

Board Meeting
November 9, 2006

AMEND THE UNIVERSITY OF ILLINOIS *STATUTES*

Action: Amendments to University of Illinois *Statutes*,
Article IX, Section 6
Article IX, Section 12
Article X, Section 1.a and 1.a(5)-(7)

Funding: No Funding Required

Attached are proposed revisions to the University of Illinois *Statutes* (Article IX, Section 6; Article IX, Section 12; and Article X, Section 1.a and 1.a(5)-(7)) that would provide for multi-year contracts for certain non-tenure-track academic staff not currently eligible for contracts longer than one year; the proposed revision also would establish appropriate dismissal for cause procedures and notice of non-renewal procedures for persons holding such multi-year contracts. Formal consideration of such multi-year contracts began in February 1998 at the request of the Vice President for Academic Affairs, following recommendations from the campuses. Since that time, a number of drafts were considered by the campus senates and the University Senates Conference (USC). Consensus was reached by the campus senates and the USC in April of this year.

The proposed amendment to Article X authorizes the University at its discretion to enter into contracts of three years or less when making appointments in any of the following ranks:

- teaching associate
- research associate
- clinical associate
- lecturer
- instructor
- any regular professional rank modified by the addition of “research,” “clinical,” or “adjunct” titles (e.g., research associate professor, clinical professor, adjunct assistant professor).

The proposed amendments to Article IX provide for terms for dismissal with cause prior to expiration of the contract for persons (in the above specified categories) appointed to contracts with terms of more than one year.

Non-tenure-track academic staff on term appointments are employed throughout the University. For example, most of the teachers at University High hold the rank of teaching associate and currently are eligible for one-year renewable contracts only. At Urbana, the Colleges of ACES, Business, and Education, among others, also appoint a significant number of lecturers, research associates, and research and clinical professors. At Chicago, the Colleges of Medicine, Dentistry, Business Administration, and Education, among others, have a significant number of lecturers, research associates, and research and clinical professors.

Nine of the eleven Big Ten institutions already offer multi-year contracts to non-tenure track academic staff. The deans of various academic units on the campuses have expressed their concern that educational needs cannot adequately be satisfied with one-year contracts for such staff. The uncertainty of one-year contracts encourages potential appointees to seek more stable and certain employment elsewhere. As a result, institutions that depend on non-tenure track academic staff to assist in meeting changing academic needs cannot predict whether they will have appropriate personnel in place. Moreover, departments are hampered in attracting minorities and women to fill these

positions because of the limited commitment represented by a one-year contract, when contrasted with multi-year appointment offers at peer institutions.

Each campus will develop more detailed, campus-specific implementation procedures for the use of multi-year contracts, including issues such as eligibility and review and approval processes. Each campus will set a campus-wide ceiling that limits the number of multi-year non-tenure academic staff. The campus-specific procedures will be developed by each campus and submitted to the campus senate for review and approval prior to adoption.

These amendments to the University of Illinois *Statutes* have the support of the Interim Vice President for Academic Affairs, the campus senates, and the University Senates Conference.

The President of the University recommends approval.

Proposed Revisions to the *Statutes*, Article IX, Section 6

Text to be added is underscored.

**ARTICLE IX, SECTION 6. Severe Sanctions Other Than Dismissal For Cause For
Members Of The Faculty**

Proposed Revisions to the *Statutes*, Article IX, Section 12

Text to be added is underscored.

ARTICLE IX, SECTION 12. Dismissal Of Academic Staff With Multi-Year Appointments Under Article X, Section 1(a), Paragraphs (6) and (7)

a. Members of the academic staff with multi-year appointments, as defined under Article X, Section 1(a), Paragraphs (6) and (7), of the *Statutes*, may be dismissed for cause prior to the conclusion of the multi-year appointment in accordance with campus procedures, which shall be adopted by each chancellor in consultation with the applicable campus senate. In all cases, the chancellor or the 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, notice and opportunity for a hearing before the campus provost or the provost's designee.

c. Adequate cause for dismissal shall be limited to the following:

(1) Failing to perform contractual duties or related activities in a professional manner, whether from incompetence, neglect or willful refusal;

(2) Failing to follow all applicable campus or University regulations or policies, and all applicable laws related to the conduct of contractual duties;

(3) Acting outside the appropriate exercise of University responsibilities so as to willfully cause or threaten to cause physical harm to, harass or intimidate a visitor or a member of the University community;

(4) Willfully or negligently damaging, destroying or misappropriating property owned by the University or any property used in connection with a University function or approved activity; or

(5) Being convicted of or pleading guilty to a felony.

