

# UNIVERSITY OF ILLINOIS

## *THE GENERAL RULES CONCERNING UNIVERSITY ORGANIZATION AND PROCEDURE*



AMENDED: NOVEMBER 12, 2020

## PREAMBLE

The University of Illinois, as a state university created by statutory edict of the Illinois legislature, is subject to the control of the Illinois General Assembly. It includes the University of Illinois Urbana-Champaign; the University of Illinois Chicago and its affiliated regional campuses in Peoria, Rockford, and the Quad Cities; and the University of Illinois Springfield. The General Assembly, subject to the limitations of the state constitution and to such self-imposed restraints as are essential to the maintenance of a free and distinguished University, exercises control by virtue of its authority to change the laws pertaining to the University and its power to appropriate funds for the maintenance and improvement of the University. Under existing state law, the University of Illinois is a public corporation, the formal corporate name of which is “The Board of Trustees of the University of Illinois.” Although there has been no formal, legal name change to the institution, as of May 20, 2016, the University of Illinois has adopted the organizational structure and nomenclature of a system for the effective and efficient impact, operation, and administration of the institution. The term “system” recognizes common components among the universities as well as their organization under a single governing board. Accordingly, the University of Illinois shall be referred to in this document and other governance and administrative documents as either the “University of Illinois System,” the “U of I System,” the “system,” or the “University of Illinois.”

Within the limits fixed by the Illinois constitution and laws, the Board of Trustees exercises final authority over the University of Illinois System. For the proper use of funds appropriated by the General Assembly and for the proper administration and government of the system, the board is responsible to the people of Illinois, on whose behalf its members are appointed. The board is the governing body of the system and exercises jurisdiction in all matters except those for which it has delegated authority to the president, other officers, or bodies of the system.

The educational policy, organization, and governance of the University of Illinois System as delegated by the Board of Trustees are promulgated in the *Statutes*. When acting on such matters, the board relies upon the advice of the university senates transmitted to it by the president of the system. The president’s role is to set policy for system-wide endeavors and provide leadership at the state, national, and international levels for collective activities across the universities. In these matters each senate has a legitimate concern which justifies its participation in the enactment and amendment of the *Statutes*. The Board of Trustees reserves the

power to initiate and make changes in the *Statutes*, but before making any change it will seek the advice of the senates.

*The General Rules Concerning University Organization and Procedure* document supplements the *Statutes*. *The General Rules* are subordinate to the *Statutes* and deal with administration organization, with the powers, duties, and responsibilities of officers of the University of Illinois System, and with various administrative matters.

The Board of Trustees delegates to the president of the University of Illinois System the authority to promulgate regulations and rules implementing *The General Rules Concerning University Organization and Procedure*. These are printed in the *Business and Financial Policies and Procedures* manual and other documents subordinate to the *Statutes* and *The General Rules* setting forth established policies and procedures. Led by a president, the University of Illinois System also comprises central administrative functions such as: (a) overseeing common fiduciary and compliance responsibilities; (b) providing certain shared services across the universities; and (c) coordinating system-wide data collection and reporting. The offices that provide services related to these activities are referred to as “system offices” and staff within these offices are referred to as “system administration” or “system leaders.”<sup>1</sup> The adjectival form for references to such activities is “system-level.” To avoid confusion, these offices are not referred to as “the system.”

The three U of I System universities (University of Illinois Urbana-Champaign, University of Illinois Chicago, and University of Illinois Springfield) are where the primary academic work of the system takes place, including (a) research, scholarship and creative activities; (b) teaching, mentoring and degree granting; (c) public and professional service and engagement; and (d) economic development. Each university is separately accredited and is led by a chancellor who also serves as a vice president for the system. Accordingly, each institution is referred to in the governing documents as a “university,” reserving the terms “campus” and “university campus” for references to their physical location and environment.

When referenced in the governing documents, “University of Illinois” and “University of Illinois System” refer to the institution as a whole, which includes the three universities as well as the system offices, and any other units associated with the institution as a whole. This larger organization is a single entity from the

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<sup>1</sup> In a few instances, such as University Counsel, offices have both a system-level and university footprint

standpoint of state law and budgetary allocation. In shorthand, it is referred to as the University of Illinois System or simply “the system.” The adjectival form is “system-wide.”

The University of Illinois System serves the state and the nation as a leader in public higher education.

# University of Illinois System

## **NONDISCRIMINATION STATEMENT**

*Policy Council/REVISED: November 12, 2020*

The commitment of the University of Illinois System to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on individual merit and be free from invidious discrimination in all its forms.

The University of Illinois System will not engage in discrimination or harassment against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, genetic information, disability, pregnancy, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment in the programs and activities of the University of Illinois System.

Complaint and grievance procedures provide employees and students with the means for the resolution of complaints that allege a violation of this Statement. Members of the public should direct their inquiries or complaints to the appropriate equal opportunity office.

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# **ARTICLE I. UNIVERSITY OF ILLINOIS SYSTEM ORGANIZATION**

## ***SECTION 1. THE SYSTEM AND THE UNIVERSITIES***

Through its three universities and other units of the system, the University of Illinois System serves the state and the nation as a leader in public higher education. Through their commitment to teaching, scholarship, and discovery, the three universities within the system promote the public good for the entire state of Illinois and beyond. The three universities feature distinctive identities and cultures working closely together to achieve synergies that benefit each one as well as the whole. Each university shares the core missions of education, research, public engagement, and economic development. The universities are also alike in the broad nature of their public responsibilities, in their basic educational policies and in their institutional quality. Each of the universities also makes unique contributions to the strength of the system through its individual strengths and priorities and a high degree of self-governance.

In their pursuit of both common and distinct goals, the universities are supported by a system-wide organization designed to maximize their effectiveness and efficient use of resources. The University of Illinois System administration oversees the budget for the institution as a whole, advocates for the system's public policy and legislative interests, fosters wide-ranging collaboration among the universities in education and research, and provides the framework for an overarching institutional commitment to excellence. The system administration also provides a number of shared services that reduce costs and avoid unnecessary duplication of functions across the universities.

## ***SECTION 2. FUNCTIONS OF THE SYSTEM ADMINISTRATION***

(a) The University of Illinois System administration has general responsibility for the operation of the system and has the following specific functions to be executed consonant with the policies and actions of the Board of Trustees:

- (1) The enunciation of the mission of the University of Illinois System; the development of long-range, comprehensive plans for the attainment of that mission; and the development of a plan of evaluation on a regular basis of the success of the system in meeting that mission.
- (2) Seek to obtain the resources necessary to permit the support of plans and the development of facilities to meet the mission of the system.
- (3) Recommend the allocation of resources, as available, to the universities and to other units of the system within the requirements and the priorities

of the long-range, comprehensive plan for the attainment of the mission of the system.

- (4) The development of relationships both within Illinois and elsewhere to ensure that the system plays its appropriate role as a member of the larger educational community.
- (5) The coordination of the operation of the various components of the system to ensure that the system functions in an interrelated manner rather than as an aggregation of unrelated universities, and in so doing capitalizes upon the advantages of its resources as a system.
- (6) The administration of system-wide education and support programs. Examples include the Institute of Government and Public Affairs and the University of Illinois Press.
- (7) The management of tasks which should be accomplished at the system level either for efficiency or to ensure the consistency necessary to permit the system and the Board of Trustees to meet their responsibilities.
- (8) The development of public information programs to accomplish understanding of and support for the mission and activities of the universities and the system as a whole.

(b) In addition to the president, the system officers are the following: the executive vice president and vice president for academic affairs, the vice president/chief financial officer and comptroller, the vice president for economic development and innovation, the chancellors/vice presidents, the university counsel, the secretary of the University, all of whom report directly to the president, and such additional administrative officers as shall be designated by the president after consultation with the University Senates Conference. On the occasion of the initial appointment of any system officer except the president and the chancellors/vice presidents, and prior to recommending that appointment to the Board of Trustees, the president shall seek the advice of the University Senates Conference. On the occasion of the reappointment of any system officer, the University Senates Conference may submit its advice if it so elects.

