

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Committee on University Statutes and Senate Procedures
(Information; First Reading)

SP.06.05 Revision to the *Statutes*, Article VIII

BACKGROUND

Part 1: Original April 2006 UIUC Senate Action on SP.06.05. At the April 24, 2006 meeting, the UIUC Senate passed a proposal to amend the University *Statutes* in regard to the protocols for approvals of changes in academic units. The rationale behind that proposal was to eliminate ambiguities in the University *Statutes* Article VIII language governing formation and other changes in the organization of academic units such as departments, institutes, and colleges. The resolution sought to clarify two key, interrelated concepts: that every faculty member should have a “tenure home” and the process of securing “advice of the faculty” during any restructuring of units in which tenure was held.

Establishing a definition of “tenure home” was a particularly important part of the proposal’s efforts to advance shared governance. Prior efforts to write statutory language ensuring faculty consultation when changes were made to departments, schools, colleges, etc. had been eviscerated as campus needs and initiatives occasionally found it expedient to make such changes, especially the creation of new programs and units, without the kind of faculty review called for in *Statutes* Article VIII. As a result, it became possible for faculty to be appointed to units with no Senate mandate or structure for promotion and tenure review. Because major organizational changes (e.g. creation, mergers, separations, and terminations) of units can have a fundamental effect on the conduct of a faculty member’s career, SP.06.05 was designed to address this prior oversight by identifying the means by which faculty advice was to be obtained for such changes and by relating the issue to the nature of a faculty member’s tenure home. A faculty member may have a tenure home in more than one academic unit, but must have a tenure home in at least one academic unit.

Part 2: Change to “Tenure Home” Made by UIS Senate. The UIUC Senate approved the proposal in 2006, and the UIC Senate did so in 2007. The UIS Senate did not act until September 2008 when they approved it by amending one paragraph, which necessitated the return of the proposal to UIUC and UIC before it could be forwarded to the University Senates Conference for referral to the Board of Trustees.

The specific change that the UIS senate made to SP.06.05 related to only the paragraph which defined “tenure home.” Basically, because the processing of tenure reviews occurs somewhat differently on the Springfield campus, the sequence of the two parts of the definition was reversed over what had been in the UIUC Senate’s 2006 language. The resultant new paragraph, subsequently approved by the UIUC Senate in April 2009, was:

A tenure home is an academic unit (a) whose academic staff includes the group eligible to vote on promotion and tenure decisions within the unit; and (b) that provides the unit-specific standards that, in compliance with higher-level standards, apply for promotion and tenure decisions for a member of the academic staff with the rank or title of professor, associate professor, or assistant professor who is tenured or receiving probationary credit toward tenure.

Because the required changes recommended and approved in SP.06.05 are highly technical and because those changes must be made to statutory provisions that are themselves quite complicated, USSP encourages any Senator wishing further information on the issues to read the full Background that was presented to the Senate in 2006 and 2009. The 2006 document can be seen at: http://www.senate.illinois.edu/sp0605_2.asp The 2009 document can be seen at: http://www.senate.illinois.edu/sp0605_2.pdf

Part 3: Subsequent Editorial Changes requested by Vice-President's Office. Following the April 27, 2009 approval by the UIUC Senate of the revised proposed amendments to *Statutes* Article VIII, the revised amendments were also approved by the UIC Senate before the end of the 2008/09 academic year. At that point, as per standard practice with *Statutes* amendments, the matter was sent to University Senates Conference, which then forwarded the proposal on to the University President's Office so it could be taken to the Board of Trustees. President White referred the matter to the Vice-President for Academic Affairs to have the proposal reviewed by Legal Counsel. During summer, 2009, staff of the Chicago Office of University Counsel reviewed the amendments and raised a series of questions which Vice-President Rao then brought back to USSP. While the committee was able to provide commentary and interpretation that satisfactorily addressed most of the Counsel's concerns, there are two or three that can only be resolved by minor editorial changes to the proposal.

