

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE
Prefiled Resolution

RS.18.01 Resolution on the Use of “Administrative Leave” in the Context of Faculty Sanction

Whereas Article IX, Section 6, of the University *Statutes* lays out the campus procedures for “severe sanction other than dismissal for cause for members of the faculty”; and

Whereas Article IX.6.e of the *Statutes* defines severe sanctions other than dismissal as consisting of “suspension with or without salary (full or partial) for a period not to exceed one-half of the individual’s normal appointment period”; and

Whereas the provisions under Article IX.6.b.1-7 of the *Statutes* are said to be “the exclusive process for determining whether severe sanctions other than dismissal for cause may be imposed”; and

Whereas Article IX.6 of the *Statutes* makes no provision for temporarily relieving a faculty member of their duties pending the final decision of the process for imposing severe sanction; and

Whereas the University has deemed it necessary on occasion to temporarily relieve a faculty member of their duties pending the final decision of a process for imposing severe sanction; and

Whereas relieving a faculty member of their duties for any length of time is a serious matter and should not be undertaken outside the framework of clearly defined conditions and procedures; and

Whereas the University has cited the Illinois Administrative Code when relieving a faculty member of their duties and placing them on paid “administrative leave” pending the final decision of a process for imposing severe sanction; and

Whereas the law governing the “procedures for rulemaking” in relation to the Illinois Administrative Code (“Illinois Administrative Procedure Act” (5 ILCS 100/)) states that these procedures “do not apply to . . . state colleges and universities, their disciplinary and grievance proceedings” (5 ILCS 100/1-5b); and

Whereas the “Personnel Code” (20 ILCS 415/) explicitly exempts “the presidents, other principal administrative officers, and teaching, research, and extension faculties” (20 ILCS 415/4c8) of state universities, including the University of Illinois, unless these individuals happen to be “subject to the provisions of the State University Civil Service Code” (20 ILCS 415/4c9); and

Whereas the Illinois Administrative Code cited by the University does lay out procedures for the use of paid “administrative leave” to relieve employees under its jurisdiction of their duties pending the final decision of a case for disciplinary action (Title 80, Part 302, Subpart K, Section 302.795), these procedures do not apply to state university disciplinary proceedings (see above); and

Whereas there is long-standing precedent that shared governance procedures as laid out in the *Statutes* should be followed whenever a faculty member is sanctioned or dismissed;

Be it resolved that it is the sense of the Senate of the Urbana-Champaign Campus that, until such time as the *Statutes* are changed to stipulate the conditions and procedures for imposing paid “administrative leave” upon a faculty member, the use of paid “administrative leave” to relieve a faculty member of their duties does not accord with our shared governance principles and procedures.

Bruce Rosenstock (Faculty senator, Department of Religion)