

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATECommittee on University Statutes and Senate Procedures
(Final; Action)

SP.15.21 Revisions to the *Statutes* to Implement the Recommendations of the Hiring Policies and Procedures Review Committee

BACKGROUND

NOTE: This is a revision and replacement of a proposal first submitted to the Senate on November 16, 2015.

Provost and Vice Chancellor Ilesanmi Adesida and the Chair of the Senate Executive Committee, Roy Campbell, convened a special committee in October 2014 “to review policies and processes for faculty hiring.” After reviewing the *University Statutes*, *General Rules*, and Provost Communications No. 2 and 3, the Hiring Policies and Procedures Review Committee (Committee) issued its Final Report on December 12, 2014.

The Committee recommended changes to the mechanisms for Board of Trustees’ (Board) approval of academic staff. First, the Committee reaffirmed the Board’s authority for oversight of faculty hiring through its power to appoint administrators at the level of dean or higher, who in turn supervise the hiring of faculty members. The Committee’s second recommendation was that the Board “. . . should formally delegate its responsibility for tenured and tenure-track academic appointments that do not involve administrative positions at the level of deans and above to the president, who in turn should continue the existing policy of delegating to the chancellor and provost.”

The Committee reasoned that a formal delegation of responsibility was necessary to provide timely completion of the appointment process and thereby maintain the University’s competitiveness in attracting the best faculty to the University. The Committee argued that the current mechanism for obtaining Board approval added delays to the process, making appointments less efficient and therefore less attractive to potential candidates.

On March 9, 2015, the Senate passed RS.15.08 endorsing the Committee’s report and recommendations. That resolution charged the Senate Committee on University Statutes and Senate Procedures (USSP) with “determining what amendments to the *University Statutes* would be necessary to implement the recommendations of the [Committee]” and with bringing any necessary amendments to the Senate for its consideration.

After due consideration, USSP believes that the most expeditious way to accomplish the recommendations of the Hiring Policies and Procedures Review Committee is to amend the *University Statutes*, Article IX, Section 3a to provide for the delegation of the Board’s authority over hiring, tenure, promotion, and setting of salaries to the President, who may further delegate authority over these matters to the respective campuses.

After review of Article IX, USSP also believes that Section 4b regarding faculty salaries requires revision. Section 4b gives the Board the authority to set salaries; the proposed revision below has the Board delegate power over salaries to the respective campuses. The currently proposed revision would also translate existing practice into statutory language. Note: Because the pending 2014/15 *Statutes* changes include a suggested amendment to Article IX, Section 4b, this current proposal is intended to

supersede that suggested change. For purpose of comparison of the existing *Statutes* and the 2014/15 amendment, see Appendix A.

In the course of its deliberations, USSP considered the implications of the University of Illinois Act (110 ILCS 305/) for the Board's delegation of authority over hiring. Section 1 of the Act does give the Board power to enter into contracts, etc., and Section 7(a) gives the Board the power "to appoint such professors and instructors...As may be required to teach, in the most thorough manner, such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific and classical studies." There is nothing in the Act that prohibits the Board from delegating this power, and in fact, Section 7(a) concludes with the following paragraph: "The Board of Trustees shall have the authority to adopt all administrative rules which may be necessary for the effective administration, enforcement and regulation of all matters for which the Board has jurisdiction or responsibility." The present proposed revisions to the *Statutes* are an example of rules necessary for the effective administration of hiring at the University. In addition, the Board already delegates other powers granted under the University of Illinois Act, such as elements of its power over Admissions described in Section 8. Thus, USSP believes the delegation of authority as called for in this proposal is consistent with the University of Illinois Act.

For the April 6, 2015 Senate meeting, USSP recommended language that partially addressed the need identified in the Committee's report. However, despite the Senate's acceptance of those USSP recommendations, they were not included in those *Statutes* amendments which the University Senates Conference (USC) forwarded to the President in late May, 2015, and which are currently under review by University Administration. Furthermore, USSP now recognizes that its April, 2015 recommendations were incomplete and thus has provided this more comprehensive proposal.