(c) Functioning under authority delegated by the president, the executive vice president and vice president for academic affairs is the senior academic and operating officer of the system, serving as advisor to the president on matters of educational policy, academic programs, academic personnel actions, capital and operating budget developments including the establishment of criteria for judgments as to priorities for resource allocation and multi-university initiatives, and on such other matters as the president may designate. The executive vice president and vice president for academic affairs is also responsible for the overall coordination of planning and budgeting at the

system level and works closely with academic leaders at each university, the academic senates and with other system and university officers to assist in the advancement of academic programs, to foster shared governance and to ensure overall coordination. The executive vice president also acts on behalf of the president when the president is not available.

(d) Reporting directly to the president, the vice president for economic development and innovation is the senior officer of the system serving as an advisor to the president on matters of research, intellectual property, technology commercialization, and related economic development activities, and assumes other responsibilities and duties as delegated by the president. The vice president for economic development and innovation is responsible for identifying system-wide research engagement opportunities, facilitating and coordinating research and its technology commercialization and related economic development initiatives, and, in doing so, exercises direct line authority over relevant offices, policies, and programs. The vice president for economic development and innovation works closely with the president, chancellors/vice presidents, and vice chancellors for research to facilitate the system's research agenda and activities across all of its universities and, under the direction of the president, communicates the system's research and economic development priorities to local, state, and federal authorities and agencies.

(e) The chancellors/vice presidents, under the direction of the president, are the chief executive officers for the universities and carry out duties delegated by the president of the system. Among the primary responsibilities of the chancellors/vice presidents are: overseeing the long-term strategic planning and direction of the universities; recruiting and managing teams of administrative and academic leaders to oversee university operations; overseeing the university budget and maintaining university fiscal stability and sustainability; fundraising for the university; overseeing university athletics; and serving as the state, national, and international representative of the university, particularly in national associations of which the university is the constituent member. In addition, as system officers, the chancellors/vice presidents have responsibility for advising the president and working with each other as well as the other vice presidents to advance the well-being of the entire system as well as of their own universities.

(f) There may be additional administrative officers with system-wide responsibilities and duties as delegated by the president of the system. The president may make changes in titles and assignment of responsibilities of these officers and may recommend to the Board of Trustees additional administrative positions as provided for in Article 1, Section 2 of the *Statutes*.

## **ARTICLE II. BUSINESS ORGANIZATION AND POLICIES**

### ***SECTION 1. THE COMPTROLLER***

As an officer of the Board of Trustees, and in accordance with the Bylaws of the board, the comptroller shall:

- (a) Approve for the board all expenditures for which a general or specific appropriation has been made by the board.
- (b) Assist the finance and audit committee of the board in matters pertaining to the handling of funds and investments.
- (c) Report to the board quarterly the financial condition and operation of the system and on other matters at times as the board may direct.
- (d) Sign contracts to which the Board of Trustees is a party unless otherwise ordered by the board in specific cases.
- (e) Perform such other functions as may be assigned by the Board of Trustees.

### ***SECTION 2. THE VICE PRESIDENT/CHIEF FINANCIAL OFFICER***

Functioning under authority delegated by the president, the vice president/chief financial officer shall: be the general business officer of the University of Illinois System and be responsible for the business and financial functions of the universities of the system, including the business and finance components of all capital project development and implementation.

### ***SECTION 3. BUSINESS POLICIES AND PROCEDURES***

- (a) No financial obligation shall be entered into except on authority delegated by the board or on authority of the board after a general or specific appropriation has been made by the board allocating funds therefore, as evidenced by its records, and after having been approved by the vice president/chief financial officer. All allocations of funds made by the Board of Trustees, including those made from funds appropriated to the system by the State of Illinois, shall expire at the end of the fiscal year, June 30, unless otherwise especially ordered.
- (b) For accounting purposes, the fiscal year of the system shall begin with the first day of July of each year and end on the thirtieth day of June next succeeding.

(c) No department or unit shall receive any monies directly unless authorized by the vice president/chief financial officer to do so. All monies shall be accounted for and paid over in such manner as the vice president/chief financial officer shall direct. The vice president/chief financial officer is authorized to establish and administer petty cash funds where necessary for the prompt and efficient handling of system business.

(d) The vice president/chief financial officer is permitted to act as treasurer of student and other organizations affiliated with the system, but in so doing shall not thereby create any liability on the part of the Board of Trustees of the University of Illinois. In all cases, the accounts of these organizations shall be kept separate from the system accounts, and the funds of such organizations shall be kept apart from system funds.

(e) All employees shall be bonded in adequate amount and form, to be determined by the board, the expense thereof to be paid by the system.

#### ***SECTION 4. AWARD AND EXECUTION OF SYSTEM CONTRACTS***

(a) All contracts shall be awarded by the Board of Trustees in accordance with applicable state and federal law and system policies and rules. Contracts involving major changes in or deviations from system policies and rules shall be approved specifically by the Board of Trustees.

(b) All contracts, other than purchase orders, shall be executed at least in duplicate, and the original thereof shall be filed with the secretary of the Board of Trustees and remain in the custody of the secretary. A report shall periodically be made to the Board of Trustees by the comptroller of all contracts executed on behalf of the system, as the Board may require.

(c) Contracts relating to appointments to the staff may be executed by the secretary of the Board of Trustees. Agreements providing for the appointments of resident physicians and dentists may be executed by the chief of staff of the University of Illinois Hospital. Purchase orders issued pursuant to awards made by the Board of Trustees may be executed by the University official in charge of the purchasing activity as designated by the comptroller. Assurances and certifications related to research may be executed by the university vice chancellor for research or, where there is no vice chancellor for research, the chancellor, or their delegates. Unless otherwise ordered by the Board of Trustees in specific cases, other contracts to which the system is a party shall be executed by the comptroller of the system.

(d) The awarding of procurement contracts involving expenditures of system funds are governed by state procurement law.

(e) The Board of Trustees shall specifically authorize procurement contracts (excluding change orders) and leases involving payments by the system in one fiscal year in excess of such dollar amounts as the Board of Trustees may specify from time to time (“the Board limit”) unless in the president’s opinion necessity requires immediate action. The president, after consulting with each member of the executive committee of the Board who can reasonably be contacted, may approve emergency transactions in excess of the Board limit on behalf of the Board of Trustees and report the same promptly to the Board. If the amount of the emergency transaction exceeds such dollar amounts as the Board of Trustees may specify from time to time the president must consult with all Board members who can reasonably be contacted before approving the emergency action.

(f) The comptroller is authorized to approve on behalf of the Board of Trustees procurements, intergovernmental contracts, leases, and other contracts and contract change orders not expressly requiring prior specific Board authorization and shall report such approvals to the Board as the Board may direct. The requirement for specific Board approval above the Board limit does not apply to, or supersede previous actions of the Board authorizing, the execution of those types and classes of contracts that the Board of Trustees has authorized to be executed without its prior specific approval, such as farm leases; purchases of food products, grain, livestock, fertilizer, and natural gas; procurements of generic commodities on joint bids with other State institutions; group procurement contracts deemed to offer economic benefit to the system that comply with State law; purchases for resale to students and others; procurements of other commodities that the Board may exempt; contracts for cultural and entertainment presentations; subcontracts and subgrants for research, gifts or grants awarded by the Board; contracts involving University Press publications; and any other transactions that the Board may specify.

(g) The seal of the University of Illinois shall be in the custody of the secretary of the Board of Trustees.

(h) The comptroller and secretary are authorized to delegate authority to sign contracts in the name of the comptroller and the secretary of the Board, as the case may require.

(i) All bids received for a specific item or project may be rejected, without referral to the Board of Trustees in accordance with state law.

## ***SECTION 5. DRAFTING AND APPROVAL OF SYSTEM CONTRACTS***

(a) Contracts shall be drafted in tentative form by the University of Illinois System administrator best acquainted with the subject matter and in whose unit rests the responsibility for performance and shall be approved by the comptroller or his/her

delegate unless otherwise provided by the *Statutes* or by other action of the Board of Trustees.

(b) Contracts are subject to review and approval as to legal form and validity by the University counsel in accordance with system policies and rules. The policies and rules shall reflect best business practices and shall be subject to modification from time to time as warranted.

