (their instructors); competing rights might sometimes come into conflict with each other, requiring responsible efforts to reconcile them. In these cases and others, faculty rights and responsibilities exist within a network of formal policies and informal best practices that define our institutional identity and social fabric as a university.

Structure of the University System

The University of Illinois System is guided by two overall governing documents:

The *Statutes* (<https://www.bot.uillinois.edu/governance/statutes>), which act as a kind of Constitution of basic principles, and

The *General Rules Concerning University Organization and Procedure* (https://www.bot.uillinois.edu/governance/general_rules), which tend to be more operational in nature, but which do contain, for example, policies on Intellectual Property. Many topics addressed in detail in these documents are not repeated here.

The overall governing body of the University of Illinois System is the Board of Trustees, whose word is final on all matters of university policy, consistent with state and federal law. Appointed by the governor of the State of Illinois, they are the fiduciary body responsible for the system as a whole.

The University of Illinois System is overseen by a president and vice presidents with responsibility for policies that affect the three universities within the system, and for overseeing the system administration, which manages centralized functions, such as payroll, that serve all the universities.

Within the University of Illinois System, there are three universities: the flagship at Urbana-Champaign, and separate and independent universities at Chicago and Springfield. These are not branches of the founding university, but self-governing universities on their own. Each university is led by a chancellor and provost, and their teams. While there are lines of accountability from the chancellors through the president to the Board of Trustees, in basic policies and practices the three universities operate autonomously, though they do seek areas of cooperation and synergy when these serve all parties. In this capacity, the chancellors meet regularly and work with each other and with the president.

Each university also has its own senate, as defined by Statutes, Article II, Section 1:

“Each senate may exercise legislative functions in matters of educational policy affecting the University as a whole or its own campus only. No such senate action shall take effect until it has been submitted to the University Senates Conference . . . and either approved by the Board of Trustees itself or approved in a manner agreed to by the board . . . Except as otherwise provided in these Statutes, each senate shall determine for its campus matters of educational policy including but not limited to: requirements for admission to the several colleges, schools and other teaching divisions; general requirements for degrees and certificates; relations among colleges, schools and other teaching divisions; the academic calendar; and educational policy on student affairs. . . . Each senate may propose amendments to these Statutes through the University Senates Conference to the president and the Board of Trustees . . .” (See <https://www.senate.illinois.edu>).

Each senate sends representatives to the University Senates Conference, which represents all three universities and directly advises the president (Statutes, Article II, Section 2):

“The University Senates Conference shall review all matters acted upon by each senate. The conference shall determine whether senate actions requiring implementation or further consideration by officials or other groups within the University have been referred to the appropriate officials or groups. The conference itself may make any original or additional referral it deems advisable, and may append its comments and recommendations. Should the conference find a matter acted upon by one of the senates to be of concern to another senate, it shall refer the matter and the action to that senate. If two or more senates have acted differently on a subject, the conference shall attempt to promote agreement or consistency. . . . The University Senates Conference shall assist the senates to communicate with one another, with University and campus administrative officials, and with the Board of Trustees (through the president), and may develop and implement procedures to enhance such communication” (see <http://www.usc.uillinois.edu>).

General Conduct and Ethics

Since 2002, the State of Illinois has passed the State Officials and Employees Ethics Act (5 ILCS 430), often referred to as the Ethics Act. The University System Ethics Office has responsibility for both the University Code of Conduct and the State of Illinois Code of Personal Conduct. Information for both codes can be found on their website, as well as information regarding compliance and reporting of Economic Interests.

<https://www.ethics.uillinois.edu/cms/one.aspx?portalId=1216&pageId=9238>

These rules emphasize such areas of responsibility as conflicts of interest, acceptance of gifts from agencies doing business with the university, use and misuse of university resources (e.g., for political activities), and “revolving door” employment. These subjects are covered within a mandatory online ethics training that every employee must complete each year.

Faculty Role in Governance

Statutes, Article II, Section 3

“a. (1) The faculty of the University and any of its units except for the Graduate College consists of those 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 (persons who hold the title director or dean in an academic unit, provost or equivalent officer, vice president/chancellor and president). Administrative staff members not in the direct line of responsibility for academic affairs are members of the faculty only if they also hold faculty appointments. The bylaws of any academic unit may further mandate a minimum percent faculty appointment in that unit for specified faculty privileges, such as voting privileges.