The first change can be seen in lines 4 and 7 where a qualifying clause, "for the purposes of Article VIII" is added to ensure that the new provisions regarding the definition of a unit or a tenure home do not accidentally disturb any other provisions of the *Statutes*. Since USSP's intent and the Senate's interest in the creation of definitions of "unit" and "tenure home" has been particularly in relation to Article VIII's focus on "Changes in Academic Organization," USSP believes that the Counsel and Vice-President's request for the addition of the qualifying clause is not inappropriate and therefore recommends the change to the proposal.

The second change appears in line 27 where the word "may" is replaced with the word "will" in the complex sentence indicating the triggers as to when a change in academic organization is such that it has to follow Article VIII procedures. The concern brought to USSP was that by use of "may," an administrator putting forward an initiative to create a new center or program with no intent for it to serve as a tenure home would still be obligated to route it through Article VIII procedures if there were any possibility in the administrator's mind that some day, the program or center may eventually function as a tenure home. By using "will," such an administrator would only need to follow Article VIII procedures if the unit was to serve as tenure home at its outset or as soon as such a non-tenure-home were to need to become a tenure home. While the shadings of this word change could be argued at length, USSP believes that replacing "may" with "will" is fully consistent with its original interest in the issue, and therefore recommends Senate adoption of this change to the proposal.

RECOMMENDATIONS

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to the *Statutes*. Text deleted by the 2006 and 2009 Senate actions is indicated in [square brackets] and text added by the 2006 and 2009 Senate actions is underscored. Text to be deleted by the proposed 2010 action is indicated in [[**bold, double, square brackets**]], and text to be added by the proposed 2010 action is **bold, double underscored**.

PROPOSED REVISIONS TO THE *STATUTES*, ARTICLE VIII

ARTICLE VIII, CHANGES IN ACADEMIC ORGANIZATION

Section 1. Definitions.

a. *Unit.* **For the purposes of Article VIII, a** [[A]] unit is a division of the University to which academic appointments can be made and to which resources can be allocated, including departments or similar units, centers, institutes, schools, and colleges.

b. *Tenure Home.* **For the purposes of Article VIII, a** [[A]] tenure home is an academic unit (a) whose academic staff includes the group eligible to vote on promotion and tenure decisions within the unit; and (b) that provides the unit-specific standards that, in compliance with higher-level standards, apply for promotion and tenure decisions for a member of the academic staff with the rank or title of professor, associate professor, or assistant professor who is tenured or receiving probationary credit toward tenure.

Section 2. Appointment of Faculty to Units

A member of the academic staff with the rank or title of professor, associate professor, or assistant professor who is tenured or receiving probationary credit toward tenure must have a tenure home that has been approved through the procedures in Article VIII, Section 3a through 3c, below. A faculty member may have a tenure home in more than one academic unit, but must have a tenure home in at least one academic unit.

If any member of a proposed or existing unit's academic staff with the rank or title of professor, associate professor, or assistant professor who is tenured or receiving probationary credit toward tenure does not already have or will not otherwise have an appointment in one of the following types of units:

- i. another department or similar academic unit that has been approved through these Article VIII procedures;
- ii. an intermediate unit that is not divided into departments or similar units and that has been approved through these Article VIII procedures; or
- iii. a school or college that is not an intermediate unit, that is not further divided into academic departments or similar units and that has been approved through these Article VIII procedures;

then formation of the proposed unit as, or conversion of the existing unit into, a unit that ~~[[may]]~~ **will** provide a tenure home must be approved through the procedures in Article VIII, Section 3a through 3c, below, as applicable.

Any change in academic organization such as the termination, separation, transfer, merger, change in status (e.g., department to school), or renaming of an academic unit to which are made appointments of faculty with the rank or title of professor, associate professor, or assistant professor who are tenured or receiving probationary credit toward tenure must be approved through the procedures in Article VIII, Section 4, below.