#### **SECTION 6. RESEARCH GIFTS, GRANTS, AND CONTRACTS**

(a) Sponsored Research. Research conducted under the auspices of the system may be supported in whole or in part through funds provided by outside entities in the form of research gifts, research grants, or research contracts. Third-party offers to fund research activities by gift, grant of financial assistance, or contract must be reviewed and approved by the appropriate administrative offices before formal acceptance by the president (or his/her delegate) in the case of gifts, and by the comptroller (or his/her delegate) in the case of grants and contracts. Faculty and staff may conduct preliminary negotiations with prospective research sponsors with the prior knowledge and approval of the department head or other appropriate administrative officer and the dean or director if required by college policy but have no authority to bind the system or universities to a contract. Staff within the relevant unit will direct and conduct the sponsored research. The administrative coordination of research programs shall be under the Agricultural Experiment Station for units in the College of Agricultural, Consumer and Environmental Sciences and under the Office of Vice Chancellor for Research (OVCR) or the Chancellor's Office where there is no OVCR.

(b) Research Results. Contracts for research shall conform to the rules regarding intellectual property as specified in Article III. The sponsor may receive preferential consideration in the disposition of the invention or discovery as provided in Article III, Section 7(q). Unless otherwise permitted by the Board of Trustees, the system shall not permanently grant or convey to a sponsor the exclusive benefits of the results of any investigation or research. The system will retain original records of investigation and research and may furnish reports or copies of such records to the sponsor. The sponsor may not use any system trademark, service mark, trade name or other such property without the prior approval of the president or his/her delegate.

(c) Policy Waivers. If the sponsor conditions its award of funding on the waiver of established system policies, such as reimbursement of indirect cost, rights of publications, or rights to intellectual property generated by the research, the system may accept such conditions if required by law or if a waiver is found to be clearly in the interests of the system and the public. Waivers related to intellectual property rights must be approved by the vice president for economic development and innovation. The determination of all other waivers must be made by either the vice chancellor for research (VCR) or the chancellor if no university VCR exists, or his/her delegate.

(d) Research Funding Proposals. All sponsored research proposals must be prepared by the staff who will supervise the research and must contain at a minimum a scope of work and budget providing for all direct and indirect cost recovery in accordance with system and university policy. All research proposals must be reviewed, approved, and executed by the appropriate administrative staff and officials before formal submission as an offer. Final approval of all proposals is the responsibility of the vice chancellor for research (VCR), or the chancellor where there is no university VCR, or his/her delegate.

(e) Expenditure of Funds. The expenditure of funds received as indirect cost recovery as cost-of-education allowances, as general-support grants or as any other unrestricted gift or grant must be authorized by the Board of Trustees either as part of the system's annual budgets for operations or for capital improvements, or during the fiscal year as an addition to the annual budget for operations or for capital improvements.

**SECTION 7. OTHER GIFTS AND GRANTS, SCHOLARSHIPS AND ENDOWMENTS, NONMONETARY GIFTS**

(a) ***Gifts and Grants***. Gifts and grants for purposes other than research may be accepted from entities outside the University of Illinois System under conditions specified in this Section. Staff members may conduct preliminary negotiations with prospective donors or grantors with the prior knowledge and approval of the department head or other appropriate administrative officers, but are not authorized to bind the system to accept a gift or grant. Gifts are accepted by the president who may delegate the acceptance authority to others.

(b) ***Scholarships and Fellowships***. Scholarships are gratuitous payments to students to provide financial assistance during the period of their training. Fellowships are awards involving cash stipends for graduate students. In certain exceptional cases, fellowships may be granted to postdoctoral scholars. Fellowships are intended to assist the recipient pursuing educational objectives; they are not awarded for carrying on specific research, and no services shall be required of a fellow.

The president is authorized to accept funds for scholarships and fellowships. The president may delegate authority for accepting scholarships and fellowships to the chancellors/vice presidents or to the chancellors'/vice presidents' designees.

Funds for scholarships and fellowships shall not be accepted under terms which require prohibited discrimination.

When funds are received from a donor for fellowships or scholarships, the system, universities, and the student recipients shall not be obligated to the donor in any way except to comply with the terms of the gift and to ensure that established academic

requirements are met. The recipient of a scholarship or fellowship shall be chosen by appropriate university units in accordance with established criteria based upon scholastic attainment and financial need unless the funds are accepted under other terms.

The vice president/chief financial officer may receive and disburse funds for a donor who wishes to designate the recipient of a grant for financial assistance. In such circumstances, the vice president acts only as the agent of the donor; the funds thus received are not system funds; and the funds thus administered, although perhaps designated as a scholarship or fellowship by the donor, have no official system status.

(c) **Endowment Gifts.** The conditions of the gift as stated by the donor ordinarily specify the use to which the principal and income shall be put although the determination may be left to the Board of Trustees. Gifts may be received and accepted with the condition that the principal sum thereof shall be either held intact as an endowment or expended upon authorization of the Board of Trustees. The system may temporarily transfer funds to an endowment status to be invested and only the income expended. Such funds are designated as "funds temporarily functioning as endowment" or as "quasi-endowment funds."

The terms of an offer of a gift to create an endowment shall be reviewed by the department concerned, the appropriate university administrator, the university counsel, and the vice president/chief financial officer. The president may accept offers of endowment funds, reporting the gift when received to the Board of Trustees as the trustees may direct. The president may delegate authority to act on such offers to the chancellors/vice presidents. No endowment fund money may be accepted under terms which require prohibited discrimination.

(d) **Nonmonetary Gifts.** Every offer of a non-monetary gift shall be reported by the unit involved to the chancellor/vice president of the university concerned who is authorized to accept the gift on behalf of the president and who shall report it to the president, who shall report it to the Board of Trustees as the trustees may direct.

No object of art shall be accepted until its artistic quality has been determined.

Loans of nonmonetary property are accepted subject to the condition that the system will take reasonable care of the property but will not be responsible for loss or damage thereto unless otherwise agreed to in writing and approved by the vice president/chief financial officer.

## **SECTION 8. TECHNICAL TESTS**

(a) The University of Illinois System may undertake specified tests using its unique or special facilities on a contractual service basis for individuals, institutions, or commercial entities (applicants). In general, such tests are justified when the desired facilities do not exist elsewhere or are not readily accessible and when the work to be

performed involves only established, preexisting methods of a primarily technical nature which can be specified in advance. A technical testing contract should not be used if the work entails original, creative research. The system will not perform testing for external parties if equivalent service is known to be available and feasibly obtainable from a commercial entity.

(b) The unit executive officer is responsible for determining the appropriateness of the work before the system accepts the contract. Such work will be arranged by the unit executive officer with the involved members of the staff in accordance with the nature of their employment as part of their service to the system unless such work is done at times when services are not required by the system. When necessary or desirable, special assistants may be employed to conduct a specified testing project. Subject to conflict of interest review and prior written approval of the unit executive officer and college dean, testing using system equipment and facilities may also be undertaken by individual members of the faculty or academic professional employees on their own time and responsibility.

(c) A fee shall be assessed for each testing project sufficient to cover all direct and indirect costs of service rendered, including any and all facilities of the system used in carrying out the test and the technical support personnel necessary to operate it.

(d) Both the testing methods and the objectives toward which they will be applied shall be specified in writing as part of the agreement covering the testing work. The system makes no claim of ownership in observational data, measurements, or other results from such specified testing. In general, it is not anticipated that any new science or technology (and resulting intellectual property) would result from such specified testing. However, in special situations, such as when the proposed testing involves an applicant's proprietary technology or specimens or if a specific objective or application of interest to the applicant which is potentially patentable can be identified in advance, the system may agree not to seek a proprietary position in the applicant's intellectual property. Otherwise, inventions and discoveries (hereafter, "inventions") shall belong solely or jointly to the system and/or to the applicant in accordance with the U.S. laws of inventorship and Article III, Section 3. For any such invention in which the system has an ownership interest, the system will grant the applicant a limited first option to negotiate a license to use the system invention on reasonable commercial terms.