(2) The bylaws of a unit may grant specified faculty privileges to selected faculty of other units. The bylaws may also grant specified faculty privileges to members of the academic staff of the unit or of other units who are not included in subsection 1 above (i.e., neither tenured nor receiving probationary credit toward tenure), and who have the rank or title of professor, associate professor, assistant professor, instructor, or lecturer. The bylaws may also grant specified faculty privileges to members of the academic staff of the unit or of other units who have the rank or title of professor, associate professor, assistant professor, instructor, or lecturer modified by the terms “research,” “adjunct,” “clinical,” “visiting” and/or “emeritus”

(e.g., “research professor,” “adjunct assistant professor,” “clinical associate professor,” “visiting professor”). Only academic staff with titles listed above may be extended faculty privileges. Voting on these provisions of the bylaws is limited to those named in subsection (1) above.

b. As the responsible body in the teaching, research, and scholarly activities of the University, the faculty has inherent interests and rights in academic policy and governance. Each college or other academic unit shall be governed in its internal administration by its faculty, as defined in Section 3a (1) above. Governance of each academic unit shall be based on unit bylaws established and amended by the faculty of that unit. The bylaws shall provide for the administrative organization and procedure of the unit, including the composition and tenure of executive or advisory committees. Except that they may not conflict with these Statutes, or other specific actions of the Board of Trustees, or with the bylaws of a unit which encompasses it, the details of the bylaws are left to the faculty of the unit.”

Shared governance at the unit level: <https://provost.illinois.edu/policies/provosts-communications/communication-27-shared-governance-for-academic-units/>

Faculty Advisory Committee

<http://fac.illinois.edu>

Statutes, Article II, Section 3

“Faculty advice and recommendations on University governance are traditionally provided to the administration through standing and ad hoc committees and representation in the senate. In addition, at each campus the faculty shall elect a Faculty Advisory Committee. . . . The committees shall provide for the orderly voicing of suggestions for the good of the University, afford added recourse for the consideration of grievances, and furnish a channel for direct and concerted communication between the academic staff . . . and the administrative officers of the University, its colleges, schools, institutes, divisions, and other administrative units on matters of interest or concern to the academic staff . . . or any member of it. . . . In performing its functions, the committee upon the request of the chancellor/vice president, the president, or any member of the academic staff . . . or upon its own initiative shall make such investigations and hold such consultations as it may deem to be in the best interest of the University. . . . A member of the academic staff . . . or a retired member shall be entitled to a conference with the committee or with any member of it on any matter properly within the purview of the committee.”

Academic Freedom and Academic Integrity

Statutes, Article X, Section 2. Academic Freedom

“It is the policy of the University to maintain and encourage full freedom within the law of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict the member’s exercise of these freedoms in the member’s area of scholarly interest. The right to the protection of the University shall not, however, include any right to the services of the university counsel or the counsel’s assistants in any governmental or judicial proceedings in which the academic freedom of the staff member may be in issue. . . . As a citizen, a faculty member may exercise the same freedoms as other citizens without institutional censorship or discipline. A faculty member should be mindful, however, that accuracy, forthrightness, and dignity befit association with the University and a person of learning and that the public may judge that person’s profession and the University by the individual’s conduct and utterances.”

Academic integrity as related to faculty and staff is addressed in guidelines produced by the vice president for academic affairs, effective August 28, 2009:

https://www.vpaa.uillinois.edu/UserFiles/Servers/Server_420372/File/Integrity-Policy.pdf

Intellectual Property

These policies are spelled out in the General Rules, Article III, and are designed to balance the interests of the university and the interests of the creators of intellectual property:

https://www.bot.uillinois.edu/governance/general_rules

Here is the preamble to that section:

“Technical information, inventions, discoveries, copyrightable works and other creative works that have the potential to be brought into practical use may result from the activities of University employees in the course of their duties or through the use, by any person, of University resources such as facilities, equipment, or funds. The first purpose of this intellectual property policy is to provide the necessary protections and incentives to encourage both the discovery and development of new knowledge, its transfer for the public benefit and its use for development of the economy; a second purpose is to enhance the generation of revenue for the University and to provide financial and reputational benefits for the creator(s); and a third purpose is to preserve the University’s freedom to conduct research and to use the intellectual property created by that research or pursuant to an institutional initiative. . .”