Proposed Revisions to the *Statutes*, Article X, Section 1.a

Text to be deleted is in [brackets] and text to be added is underscored.

ARTICLE X, SECTION 1.a – second paragraph

In the case of academic[-]staff positions authorized in Article IX, Sections 3c and 4a[,] other than appointments at the rank[s] of professor, associate professor, [and] assistant professor, dean, director, department head, and department chair, appointments shall be for not longer than [one year and] the terms specified in this Section. Contracts shall be renewable at the discretion of the hiring unit. Except as provided in Sections 7 and 8, below, notice of nonreappointment is not required. Dismissal prior to the end of the contract term shall be governed by Article IX, Section 12.

Each campus chancellor shall, with the advice and consent of the local campus senate, develop implementing procedures for multi-year contract appointments governed by this Section. Such implementing procedures shall include, at a minimum, (i) a binding ceiling, on a campus-wide basis, on the proportion of multi-year contract appointments to the sum of multi year contract appointments and appointments that are tenured or earning probationary credit toward tenure; (ii) assignment of oversight responsibility to an appropriate campus senate committee; and (iii) the procedures for dismissal required under Article IX, Section 12(b), above.

Proposed Revisions to the *Statutes*, Article X, Section 1.a.(5)-(7)

Text to be deleted is in [brackets] and text to be added is underscored.

ARTICLE X, SECTION 1.a.(5)-(7)

(New 5) An appointment which includes in the title the term "visiting," as authorized in the first paragraph of Article IX, Section 3c, shall be for not longer than one year.

~~(5) 6~~ An [A]appointment[s] which includes in the title the term[s] "adjunct," or "clinical," [or "visiting"] modifying the term "professor", "associate professor" or "assistant professor," as authorized in the first paragraph of Article IX, Section 3c, or an appointment with the rank of lecturer or instructor shall be for not longer than [one] three years. [Notice of nonreappointment is not required in such cases. An appointment with the rank of lecturer or instructor likewise shall be considered a temporary appointment for not longer than one year and notice of nonreappointment is not required.]

~~(6) 7~~ An appointment with the rank of teaching associate, research associate, [or] clinical associate, or which includes in the title the term "research" modifying the term "professor", "associate professor" or "assistant professor," as authorized in the first paragraph of Article IX, Section 3c, shall be for not longer than [one] three years. The duration of the appointment shall be specified in the Notification of Appointment. Where no duration is specified, appointment shall be for one year. Written notice of nonreappointment is required [I]in the case of full-time appointments [nonsalaried appointees and all appointments] at these ranks other than appointments that are for no more than one year, nonsalaried, part-time, or conditional upon the receipt of nonappropriated funds (as specified in the notice of appointment), notice

of nonreappointment is not required. Otherwise, written notice of nonreappointment of full-time employees at these ranks is required.] The notice need not be accompanied by an offer of a terminal contract if the notice is given not later than six months before the end of an annual appointment or by March 1 in the case of an academic-year appointment. i] If notice of nonreappointment in such cases is given later than six months before the end of an annual appointment or after March 1 in the case of an academic-year appointment, it shall be accompanied by an offer from the Board of Trustees of a terminal contract for one additional year of service. In the case of multi-year contracts, notice, as described above, is required only in the final year of the contract. If no notice is given before the end of an appointment that exceeded one year, the renewal appointment shall have a duration of one year.

([7] **8**) [The tenure of] An appointment at the rank of any of the other special classes of academic staff [members] authorized under Article IX, Sections 3c and 4a, shall be for not longer than one year and shall be governed by the conditions prescribed in the preceding subparagraph, 1a([6]