(e) The name of the University of Illinois System shall not be used in publicity concerning the tests or test results without its prior written permission.

(f) Technical testing agreements shall be approved and executed in accordance with Article II, Section 5, and the policies and procedures provided for each university.

## ***SECTION 9. DELEGATION OF SIGNATURES***

An administrative officer is authorized to delegate to another responsible staff member authority to sign official documents under conditions approved by the vice president/chief financial officer and comptroller. Such delegation does not relieve the administrative officer of responsibility for what is done there under.

## **ARTICLE III. INTELLECTUAL PROPERTY**

### ***SECTION 1. OBJECTIVES***

Technical information, inventions, discoveries, copyrightable works and other creative works that have the potential to be brought into practical use may result from the activities of University of Illinois System employees in the course of their duties or through the use, by any person, of system resources such as facilities, equipment, or funds.

The first purpose of this intellectual property policy is to provide the necessary protections and incentives to encourage both the discovery and development of new knowledge, its transfer for the public benefit and its use for development of the economy; a second purpose is to enhance the generation of revenue for the system and to provide financial and reputational benefits for the creator(s); and a third purpose is to preserve the freedom to conduct research and to use the intellectual property created by that research or pursuant to an institutional initiative. The University of Illinois System is guided by the following general objectives:

- (i) To optimize the environment and incentives for research and for the creation of new knowledge within the system;
- (ii) To ensure that the educational mission of the system is not compromised;
- (iii) To bring technology into practical use for the public benefit as quickly and effectively as possible;
- (iv) To protect the interest of the people of Illinois through a reasonable consideration for the system's investment in its intellectual property.

### ***SECTION 2. DEFINITIONS***

(a) Intellectual Property. The term "intellectual property" is broadly defined to include inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data and other creative or artistic works which have value. Intellectual property includes that which is protectable by statute or legislation, such as

patents, registered or unregistered copyrights, registered or unregistered trademarks, service marks, trade secrets, mask works, and plant variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research and experimental results.

(b) **Traditional Academic Copyrightable Works.** “Traditional academic copyrightable works” are a subset of copyrightable works created independently and at the creator’s initiative for academic purposes. Examples may include syllabi, class notes, books, theses and dissertations, instructional materials and software that creators may design for courses, articles, non-fiction, fiction, poems, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, or other works of artistic imagination that are not created as an institutional initiative (as specified in Section 4(a)(2) below).

(c) **Creator.** “Creator” refers to an individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property. “Creator” includes the definition of “inventor” used in U.S. patent law for patentable inventions and the definition of “author” used in the U.S. Copyright Act for copy written works of authorship.

(d) **University of Illinois System Resources Usually and Customarily Provided.** When determining ownership and license rights in copyrightable works, “University of Illinois System resources usually and customarily provided” includes office space, library facilities, ordinary access to computers and networks, or salary. In general, it does not include the use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special subventions provided by the system unless approved as an exception.

Exceptions are expected in units where the tradition is to provide subvention to some faculty in the form of graduate assistants to help prepare traditional academic copyrightable works. Exceptions are also expected in situations where creators use system-provided facilities and resources in the creation of works of artistic imagination, for example, use of studios, pottery wheels, or kilns for the creation of paintings, sculpture or ceramics; use of high end computer hardware and software in the creation of artistic graphical images; and so on. Other individual exceptions may be approved on a case-by-case basis [see section 7(k)].

### ***SECTION 3. APPLICATION***

This policy is considered a part of the conditions of employment for every employee of the University of Illinois System, and a part of the conditions of enrollment

and attendance by its students. It is also the policy of the University of Illinois System that individuals (including visitors), by participating in a sponsored research project and/or making significant use of system-administered resources, thereby accept the principles of ownership of intellectual property as stated in this policy unless an exception is approved in writing by the appropriate university or system-level officer (or designee). All such creators of intellectual property shall execute appropriate assignment and/or other documents required to perfect, confirm, or determine ownership and rights as specified in this policy.<sup>2</sup>

This policy applies only to intellectual property developed after the effective date of the policy (September 3, 1998).

#### **SECTION 4. COPYRIGHTS**

(a) Ownership. Unless subject to any of the exceptions specified below or in Section 4(b) and 4(c), creators retain copyright rights to traditional academic copyrightable works as defined in Section 2(b) above. (See, in particular, Sections 4(b)(2) below.)

The University of Illinois System shall own copyrightable works as follows, and by operation of this Article, such works are hereby assigned to and the property of the system:

(1) Works created pursuant to the terms of a University of Illinois System agreement with a third party, or

(2) Works created as a specific requirement of employment or as an assigned duty that may be specified, for example, in a written job description or an employment agreement. Such specification may define the full scope or content of the

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<sup>2</sup>The creator's obligation to assign rights to the system is subject to the provisions of the Illinois Employee Patent Act, which provides in part:

*A provision in an employment agreement which provides that an employee shall assign or offer to assign any of the employee's rights in an invention to the employer does not apply to an invention for which no equipment, supplies, facilities, or trade secret information of the employer was used and which was developed entirely on the employee's own time unless (a) the invention relates (i) to the business of the employer, or (ii) to the employer's actual or demonstrably anticipated research or development, or (b) the invention results from any work performed by the employee for the employer. Any provision which purports to apply to such an invention is to that extent against the public policy of the state and is to that extent void and unenforceable. The employee shall bear the burden of proof in establishing that his invention qualifies under this subsection.*

employee's duties comprehensively or may be limited to terms applicable to a single copyrightable work.<sup>3</sup>

(3) Works specifically commissioned by the University of Illinois System. The term "commissioned work" refers to a copyrightable work prepared under an agreement between the system and the creator when (1) the creator is not a system employee, or (2) the creator is a system employee but the work to be performed falls outside the normal scope of the creator's system employment. Contracts covering commissioned works shall specify that the author convey by assignment, if necessary, such rights as are required by the system.

(4) Works that are also patentable. The University of Illinois System reserves the right to pursue multiple forms of legal protection concomitantly if available. Computer software, for example, can be protected by copyright, patent, trade secret and trademark.

(b) University of Illinois System Rights in Creator-Owned Works

(1) Traditional academic copyrightable works created using system resources usually and customarily provided are owned by the creators. Such works need not be licensed to the system.

(2) Traditional academic copyrightable works created with use of system resources over and above those usually and customarily provided shall be owned by the creators but licensed to the system. The minimum terms of such license shall grant the system the right to use the original work and to make and use derivative works in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The system may retain more than the minimum license rights when justified by the circumstances of development.

(c) Student Works. Unless subject to the provisions of paragraph (a) or provided otherwise by written agreement, copyrightable works prepared by students as part of the requirements for a degree program are deemed to be the property of the student but are subject to the following provisions:

(1) The original records (including software) of an investigation for a graduate thesis or dissertation are the property of the University of Illinois System but may be retained by the student at the discretion of the student's major department.

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<sup>3</sup>Provisions (1) and (2) above define those works that fall within the scope of University of Illinois System employment as that term is used in the definition of "work made for hire" in the U.S. Copyright Statute (see Title 17, USC, Section 101).

(2) The University of Illinois System shall have, as a condition of awarding the degree, the royalty-free right to retain, use and distribute a limited number of copies of the thesis, together with the right to require its publication for archival use.

(d) Copyright Registration and Notice. System-owned works shall be protected by copyright notice in the name of the Board of Trustees of the University of Illinois. Such copyright notice shall be composed and affixed in accordance with the United States Copyright Law. Registration of the copyright for system-owned works shall be in accordance with the operational guidelines and procedures established by the vice president for economic development and innovation, pursuant to Section 7(k) below. The system may also decide to release a work to the public domain and if so, should so indicate.

(e) University Press Publications. The University Press shall be responsible for copyright registration of works owned by the University of Illinois System and published by the Press and for administering contracts with its authors. Such contracts shall define the rights and obligations of the author and the system and shall be processed as other system contracts.

(f) Compliance with the Copyright Act. System units that administer activities involving any usage regulated by the Copyright Act are responsible for having a reasonable knowledge of applicable regulations, monitoring their continuing evolution, and conducting programs in full compliance with the applicable laws and regulations.