The General University Policy Committee recommended guidelines on course syllabi, and the appropriate ownership and control faculty have over their syllabi. These were approved by the Senate:

SENATE STATEMENT ON COURSE MATERIALS: INTELLECTUAL PROPERTY RIGHTS AND PROFESSIONAL RESPONSIBILITY

https://www.senate.illinois.edu/2018-2019/20190422senate/GP1804_FINAL_amended.pdf

Research Ethics and Responsible Conduct

<https://research.illinois.edu/regulatory-compliance-safety>

“University of Illinois students, faculty, and staff are expected to assure quality and integrity in their research and publications by self-regulation and adherence to individual ethical codes and professional standards. Individuals in leadership or supervisory positions have a special obligation to foster academic integrity in their relationships and in their work. Violations of professional standards are a matter for peer review and censure; in some instances, they may be grounds for university disciplinary action. Most problems can be handled by informal mediation at the organizational level closest to the individuals involved.”

General Principles on the Ethical Conduct of Research and Scholarship:

https://research.illinois.edu/sites/research.illinois.edu/files/upload/general_principles_of_the_ethical_conduct_of_research_and_scholarship_final.pdf

Office for the Protection of Research Subjects: <https://oprs.research.illinois.edu/>

Conflicts of Interest and Commitment

System-wide policies on conflicts of interest or commitment can be found here:

<https://www.vpaa.uillinois.edu/cms/one.aspx?portalId=420456&pageId=469764>:

“A conflict of commitment arises when the external activities of an academic staff member are so demanding of time or attention that they interfere with the individual's responsibilities to the university. A conflict of interest occurs when the academic staff member is in a position to advance his or her own interests or those of a third party, to the university's detriment.”

Report of Non-University Activities: <https://www.vpaa.uillinois.edu/rnua>

Teaching and Classroom Management

Much of this material is covered in the “Student Code” (<http://studentcode.illinois.edu/>). This document goes into considerable detail about classroom organization, instruction, and accommodations of student needs, and only selected portions are quoted here. Items of importance include the following:

Student Code § 1-102 In the Classroom

“The instructor, in the classroom and in conference, should encourage free discussion, inquiry, and expression. Student performance should not be evaluated on opinions or conduct in matters unrelated to academic standards. (a) Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. (b) Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled. (c) Information about student views, beliefs, and political associations that instructors acquire in the course of their work as instructors, advisers, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.”

Student Code § 1-107 Religious Beliefs, Observances, and Practices

“Illinois law requires the University to reasonably accommodate its students’ religious beliefs, observances, and practices in regard to admissions, class attendance, and the scheduling of examinations and work requirements.”

Student Code § 1-401 Academic Integrity

“It is the responsibility of each Instructor to establish and maintain an environment that supports academic integrity. An essential part of each Instructor’s responsibility is the enforcement of existing standards of academic integrity. If Instructors do not discourage and act upon violations of which they become aware, respect for those standards is undermined. Instructors should provide their students with a clear statement of their expectations concerning academic integrity.”

Student Code § 1-501(b) Course syllabi

“Instructors are strongly encouraged to make a course syllabus available to all students prior to the deadline for an undergraduate student to add a course (see the Office of the Registrar Academic Calendars (<http://registrar.illinois.edu/academic-calendars>) for the current term for the specific date). A syllabus should include the instructor’s course attendance policy, the due dates of all major assignments, quizzes, and examinations.”

Protecting the Confidentiality of Student Records (FERPA)

In 1974, Congress enacted the Family Educational Rights and Privacy Act (FERPA) to guarantee students access to their educational records and to prohibit dissemination of educational records without the student's consent. Faculty should know that students have the right to examine all materials in their files, upon request; and that parents of students over the age of 18 must have the written consent of the student to access their educational records. Disability-related information is to be treated as medical information. In general, University faculty and staff do not have a right or a need to access diagnostic or other information regarding a student's disability.

Policies regarding students' FERPA rights are outlined in Section X-6 of the Campus Administrative Manual and Part 6 of the Student Code and the University of Illinois System FERPA and Compliance Page:

http://studentcode.illinois.edu/article3_part6_3-602.html

<https://www.vpaa.uillinois.edu/cms/One.aspx?portalId=420456&pageId=468096>

<http://disability.illinois.edu/confidentiality>

For more detailed information, see the website of the Office of the Registrar and the Office of Disability Resources and Educational Services:

<https://registrar.illinois.edu/ferpa-fs>

Policies on Accommodating Students with Disabilities

<https://www.disability.illinois.edu/academic-support/instructor-information>

Discrimination, Harassment, and Sexual Misconduct

There are multiple policies regarding the prohibition of Sex Discrimination, Sexual Harassment, and Sexual Misconduct, both at the system level and at the university level. Here are links to some of the most important campus sites.

