

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE

Committee on University Statutes and Senate Procedures
(Final; Action)

SP.11.04 Proposed Amendments to the *Statutes* and *General Rules*

BACKGROUND

On October 4, University Senates Conference Chair Matthew Wheeler communicated to each of the Senates a set of amendments to the *Statutes* and the *General Rules* on which the Board of Trustees wishes to act at its November 18 meeting. The University Senates Conference requested that each Senate follow its own process for reviewing and offering advice on the proposed changes. At Urbana-Champaign, the process is referenced in Senate Bylaws and

Standing Rules, which assign responsibility to the University Statutes and Senate Procedures (USSP) Committee.¹ USSP has examined the proposal in detail and provides this document as its guidance to the Senate on the specific language proposed. However, this "Background" will not expand or comment on the rationale presented in President Hogan's September 27 memorandum to Matthew Wheeler, but consistent with USSP's procedural role, it will focus only on technical issues in the proposed amendments. USSP notes that the November 1, 2010 Senate meeting voted to adopt SC.11.06 and attach SC.11.05 which taken together indicate that it cannot support the substance of the proposed changes in the form in which they were presented.

The President's September 27 request to amend the *Statutes* is consistent with the process outlined in Article XIII, Section 8 b of the *Statutes*, which states that amendments may be initiated not only by one of the Senates, but also by the Board of Trustees. USSP notes, however, that Board initiation is highly exceptional, having been used perhaps only once before in the last 50 years or more.

Regardless, the process for review and participation by the Senate is different than when an amendment proposal is initiated by one of the Senates. In the case of Board-initiated amendments, there is no requirement that the Senate action occur only at a second meeting after the meeting at which it was first presented. Likewise, the provisions for Board-initiated amendments do not specifically refer to voting or "taking of action" by the Senate.

It is USSP's unanimous and emphatic judgment that there is no way a body such as the Senate can arrive at the provision of the advice called for in XIII, 8 b without putting a question to a

¹Under the Bylaws (D, 18, a, 1) USSP is to "Review the form of proposed amendments to the University *Statutes*, to the *General Rules Concerning University Organization and Procedure*, and to the Senate Constitution and Bylaws, and assure that substantive review of such proposals is made by the other appropriate Senate committees;" (See:

<http://www.senate.illinois.edu/bvlaws.sp.asp>) See also Standing Rule 3.B.

(<http://www.senate.illinois.edu/standrul.asp#Amendments>)

vote. There is no logical or effective alternative but to rely on this standard element of parliamentary procedure.

Insofar as the proposal is not coming from a change requested by the UIUC Senate, USSP does not see its role as offering a substantive assessment of the changes, nor as preparing further edits to the document. Rather, USSP sees its role as simply examining the proposal for any confusing references or possible unintended/unapparent consequences of the specific changes proposed. According to the Bylaws (D, 18, a, 1), some other Senate committee should advise the Senate on the general wisdom of the proposal. The Senate Executive Committee took on that role by drafting the resolution that the November 1 Senate adopted in SC.11.06 (with SC.11.05 attached), but the SEC prepared that resolution after the USSP approved its technical advice on the Board's proposed amendments. Thus, although USSP could not consider the SEC's resolution in its analysis of the proposed changes, USSP believes that the SEC and Senate resolutions provide the required review of the substantive rationale for the amendment proposals, and USSP strongly endorses the SEC and Senate's withholding of support for the restructuring proposals and their questioning of the rationale that had been advanced for the revisions to the *Statutes* and *General Rules*.

In addition, the Senate has spoken clearly against the substance of the proposals, USSP believes it is important that the Senate also convey to the University Senates Conference the judgment of the Senate's standing committee charged with examining statutory issues. The balance of this document will identify several internal flaws in the amendment language advanced in the September 27, 2010 document. While it is the hope of USSP that the Senate's November 1 advice will be followed by the Board, we also recognize the distinct possibility that the Board may still proceed with some or all of the originally proposed changes. If that happens, it is critical that technical issues USSP discovered in the language of the proposed amendments be brought to the Board's attention.