## ***SECTION 5. OTHER INTELLECTUAL PROPERTY***

Ownership. Except as otherwise specified in this Article or by the University of Illinois System in writing, intellectual property shall belong to the system and by operation of this Article is hereby assigned to and the property of the system, if made: (1) by a system employee as a result of the employee's duties or (2) through the use by any person, including a system employee, of system resources such as facilities, equipment, funds, or funds under the control of or administered by the system. (See also Section 4(a)(4) above.)

## ***SECTION 6. TRADEMARKS***

Trademarks and service marks are distinctive words or graphic symbols identifying the source, product, producer, or distributor of goods or services. Registration of trademarks or service marks, at the state or federal level, shall be approved by the appropriate university or system level officer (or designee). Proceeds received from commercialization of a registered or unregistered mark that is related to an intellectual property license for associated intellectual property will be shared with all creator(s) of

the associated property as specified in Sections 8(b) and 8(c) below. For proceeds received from commercialization of a mark that is licensed independently and is not directly related to an intellectual property license, the share that would normally be distributed to the creator(s) will be assigned to the unit(s) from which the trademark or service mark originated. Except as provided herein or subject to prior written agreement between the creator(s) and the system, the system will not share the proceeds from commercialization of a mark with the individual(s) who created the mark.

## ***SECTION 7. INTELLECTUAL PROPERTY ADMINISTRATION***

(a) Disclosure. All intellectual property in which the University of Illinois System has an ownership interest under the provisions of this policy and that has the potential to be brought into practical use for public benefit or for which disclosure is required by law shall be reported promptly in writing by the creator(s) to the appropriate university or system-level officer (or designee) through the appropriate unit employee using the disclosure form provided by that unit. The disclosure shall consist of a full and complete description of the subject matter of the discovery or development and identify all persons participating therein. The creator(s) shall furnish such additional information and execute such documents from time to time as may be reasonably requested.

(b) Evaluation and Exploitation Decisions. After evaluation of the intellectual property and review of applicable contractual commitments, the University of Illinois System may develop the property through licensing, to an established business or a start-up company, may release it to the sponsor of the research under which it was made (if contractually obligated to do so), may release it to the creator(s) if permitted by law and current system policy, or may take such other actions considered to be in the public interest. Exploitation by the system may involve statutory protection of the intellectual property rights, such as filing for patent protection, registering the copyright, or securing plant variety certification. All agreements regarding intellectual property must be executed by the vice president/chief financial officer and comptroller or his or her designees.

(c) Questions Related to System Ownership. In the event there is a question as to whether the system has a valid ownership claim in intellectual property, such intellectual property should be disclosed in writing to the appropriate university or system-level officer (or designee) by the creator(s) in accordance with Section 7(a). Such disclosure is without prejudice to the creator's ownership claim. The system will provide the creator with a written statement as to the system's ownership interest.

(d) **Informing Creators of Decisions.** The appropriate university or system-level officer (or designee) will inform principal creators of its substantive decisions regarding protection, commercialization and/or disposition of intellectual property which they have disclosed. However, specific terms of agreements with external parties may be proprietary business information and subject to confidentiality restrictions.

(e) **University of Illinois System Abandons Intellectual Property.** Should the system decide to abandon development or protection of system-owned intellectual property, ownership may be assigned to the creator(s) as allowed by law and current system practice, subject to the rights of sponsors and to the retention of a license to practice for system purposes. The minimum terms of the license shall grant the system the right to use the intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The system may retain more than the minimum license rights, and the assignment or license may be subject to additional terms and conditions, such as revenue sharing with the system or reimbursement of the costs of statutory protection, when justified by the circumstances of development.

(f) **Commercialization.** The system may, at its discretion and consistent with the public interest, license intellectual property on an exclusive or non-exclusive basis. The licensee must demonstrate technical and business capability to commercialize the intellectual property. The licensee may include clear performance milestones with a provision for recapture of intellectual property if milestones are not achieved. The licensee may be required to assume the cost of statutory protection of the intellectual property.

(g) **Conflict of Interest and Commitment.** Commercialization activities involving University of Illinois System employees will be subject to review of potential conflict of interest and commitment issues and approval of a conflict management plan in accordance with applicable system policy.

(h) **University of Illinois System's Acceptance of Independently Owned Intellectual Property.** The University of Illinois System may accept assignment of intellectual property from other parties provided that such action is determined to be consistent with the public interest. Intellectual property so accepted shall be administered in a manner consistent with the administration of other system-owned intellectual property.

(i) **Consulting Agreements.** System employees engaged in external consulting work or business are responsible for ensuring that agreements emanating from such work are not in conflict with system policy, with the system's contractual commitments or with system policies regarding system-owned intellectual property. Such employees should make their non-system obligations known to the appropriate university officer and should

provide other parties to such agreements with a statement of applicable system policies regarding ownership of intellectual property and related rights.

(j) **Statement by Creators.** The creators of system-owned intellectual property may be required to state that to the best of their knowledge the intellectual property does not infringe on any existing patent, copyright or other legal rights of third parties; that if the work is not the original expression or creation of the creators, the necessary permission for use has been obtained from the owner; and that the work contains no libelous material nor material that invades the privacy of others.

(k) **Administrative Responsibility.** The president has ultimate authority for the stewardship of intellectual property developed within the University of Illinois System. Pursuant to Article I, Section 2, Paragraph (d) the vice president for economic development and innovation has direct line authority for system offices and entities involved in technology commercialization and related economic development. With the advice of the chancellors/vice presidents, or their designees, and in consultation with the executive vice president and vice president for academic affairs and the university vice chancellors for research, or their designees, the vice president for economic development and innovation shall establish operational guidelines and procedures for the administration of intellectual property, including but not limited to determination of ownership, assignment, protection, licensing, marketing, maintenance of records, oversight of revenue or equity collection and distribution, approval of individual exceptions, and resolution of disputes among creators and/or unit executive officers.

(l) **University Responsibility.** Each university may establish an office which has responsibility for administering system policies regarding intellectual property as defined in this Article.

(m) **Contractual Authority.** Licenses, options for licenses and other agreements related to commercialization or exploitation of intellectual property shall be granted in the name of the Board of Trustees of the University of Illinois. All such contracts shall be executed in accordance with the policies described in this Article.

(n) **General Administrative Guidelines and Procedures.** General guidelines and procedures for the administration of intellectual property shall be established by the president in consultation with the University of Illinois System Intellectual Property Committee (“Intellectual Property Committee,” as specified in Section 7(o) below) and the universities. Detailed operational guidelines and procedures for the administration of intellectual property shall be established pursuant to Section 7(k).

(o) **Intellectual Property Committee.** The Intellectual Property Committee shall be appointed annually by the president to make recommendations to the president regarding procedures, guidelines, and responsibilities for the administration and

development of intellectual property and such other matters as the president shall determine.

(p) Appeals. After following the operational administrative guidelines and procedures established pursuant to Section 7(k), the creator or unit executive officer may appeal to the Intellectual Property Committee to seek resolution of complaints or questions regarding the matters addressed in this Article. When resolution is not possible, recommendations for exceptions to the operational guidelines and procedures shall be made by the Intellectual Property Committee to the president for his or her decision.

(q) Preferential Treatment of Sponsors. Sponsored research agreements shall provide that all intellectual property developed as a result of the sponsored research project shall belong to the University of Illinois System unless otherwise specified in writing. The sponsor may receive an option to license the resulting intellectual property on terms to be negotiated, with the option to be exercised within a specified period following the disclosure of the intellectual property. When the nature of the proposed research allows identification of a specific area of intellectual property or application which is of interest to the sponsor, the appropriate university or system-level officer (or designee), in accordance with guidelines established pursuant to Section 7(k), may accept research agreements with terms which entitle the sponsor to reasonable specific commercial rights within the defined field of interest. Otherwise, the specific terms of licenses and rights to commercial development shall be based on negotiation between the sponsor and the appropriate university or system-level officer (or designee), in accordance with guidelines established pursuant to Section 7(k), at the time the option is executed by the sponsor and shall depend on the nature of the intellectual property and its application, the relative contributions of the system and the sponsor to the work, and the conditions deemed most likely to advance the commercial development and acceptance of the intellectual property. In all cases where exclusive licensing is appropriate, such license agreements shall be executed apart from the sponsored research agreement and shall require diligent commercial development of the intellectual property by the licensee. The appropriate university or system-level officer (or designee), in accordance with guidelines established pursuant to Section 7(k), may also determine, on a case-by-case basis and only if allowed by law, that it is in the system's interest to assign ownership of resulting intellectual property to the sponsor as an exception to this policy when circumstances warrant such action, in accordance with guidelines established pursuant to Section 7(k), above.