If all members of a proposed or existing unit's academic staff with the rank or title of professor, associate professor, or assistant professor who are tenured or receiving probationary credit toward tenure do have or will have an appointment in another unit that is described within items (i) through (iii), above, then formation or change of organization of the proposed or existing unit is not required to be approved through the procedures in Article VIII, Sections 3 and 4, below, but may be approved through the procedure in Section 5, below.

Section [1] 3. Formation of New Units

a. *Departments.* The formation of a new department or similar academic unit within a school or college may be proposed by the faculty or executive officer of that school or college. The president shall submit the proposal for the new unit together with the advice of the faculty of the school or college of each higher unit, taken and recorded by a vote of the faculty by secret written ballot in accordance with the bylaws of that unit, of the appropriate senate, taken and recorded by a vote of the senate, [and] of the appropriate chancellor, and of the University Senates Conference to the Board of Trustees for action.

b. *Intermediate Units.* An academic unit of intermediate character, such as a school organized within a college, may be proposed by the faculty or the executive officer of the higher unit. The president shall submit the

proposal for the intermediate unit together with the advice of the higher unit, taken and recorded by a vote of the faculty by secret written ballot in accordance with the bylaws of that unit, of the appropriate senate, taken and recorded by a vote of the senate, [and] of the appropriate chancellor, and of the University Senates Conference to the Board of Trustees for action.

c. *Colleges and Independently Organized Campus Units.* A college or other independently organized campus unit, such as a school, institute, center, or similar campus unit not within a school or college, may be proposed by the appropriate senate or chancellor. The president shall submit the proposal for the unit together with the advice of the appropriate senate, taken and recorded by a vote of the senate, [and] of the appropriate chancellor, and of the University Senates Conference to the Board of Trustees for action.

d. *Units Organized at the University Level.* Units organized at the university level, such as institutes, councils, and divisions, may be formed for the development and operation of teaching, research, extension, and service programs which are statewide or intercampus in their scope and which cannot be developed under a campus administration. Such an organization may be proposed by a senate, a chancellor, the University Senates Conference, or the president. The president shall submit the proposal for the new organization together with the advice of the appropriate senates, taken and recorded by a vote of each such senate, [and] of the appropriate chancellors, and of the University Senates Conference to the Board of Trustees for action.

e. *Campuses.* The formation of a new campus may be proposed by the president, by a senate, or by the University Senates Conference. The president shall submit the proposal for the new campus together with the advice of the senates, taken and recorded by a vote of each senate, [and] of the chancellors, and of the University Senates Conference to the Board of Trustees for action. If the proposal is adopted, the University Senates Conference shall serve as an advisory body to the president in developing procedures to implement the action of the board.

Section [2] 4. Changes in Existing Units

From time to time, circumstances will favor changes in academic organization such as the termination, separation, transfer, merger, change in status (e.g., department to school), or renaming of the academic units specified in Section 1. The procedures for the various changes shall be the same as those specified for formation of such a unit, except that the proposal may originate in the unit(s) or at any higher administrative level. The advice of each unit involved shall be [requested] taken and recorded by vote of the faculty by secret written ballot in accordance with the bylaws of that unit. For transfer, merger, separation, and change in status, the procedures shall be those applicable to the type of unit which would result. Units affected may communicate with the Board of Trustees in accordance with Article XIII, Section 4, of these *Statutes*.

Section [3] 5. Academic Units Not Requiring Board of Trustees Approval

Any proposal for creation or change in organization (such as termination, separation, transfer, merger, or change in status) of any unit engaged in academic activities the creation of which does not require Board of Trustees

86 approval shall be referred to the executive committee of the campus senate for its information and advice prior
87 to approval by the appropriate administrator. If the unit is not organized within one campus of the University,
88 the proposal shall be referred to the University Senates Conference rather than to a senate executive committee.
89 Academic staff appointments in such units may not be made to ranks subject to the provisions of Article X,
90 Section 1, governing appointments for an indefinite term as defined in Article IX, Section 3c.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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