RECOMMENDATION AND COMMENTARY

USSP has conducted a detailed line-by-line review of the proposed amendments to the *Statutes* and *General Rules*, and the most salient observation is the awkwardness and confusion that has been introduced by the suggestion of simply inserting "vice president/" in front of every occurrence of the word "chancellor" in those documents. It is not entirely clear whether the vice president/chancellor is intended to be one person with two hats or two different ways of looking at one job. In addition, because the title "vice president" is used to refer to four other vice presidential positions (e.g., VPAA, VPTED, etc.), it is not always clear whether plural references to vice presidents/chancellors are intended to cover only the campus chief officers or the full cabinet of vice presidents. Finally, the occasional use of apostrophes to indicate possessive becomes awkward when the title of "chancellor" is compounded with "vice president/."

Thus, if the Board is insistent on ignoring the Senate's November 1 vote on SC.11.06 (with SC.11.05 attached), then the most necessary adjustment to the proposal is to identify the title as "vice president/chancellor" only at the first reference in both the *Statutes* and the *General Rules* and then to include a parenthetical statement making clear that all subsequent references to "chancellor" refer to the position of "vice president, University of Illinois and chancellor at each campus." To accomplish this, lines 18-19 of the proposal would need to be changed from:

"There shall be a vice president, University of Illinois and chancellor at each campus of the University (vice president/chancellor)." to "There shall be an officer who is vice president, University of Illinois and chancellor at each campus of the University (hereinafter referred to as 'chancellor')." In addition, all subsequent proposed references to "vice president/chancellor" would need to be changed to "chancellor." The same approach would need to be used for the *General Rules* revisions starting in line 9.

In the event this minimalist approach is not adopted, there are several changes to the language that would be needed to address ambiguities created by the new hybrid title of "vice president/chancellor." Because of the limits of time for our review, what follows below should be regarded as a thorough, but not necessarily exhaustive, list of edits needed; more scrutiny may reveal the need for further edits.

First, add (in line 18) "an officer who is" before "vice president." This addition would specify that the occupant of this new position would be a single person, thereby clarifying an ambiguity that is created by the use of the slash mark to designate the new title "vice president/chancellor" throughout the proposal.

Second, the use of the word "vice presidents" in line 10 of the *Statutes* and lines 13-14 of the *General Rules* creates a serious but apparently unintended effect. The context is the provision whereby the advice of the University Senates Conference is sought before Board approval of initial appointment of university officers. The new language would extend the stated exception for the president and chancellors to all the vice presidents. Thus, if the title "vice president/chancellor" is to be maintained throughout the document, then lines 10-11 of the *Statutes* and 13-14 of the *General Rules* should be revised to preclude the expansion of this exception.

Third, at the UIUC Annual Meeting of the Faculty of October 25, President Hogan agreed to a suggestion regarding the proposed change to the *General Rules* statement of the responsibilities of the vice president for research, technology, and economic development, who will be facilitating and coordinating multiple research agendas that emanate from researchers across the university. The proposed change should also reflect the fact that UIS does not have a vice chancellor for research but does have a person who is responsible for coordinating research. We recommend changes so that lines 29-34 will read:

The vice president for research, technology, and economic development works closely with the president, vice presidents/chancellors, and vice chancellors responsible for research to facilitate, and where appropriate, coordinate the University's research agendas and activities across all of its campuses and, under the direction of the president, communicates the University's research priorities to local, state, and federal authorities and agencies.

Fourth, when referring to the chancellors and their campus-specific responsibilities, the existing *Statutes* and *General Rules* occasionally refer to "campus chancellors." The authors of the proposal inserted "vice president" before every appearance of the word "chancellor." Therefore in some lines, the proposed title change was "vice president/chancellor" and in others it was "vice president/campus chancellor." This ambiguity could be addressed by making the proposed title be "vice president/chancellor" throughout the *Statutes*. Where necessary, the title could be "vice president/chancellor of the campus."