(r) Exceptions to Policy. Recommendations for exceptions to the provisions of the policy in this Article shall be made by the System Intellectual Property Committee to the president for presentation to the Board of Trustees. [For individual exceptions, see Section 7(k).]

## **SECTION 8      *PROCEEDS DISTRIBUTION*<sup>4</sup>**

(a)      Proceeds. For purposes of this policy, “proceeds” shall refer to all revenue and/or equity, as defined below, received by the University of Illinois System from transfer, commercialization, or other exploitation of system-owned intellectual property.

(1)      Revenue. “Revenue” shall mean cash from payments including, but not limited to, royalties, option fees, license fees, and/or fees from the sale of the system’s equity interest.

(2)      Equity. “Equity” shall include, but not be limited to, stock, securities, stock options, warrants, buildings, real or personal property, or other non-cash consideration.

(b)      Revenue Distribution. When revenue is received by the system, all out-of-pocket payments or obligations (and in some cases, a reasonable reserve for anticipated future expenses) attributable to protecting (including defense against infringement or enforcement actions), marketing, licensing or administering the property may be deducted from such income. The income remaining after such deductions is defined as net revenue. In the case of multiple intellectual properties licensed under a single licensing agreement, the system, pursuant to Section 7(k), above, shall determine and designate the share of net income to be assigned to each intellectual property.

(1)      Creator’s Share. The creator (or creator’s heirs, successors, and assigns) normally shall receive forty percent (40%) of net revenue. If there are joint creators, the net income shall be divided among them as they shall mutually agree. Should the creators fail to agree mutually on a decision, the vice chancellors for research, or chancellor’s designee, in consultation with the vice president for economic development and innovation, shall determine the division.

(2)      Originating Unit’s Share. The originating unit normally shall receive twenty percent (20%) of net revenue. If a creator is affiliated with more than one originating unit or if there are joint creators from different units, the originating unit(s) share shall be divided among such units as agreed in writing by the responsible unit executive officers. Should the units fail to agree mutually on a decision, the vice

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<sup>4</sup>These proceeds distribution provisions shall apply only to revenue and equity received from agreements for commercialization that are executed subsequent to the effective date of this policy (September 3, 1998). Unless otherwise agreed in writing between the System and the creator(s), distribution of income for commercialization prior to the effective date of this policy shall be in accordance with the policy in effect at the time the agreement was approved. Where no policy exists (e.g., for equity), this policy shall prevail.

chancellors for research, or chancellor's designee, in consultation with the vice president for economic development and innovation, shall determine the division.

(3) System-Level and University Shares. The system offices normally shall receive forty percent (40%) of net revenue. These funds shall be allocated, pursuant to Section 7(k), in support of the technology transfer activities and academic and research programs at the university where the intellectual property was generated.

(c) Equity Distribution. In any instance wherein the University of Illinois System executes an agreement with a corporation or other business entity for purposes of exploiting intellectual property owned by the system and the system receives or is entitled to receive equity, revenue from the equity shall be shared among the creator(s), the originating unit(s), and the system offices in the same proportions as revenue distributions (except as specified in Section 8(d) below).

(d) Exceptions When the Creator(s) Have No Entitlement. If the University of Illinois System accepts research support in the form of a sponsored research agreement or unrestricted grant as part of the consideration in an intellectual property license in lieu of an option fee, license fee or royalty, the creator(s) shall have no entitlement to receive a share as personal income. For the subset of equity that is buildings, real or personal property, or other non-cash consideration, the creator(s) shall have no entitlement to receive a share as personal income.

(e) Special Distributions. Special facts or circumstances may warrant a different distribution of proceeds than specified above and such distributions will be determined on a case-by-case basis under the authority of the appropriate university or system-level officer (or designee), in accordance with guidelines established pursuant to Section 7(k).

(f) Revenue from Actions for Defense or Enforcement of Intellectual Property Rights. When the system offices receive revenue from third parties that results from successful actions for the purpose of defending or enforcing the system's rights in its intellectual property, such revenue may first be used to reimburse the system (or the sponsor or licensee, if appropriate) for expenses incurred in such actions. The creator(s) and their originating unit(s) shall be entitled to recovery of lost royalties from the remaining net revenue, in the same proportions as specified in Section 8(b) above. The remaining net revenue shall be allocated, pursuant to Section 7(k), in support of the technology transfer activities and academic and research programs at the university where the intellectual property was generated.

## **ARTICLE IV. EMPLOYMENT POLICIES**

**SECTION 1. TERMS OF EMPLOYMENT OF ACADEMIC AND ADMINISTRATIVE STAFF**

(a) The terms of employment of the academic and administrative staff, as defined in the University of Illinois *Statutes* shall be explicitly stated by the nominating officer, indicating that services are required for:

- (1) The academic year, which shall consist of two semesters.
- (2) Twelve months, including allowable vacation.
- (3) The summer session.
- (4) Other stated periods.

(b) The teaching staff shall be appointed with services required for either the academic year or for twelve months. Those who are appointed for the academic year shall be free for other employment, either in the system or elsewhere, during the summer months, except that they shall report for any departmental meetings before registration and render all services requested of them in connection with registration and the preparation of materials and reports for the academic year. No vacation benefits accrue on appointments with services required for the academic year.

(c) The administrative, research, and extension staffs generally shall be appointed with services required for twelve months, including allowable vacation. Allowable vacations for those appointed for twelve months shall be accrued at the rate of 24 working days per appointment year prorated based on FTE. Accrued vacation leave shall be granted at the beginning of the academic year. Vacation shall be arranged to accommodate the convenience of the staff member and the requirements of the unit. Vacation may be accumulated up to a maximum of 72 working days; however, only a maximum of 48 working days may be carried over from one academic year to the next. During a partial-year appointment, vacation shall be prorated. Vacations taken during the holiday recesses, other than the actual holidays recognized by the system, shall be considered a part of the annual vacation allowance of 24 days. Holidays recognized by the system shall be New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and such other days as may be determined by the president.

(d) Procedures for the determination of compensation for services for periods less than the full academic year shall be approved by the appropriate chancellor/vice president and by the president.

(e) Members of the staff required to render services during the academic year may be employed in the summer session or to perform research or other services during a

period not exceeding two months and receive for each month of such service additional compensation at the monthly rate of one-ninth of the full-time rate paid for services required during the preceding academic year. Such employment may be for longer periods during the summer only upon the advance approval of the chancellor/vice president. Staff members required to render services for twelve months, with allowable vacation, shall not receive additional compensation for services rendered during the summer. For staff members rendering services partly on a twelve-month basis and partly on an academic-year basis, this regulation applies only to the twelve-month portion.

(f) Full-time employees shall not receive compensation for services in excess of a full-time appointment within the University of Illinois System, except under provisions of each university policy on service in excess of 100%. Work should be performed at a time that does not conflict with other system or university duties. Exceptions may be made to this rule only with advance approval of the appropriate administrator or chancellor/vice president. These exceptions should be held to a minimum.

(g) All staff members rendering services on a twelve-month basis with allowable vacation shall be compensated in twelve equal monthly installments.

(h) Staff members with the exception of assistants rendering services during the academic year shall be compensated in twelve monthly installments or on a pro rata basis for shorter periods. Assistants shall be compensated in monthly installments during the period over which services are rendered.