“We Care” <http://wecare.illinois.edu/policies/campus/>:

“The University of Illinois at Urbana-Champaign ("University") is committed to providing a safe and welcoming campus environment free from discrimination based on sex, which includes sexual assault, sexual exploitation, stalking, sexual harassment, dating violence, and domestic violence (collectively referred to as sexual misconduct). The University prohibits and will not tolerate sexual misconduct because such behavior violates the University's institutional values, adversely impacts the University's community interest, and interferes with the University's mission. The University also prohibits retaliation against any person who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates in an investigation, proceeding, complaint, or hearing under this policy. Once the University becomes aware of an incident of sexual misconduct, the University will promptly and effectively respond in a manner designed to eliminate the misconduct, prevent its recurrence, and address its effects.”

Nondiscrimination Policy: <http://cam.illinois.edu/ix/ix-b/ix-b-1.htm>

Sexual misconduct policy: <http://cam.illinois.edu/ix/ix-b/ix-b-6.htm>

Tenure

Statutes Article X Section 1: Tenure of Academic Staff

- “a. Except under unusual circumstances evidenced by a special written agreement approved by the President of the University and the appointee, the tenure status for the academic ranks of professor, associate professor, and assistant professor shall be as provided in this section. . . .
- b. Upon the completion of a probationary period as hereafter defined, any reappointment shall be for an indefinite term, subject to the following . . .
- c. Tenure may be terminated by (1) honorable retirement; (2) acceptance of resignation; (3) dismissal for due cause.
- d. Due cause for dismissal shall be deemed to exist only if (1) a faculty member has been grossly neglectful of or grossly inefficient in the performance of the faculty member’s university duties and functions; or (2) with all due regard for the freedoms and protections provided for in Article X, Section 2, of these Statutes, a faculty member’s performance of university duties and functions or extramural conduct is found to demonstrate clearly and convincingly that the faculty member can no longer be relied upon to perform those university duties and functions in a manner consonant with professional standards of competence and responsibility; or (3) a faculty member has while employed by the University illegally advocated the overthrow of our constitutional form of government by force or violence.
- e. Proceedings seeking the dismissal before the expiration of the term of appointment of an appointee to the academic staff who is on definite tenure or of an appointee to the academic staff who is on indefinite tenure shall comply with the procedures described in the following provisions of this section”

Statutes Article IX Section 6. Severe Sanctions Other Than Dismissal for Cause for Members of the Faculty

- “a. Severe sanctions other than dismissal for cause may be imposed on a member of the faculty, as defined in Article II, Section 3a(1) of the Statutes, provided that procedures on a campus adopted by the campus vice president/campus chancellor in consultation with that campus senate are followed. In all cases, the vice president/chancellor or the vice president/chancellor’s designee shall exercise the duties assigned to the President for academic staff who are members of campus units, and in all cases the process to be followed will be that of the campus on which the unit resides.
- b. Campus procedures shall include, at a minimum . . .”

Additional tenure policies and procedures can be found in Provost’s Communication #9:

<https://provost.illinois.edu/policies/provosts-communications/communication-9-promotion-and-tenure/>

Conditions for the possible disciplining or termination of tenured faculty are addressed in the Statutes, Article IX (6 a,b) and Article X (1 c,d,e).

Sabbaticals and Leaves of Absence

Campus policies in this area are laid out in Provost Communication #19:

<https://provost.illinois.edu/policies/provosts-communications/communication-19-sabbatical-leaves-of-absence/>

Family and medical leave policies: <https://www.hr.uillinois.edu/cms/One.aspx?portalId=4292&pageId=5639>

Other human resource information can be accessed at: <http://humanresources.illinois.edu/>

Specialized Faculty Roles and Promotion Procedures

Employment Guidelines: <https://provost.illinois.edu/policies/provosts-communications/communication-25-employment-guidelines-for-specialized-faculty-holding-non-tenure-systems/>

Promotion Procedures: <https://provost.illinois.edu/policies/provosts-communications/communication-26-promotion-to-teaching-research-or-clinical-associate-or-full-professor-titles/>

FOIA and Campus Rules on Retention of Materials

Illinois Freedom of Information Act: <https://www.uillinois.edu/foia/>

Background:

“the people of this State have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people.”

Definition of a public record:

“all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.”

Some exemptions relevant to faculty members:

“Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.

Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

University Rules on Retention and Disposal of University records:

https://www.uillinois.edu/cio/services/rims/retention_and_disposal/

Retention of email messages of enduring value: <https://uofi.app.box.com/v/RIMS001>

Senate Report on University Access to Employee Electronic Communications

<https://www.senate.illinois.edu/it1602.pdf>