USSP has also amended the proposed revisions based on suggestions from the floor during the November, 2015 Senate meeting. Specifically, this proposed revision includes "equivalent executive officers" among the appointments that require direct approval of the Board. In addition, the proposed revision no longer distinguishes between academic staff and tenure system faculty in regard to Board approval of personnel actions.

RECOMMENDATION #1

The Senate Committee on University Statutes and Senate Procedures recommends approval of the following revisions to Article IX, Section 3 of the *Statutes*. Text to be added is underscored and text to be deleted is ~~stuck through~~.

PROPOSED REVISIONS TO THE STATUTES, ARTICLE IX, SECTIONS 3 AND 4

1 SECTION 3a:
2 ~~All appointments, reappointments, and promotion of the academic staff, as defined in Article IX,~~
3 ~~Section 4a, shall be made by the Board of Trustees on the recommendation of the chancellor/vice~~
4 ~~president concerned and the president.~~ The board has the power to appoint, reappoint, and promote
5 members of the academic staff, as defined in Article IX, Section 4a. Appointments requiring direct
6 approval of the board include the president, University officers, vice chancellors, academic deans and
7 equivalent executive officers, the CEO of the healthcare system, directors of intercollegiate athletics,
8 head coaches for football and basketball, and intercollegiate athletics multi-year contracts for coaches.
9 For all other academic staff, the board shall **retain** its authority for employment, reappointments and
10 promotions **but delegate this authority** to the president who may further delegate to the campuses, in
11 accordance with published administrative rules and procedures. Employment approval of all new
12 academic appointments under these administrative rules and procedures must occur prior to the
13 beginning date of the appointments. All appointments, reappointments, and promotions of the
14 administrative staff shall be made by the Board of Trustees on the recommendation of the
15 chancellor/vice presidents concerned if a campus-level officer is involved and the president.
16

17 SECTION 4b:
18 The members of the academic and administrative staffs whose positions are not directly approved by the
19 board shall be employed, reappointed, promoted, and have their salaries fixed by the campuses, and
20 reported to the board by the president. ~~Board of Trustees, except that members of the academic staff~~
21 ~~below the rank of assistant professor may be employed by the president of the University who shall~~
22 ~~report such appointments to the board.~~

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RECOMMENDATION #2

On April 6, 2015, as part of the general revisions of the University Statutes, the Senate approved the addition of Article IX, Section 3f, which read:

Academic appointments requiring direct approval of the Board of Trustees include the President, University officers, deans, the CEO of the University hospital, directors of intercollegiate athletics, head coaches for football and basketball. Board approval prior to the beginning date is required for all new tenure-track and tenured faculty appointments.

The Senate Committee on University Statutes and Senate Procedures recommends that the proposed paragraph 3f be deleted.

UNIVERSITY STATUTES AND SENATE PROCEDURES

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APPENDIX A

SECTION 4b:

The existing language in the *Statutes*, Article IX, Section 4b reads:

The members of the academic and administrative staffs shall be employed and salaries fixed by the Board of Trustees, except that members of the academic staff below the rank of assistant professor may be employed by the president of the University who shall report such appointment to the board.

The 2014/15 proposal for general revisions to the *Statutes* made a number of changes that were acceptable to the UIUC Senate. The paragraph 4b as transmitted by the USC to the President reads:

The members of the academic and administrative staffs shall be employed and salaries fixed by the Board of Trustees, except that members of the academic staff below the rank of assistant professor may be employed by the campuses. These appointments shall be reported to the board by the president.

In addition, the general revisions to the *Statutes* forwarded by USC on May 27, 2015 included a new paragraph 3f which read:

Academic appointments requiring direct approval of the Board of Trustees include the President, University officers, deans, the CEO of the University hospital, directors of intercollegiate athletics, head coaches for football and basketball. Board approval prior to the beginning date is required for all new tenure-track and tenured faculty appointments.

The proposed paragraph 3f would no longer be necessary if this proposed revision passes.