(i) In case of termination of service of members of the academic and administrative staff, the following rules shall govern the determination of salaries:

- (1) Services required for twelve months, with allowable vacation:
  - a) After the first month of service, a pro rata share of earned but not taken vacation shall be paid out, up to a maximum of 48 days,
  - b) A pro rata reduction in final salary payment shall be made for any vacation taken but not earned based on the separation date and monthly vacation accrual schedule.
- (2) Services required for the academic year: Total payments shall equal a percentage of the annual salary determined by the services rendered in relation to the academic year established for the university.

(j) All employees unless excepted by the president or chancellor/vice president are required, upon request, to present medical evidence of their capability to safely perform the duties necessarily associated with the position that is being sought. The form in which this evidence is to be presented will be prescribed by the university or system

human resources office and the director of the health service at each university or other appropriate medical provider. Employees securing a rating of "unemployable" may not be employed except on approval of the president or chancellor/vice president or his/her designee. As deemed necessary by the directors of the health services or other appropriate medical provider, new employees are required to be immunized against communicable diseases. Employees whose duties require them to handle food products shall be subject to periodic medical examinations given under the supervision of the directors of the health services, and no individual shall be employed in duties of this nature who shows evidence of any communicable disease.

(k) Failure on the part of an employee to take any required physical examination after being notified to do so shall serve to make the employment contract inoperative and salary payments shall cease.

(l) Upon request, an academic staff member shall be granted, without loss of salary, bereavement/funeral leave of up to three consecutive scheduled work days due to the death of a member of his or her immediate family or household member, and one work day to attend the visitation, funeral or memorial service due to the death of a relative outside the immediate family. Leave beyond these amounts may be approved under special circumstances. However, such additional leave will normally be taken without pay or may be charged to accrued vacation. Substantiation of the reason for bereavement/funeral leave may be required.

Under the Illinois Child Bereavement Leave Act, employees otherwise eligible for Family and Medical Leave are eligible for an additional seven (7) unpaid days to attend the funeral, or an alternative to a funeral; to make arrangements necessitated by the death of the child; or to grieve the death of the child. Employees may use accrued leave benefits to remain in pay status while taking leave under this Act. The Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time available under FMLA; therefore, employees who have exhausted their 12-week FMLA entitlement may not take the additional seven days under this Act. Leave provided under this Act must be used within 60 days after the employee receives notice of the death of his/her child. If an employee suffers the death of more than one child in any 12-month period, the employee is entitled to take up to six weeks of unpaid bereavement leave in the 12-month period.

“Immediate family” shall be interpreted to be: father, mother, sister, brother, spouse, domestic partner, civil union partner, and child of the employee. If unborn child, gestational age must be 20 or more weeks. Also included as immediate family are mother-, father-, brother-, sister-, son-, and daughter-in-law, as well as grandchildren and/or grandparents (includes great grandparents, great grandchildren, and grandparents-in-law). Biological, adopted, foster, legal wards, step or *in loco parentis* relationships are considered as immediate family under this policy and for the definition of a child for purposes of the Child Bereavement Leave Act. “Relative outside the

immediate family” shall be interpreted to be: aunt, uncle, niece, nephew, or cousin of the employee. Great aunt, great uncle, great niece, and great nephew are included in the definition of relative outside the immediate family. Such relatives are regarded as members of the immediate family only if in residence in the employee’s household. In-law relationships are not included in the definition for other relatives. For purposes of application of the Bereavement Policy, relationships existing due to marriage will terminate upon the death or divorce of the relative through whom the marriage relationship exists. Current marital status will be defined in accordance with Illinois State law.

(m) Upon request, an eligible academic staff member shall be granted, without loss of salary, parental leave of up to two weeks immediately following the birth of a child, or upon either the initial placement or the legal adoption of a child under 18 years of age prorated based on FTE. An employee must have completed six continuous months of employment in order to be eligible for parental leave, which is limited to one leave per academic appointment year. An employee who resigns employment before or at the expiration of the parental leave normally shall be required to reimburse the system for the cost of wages paid during the leave. Parental leave is automatically counted toward the 12-week family and medical leave entitlement for eligible staff members.

## ***SECTION 2. TERMS OF EMPLOYMENT OF CIVIL SERVICE EMPLOYEES***

All employment of civil service employees is controlled by the law and the rules governing the State Universities Civil Service System of Illinois. These include provisions for employment on merit through a system of examinations, the establishment of job classifications and the assignment to such classifications of all positions, and the establishment of appropriate salary rates or ranges for each classification. Detailed system rules and regulations for civil service staff members are promulgated and published in the *Policy and Rules*, as adopted and amended by the Board of Trustees.

## ***SECTION 3. WAGES OF STUDENT EMPLOYEES***

All student employees are to be paid on the basis of classification and scale of wages approved by the chancellor/vice president at each university.

## ***SECTION 4. RETIREMENT, DEATH, SURVIVOR, DISABILITY, AND SICK LEAVE BENEFITS***

System policy provides for sick leave with the payment of salary in case of illness or other disability for specified periods as described below. In addition to the benefits provided by the system, retirement, death, survivor, and disability benefits are established by the law creating the State Universities Retirement System of Illinois, a state agency separate and distinct from the University of Illinois System.

(a) ***Participation in State Universities Retirement System.*** With certain exceptions, eligible employees are required to participate in the State Universities Retirement System.

(b) ***Sick Leave Benefits.*** The system provides sick leave benefits as follows:

(1) ***Civil Service Employees.*** Sick leave with full pay is granted in the amounts and in accordance with eligibility criteria set forth in the *Policy and Rules* for those employees subject to the act creating the State Universities Civil Service System.

(2) ***Academic or Administrative Staff.*** Sick leave with full pay is granted in the amounts and in accordance with eligibility criteria set forth in the System Academic Sick Leave Policy.

(c) ***Death, Disability, and Survivor Benefits.*** For employees of the system, other than students paid on an hourly basis and personnel whose principal employment is outside the system with at least six months' service who are not members of the State Universities Retirement System or any other publicly supported retirement system which pays a death benefit, a death benefit of an amount set by an appropriate authority is payable by the system. For employees who are members of the State Universities Retirement System, death, disability, and survivor benefits are provided by that system.

## ***SECTION 5. REGISTRATION OF STAFF MEMBERS IN UNIVERSITY CLASSES***

With approval of the head of the employing unit, members of the academic, administrative, and civil service staffs of the system and of approved system-related agencies may register in university courses for which they are eligible for admission and in which space is available. Under certain conditions in degree granting programs that participate, such employees may be exempt from payment of one or more of the usual charges for tuition or fees.

Waiver of tuition and service fees is granted for all members of the academic and administrative staff, excluding graduate assistants, whose appointments are 25 percent or more of full-time service. Academic and administrative staff members who qualify for tuition waivers are exempt from the service fee. Under this practice, such staff members will not have access to the benefits provided by the fee unless they wish to pay for them as do other faculty and staff who wish to gain access to these services.

For graduate assistants, waiver of base-rate tuition, i.e., the in-State graduate (not professional) tuition rate, is granted for all university graduate assistants on appointment for at least 25 percent but not more than 67 percent of full-time service; a waiver of service fees is granted to those graduate assistants on appointment for at least 25 percent of full-time service.

The Board of Trustees has authorized the president of the system or his or her designee(s) to award a limited number of tuition and fee waivers for graduate students and report to the board on the number authorized, by each university, as part of the annual budget and tuition setting process.

Tuition and fee waivers are also extended to members of the civil service staff in accordance with the rules and policies set forth in the *Policy and Rules*.

**SECTION 6. GRIEVANCE PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

Procedures shall be developed for each university and for system administration offices in accordance with guidelines approved by the Board of Trustees for the prompt, fair, and definitive resolution of grievances concerning alleged violation of the system's Nondiscrimination Statement.

**ARTICLE V. UNIVERSITY OF ILLINOIS PROPERTY**

**SECTION 1. USE OF PREMISES AND FACILITIES**

(a) The use of system premises and facilities shall be subject to all applicable State and Federal laws and shall also be in accord with the actions of the Board of Trustees.

(b) The use of system premises and facilities by individuals other than in connection with educational or research programs will be permitted only under regulations formulated and administered by the appropriate chancellor/vice president and approved by the president. A facility use agreement, articulating the terms of use, should reflect the conditions deemed most likely to advance the development and acceptance of the intellectual property.