Specific examples in the *General Rules* can be found at the following lines:

Lines 13-14 “. . .and the vice presidents/chancellors of the campuses,”

Specific examples in the *Statutes* can be found at the following lines:

Lines 10-11 “. . .and the vice presidents/chancellors of the campuses the president shall. . .”

Lines 15-16 “Article I, University Administration, Section 5, Vice Presidents/[Campus] Chancellors of the Campuses”

Lines 410-411 “The chair of the council shall be named by the vice president/[campus] chancellor of the campus.”

Line 545 “. . .on a campus adopted by the vice president/[campus] chancellor of the campus in consultation with. . .”

Line 669 “Each vice president/[campus] chancellor of the campus shall, with the advice. . .”

Line 683 “. . .the unit administrator and the vice president/[campus] chancellor of the campus, the appointee. . .”

Line 703 “. . .determined by the vice president/[campus] chancellor of the campus.”

Fifth, the creation of the new title “vice president/chancellor” has resulted in language where the use of the possessive creates ambiguity about the actor. USSP recommends the deletion of the use of the possessive and its replacement with alternative language.

A specific example in the *General Rules* can be found at lines:

Lines 132-33 “. . . delegate authority for accepting scholarships and fellowships to the vice presidents/chancellors or to the vice presidents'/chancellors' designees.” It should be replaced with “delegate authority for accepting scholarships and fellowships to the vice presidents/chancellors or their designees.”

Specific examples in the *Statutes* can be found at the following lines:

Lines 546-547 “In all cases, the vice president/chancellor or the designee of the vice president/chancellor[’s designee] shall exercise the duties. . .”

Lines 559-561 “The opportunity for the faculty members to file an appeal with the vice president/chancellor within 20 days following the decision of the provost[’s decision] or equivalent officer to impose sanctions,”

Lines 565-566 “A process wherein the decision of the vice president/chancellor[’s decision]

on the merits of an appeal is final.”

Lines 656-657 “In all cases, the vice president/chancellor or the designee of the vice president/chancellor[’s designee] shall exercise the duties. . .”

Sixth, USSP calls the Senate’s attention to the proposed change of all references to the provost to “provost or equivalent officer.” The September 27 rationale provides no explanation of the purpose of this change, and USSP notes that adoption of the clause "or equivalent officer" could allow the elimination of the position of provost without any consultative deliberation. These references can be found in the following locations:

General Rules:

Line 91

Line 115

Statutes:

Line 50

Line 340

Line 553

Line 560

Line 644

Line 664

Finally, in reproducing the text of the *General Rules* and *Statutes*, several typographical errors were introduced. The specific instance in the *General Rules* occurs at line 256: “(f) The vice president/chancellors may develop for their respective. . .” should read “(f) The vice presidents/chancellors may develop for their respective. . .”

Specific examples in the *Statutes* can be found at the following lines:

Lines 28-29, the sentence “On the occasion of a reappointment, the president shall have the advice of a committee selected by the senate of the campus concerned.” is a duplicate of what the prior sentence had been before the suggested addition of “vice-president.” This duplication creates significant confusion, and it should be eliminated.

Lines 73-76 are duplicates of text in lines 70-73.

Line 140 “Article IIII” should be “Article III”

Line 145 “on the campus senate” should be “of the campus senate”

The Senate should note that while the proposal lines 414-460 contain suggested amendments to Article VIII of the *Statutes* relating to “Changes in Academic Organization,” they do not reflect the amendments this Senate has been working on since 2005/06 and which were most recently acted on by the UIUC Senate on March 29, 2010 (see: http://www.senate.illinois.edu/sp0605_2_10.pdf). Following our approval of the last edits to those amendments, the proposal was forwarded to the UIC and UIS Senates where action could not be completed before the end of the academic year.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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