(c) The president is authorized to make such traffic and parking regulations and such changes therein as conditions may warrant and may delegate such authority to the chancellors/vice presidents.

**SECTION 2. CUSTODIANSHIP OF PROPERTY**

(a) Under the State Property Control Act, the president is accountable to state officials for the supervision, control, and inventory of all system property subject to that act. In discharging these and other responsibilities, the president is authorized to specify or to deputize the chancellors/vice presidents and other system officers to specify procedures and responsibilities for the supervision, control, and inventory of all system property.

(b) Unless otherwise specified, the supervision, control, and inventory of personal property shall be the responsibility of the head of the unit to which the property is assigned. An inventory of all such property shall be maintained in a manner determined by the vice president and chief financial officer/comptroller and the vice president and chief financial officer/comptroller may require reports concerning the same. The individual responsible shall report to the comptroller all items of personal property that are of no further use to the department, and the vice president and chief financial officer/comptroller may transfer the same to another unit or direct other disposition.

(c) Land that has been assigned by the Board of Trustees to a college or department for particular use or for a definite period may not be used for any other purpose or beyond the period designated without authorization by the Board of Trustees. The assignment of land, equipment, or any other property to a department or division does not give the department a title to the same, but only the right to use as long as necessary for accomplishing the function of the department or division; and the use of land or equipment or other property shall not exclude its use, at the same time, for other purposes by other departments or divisions of the system on approval of the president provided that any such second use shall not interfere with the efficient utilization of said land, equipment, or other property for the purpose for which it was first assigned.

### ***SECTION 3. PRIVATE USE OF UNIVERSITY OF ILLINOIS PROPERTY***

No one connected with the University of Illinois System in any capacity shall use for any personal purpose any system property of whatever description, and no one shall be permitted to remove from the buildings or grounds any property belonging to the system, even though it may seem to be of no value, unless it be temporarily removed pursuant to some well-established regulation, or with the approval of the appropriate chancellor/vice president or the vice president/chief financial officer in the instance of system-level property.

### ***SECTION 4. NAMING OF SYSTEM AND UNIVERSITY FACILITIES AND PROGRAMS; COMMEMORATIVE PLAQUES AND TABLETS***

(a) System and university “facilities” refers to any building, structure, street, drive, landscaped area, open space, physical improvement, or other property under the administrative control of the University of Illinois. “Programs” refers to any academic or non-academic program, school, college, institute, center, etc., but does not include endowed faculty positions such as chairs or professorships.

(b) Insofar as consistent with State law, the naming of facilities and programs lies within the authority of the Board of Trustees and shall require Board approval except as specifically described in paragraph (e) below.

(c) Facilities and programs may be named for the following:

(1) Donors who have made substantial contributions toward financing the construction, renovation or remodeling of a Facility or an addition thereto; or establishing, advancing, or maintaining a Program;

(2) An honoree nominated by such a donor and approved by the Board of Trustees;

(3) Distinguished persons in the public life of the State of Illinois or the nation;

(4) Distinguished former members of the Board of Trustees; or

(5) Former members of the faculty, staff, or administration.

In addition, the Board may approve the naming of a facility or program in situations other than those described above when the Board, in its discretion, determines that the interests of the University are served in doing so.

(d) Buildings should be named in such a way as to denote their general use; such names may include a designation such as auditorium, gymnasium, hall, laboratory, or school.

(e) Notwithstanding the above provisions, commemorative plaques or tablets may be installed inside buildings near spaces such as rooms, lounges, laboratories, performance spaces and lecture halls in recognition of:

(1) Distinguished members of the faculty, staff, administration, alumni, or students whose services were identified with the functions of said spaces; or

(2) Donors of funds (or an honoree designated by the donor) where the contribution was substantial in financing the renovation or remodeling of said spaces. Any such plaque or tablet must be approved by the appropriate chancellor/vice president but does not require Board approval.

(f) The chancellors/vice presidents may develop procedures for their respective universities for internal review and approval prior to the submission of items to the Board for its consideration.

## **ARTICLE VI. GENERAL PROVISIONS**

### ***SECTION 1. SYSTEM COUNCILS AND COMMITTEES***

The president is authorized to establish and to appoint members of system councils and committees to serve as advisers on educational, research, and engagement initiatives and other service programs affecting all universities and to provide for interuniversity relationships in such matters.

## ***SECTION 2. ADMINISTRATIVE COMMITTEES***

The president of the University of Illinois System is authorized to appoint such administrative and other committees or boards as are necessary for assistance in discharging the president's duties.

## ***SECTION 3. UNIVERSITY AND SYSTEM ARCHIVES***

(a) The university archives, divisions of the libraries under the direction of an archivist at each university, are the depositories for records having research or historical value and includes records transferred to its custody. The university archives also include professional and personal manuscripts of members of the academic and administrative staffs and records of faculty and student organizations that may be given to the system or university for preservation and use.

(b) Records produced or received by any agency or employee of the system in the transaction of university business become system property.<sup>5</sup> For the purposes of this paragraph and consistent with the Illinois State Records Act (5 ILCS 160/2), “records shall be defined as ‘all books, papers, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, maps, photographs, databases, or other official documentary materials, regardless of physical form or characteristics, made, produced, executive, or received’” by any unit of the university in pursuance of state law or in connection with the transaction of university or system business and preserved or appropriate for preservation by the university or system as evidence of its organization, function, policies, decisions, procedures, operations, or other activities or because of the informational data contained therein.

No university or system records shall be discarded or destroyed except upon the prior approval of the archivist pursuant to the finding and recommendation by the administrative unit involved that such records have no further administrative value. The archivist shall withhold the approval of any such action until satisfied that the records involved have no value for other administrative offices and that they need not be retained for legal reasons, as determined by appropriate officers. Where appropriate, the archivist

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<sup>5</sup> Nothing in this Section shall affect copyright ownership, including without limitation, as provided in Article III, Section 4.

may arrange for the transfer of records to the University Archives as an alternative to destruction.

(c) Pursuant to the State Records Act, Illinois Compiled Statutes, 5 ILCS 160/16, /17, and /18, January 3, 2003, the university archivist shall forward approved requests for permission to discard or destroy records to the president and to the State Records Commission for their approvals.

(d) The archives of the system administration shall be under the jurisdiction of the archivist at the University of Illinois Urbana-Champaign.

## **ARTICLE VII. AMENDMENTS**

*The General Rules Concerning University Organization and Procedure* document supplements and is subordinate to the *Statutes*. In the event of conflict between the provision of *The General Rules* and the *Statutes*, the *Statutes* shall prevail.

*The General Rules* are adopted by the Board of Trustees acting on the advice of the president of the University of Illinois System. The board may make changes in *The General Rules* after consultation with the president. Before providing such advice or consultation, the president shall consult with the University Senates Conference, which shall give due regard to the provisions of Article XII, Section 5 of the *Statutes*. However, consultation with the conference is not required when because of exceptional circumstances a proposed action of the Board of Trustees would authorize a deviation from *The General Rules* for a specific transaction. When changes to *The General Rules* are approved, the University Senates Conference should inform the university senates about such changes.

### **Note:**

The University of Illinois *Statutes* <http://www.bot.uillinois.edu/governance/statutes> and *The General Rules Concerning University Organization and Procedure* [http://www.bot.uillinois.edu/governance/general\\_rules](http://www.bot.uillinois.edu/governance/general_rules) make reference to and/or are supplemented by a variety of internal policy documents as well as federal and state statutes and regulations. Policy documents internal to the University exist in various forms: some printed as pamphlets, e.g., *Policy on Patents and Copyrights* and *Policy and Procedures on Academic Integrity in Research and Publication*; some as extensive, comprehensive publications such as *Policy and Rules (Civil Service)*; some updated yearly, e.g., *Guidelines for Sabbatical Leaves of Absence*; some unique to each university, e.g., *Campus Administrative Manual*. Internal policy documents may be identified by using the web site maintained by the Office of the Vice President for Academic Affairs which offers links to policy documents developed by various offices and officials within the system.