

## Systemwide Policies: Consultation Process

### Recommendations from the University Senates Conference

The purpose of this document is to develop recommendations to guide the consultation processes used to obtain input from the University Senates Conference (USC) on the creation or revision of systemwide policies consistent with the authority granted to USC by the *Statutes* (Article II, Section 3c). Consultation with appropriate faculty governance representatives about certain systemwide policies is an important element of shared governance. Currently, however, there is no formal document that describes how these consultation processes should work.<sup>1</sup> Greater clarity over these processes should help settle expectations, aid in planning, and promote collaborative and productive consultation.

Consistent with the purposes and functions of shared governance, the level and form of USC consultation will depend on many factors, including most importantly the type of policy at issue. One may speak of four levels of consultation with USC: “informational”; “review and advice” (with two possible levels, preliminary and formal); and, when appropriate or requested, endorsement or approval. Policies of an academic nature and policies that have an impact on faculty require USC review and advice.<sup>2</sup> Other policies may also benefit from review and advice or at least keeping USC informed. Many factors will guide USC in determining how to produce its consultation and the level of consultation to provide.

To standardize these processes and ensure that the right factors are considered in the right contexts, USC recommends establishing the following guidelines to define the processes of USC consultation.<sup>3</sup> These guidelines should be read holistically and should not be interpreted as a set of distinct provisions that can provide single correct answers to any particular case that might arise, in part because some guidelines qualify or carve out exceptions or alternatives to others. These

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<sup>1</sup> This absence is in contradistinction to the processes that govern the creation or revision of university policies and changes to the University of Illinois *Statutes* or *The General Rules Concerning University Organization and Procedure*. These latter documents set forth clear processes for revising these documents and identify a clear role for USC to play whenever revisions to these documents are proposed. These latter documents also contain further guidelines for when USC, the senates, and/or the faculty should be consulted on various other issues and occasions. The consultation processes governing university policies are governed by university level rules and guidelines.

<sup>2</sup> Some policies that are geared toward students fall into these categories.

<sup>3</sup> To be clear, these guidelines do not apply to policies that are specific to one university. University policies would be subject to review in accordance with the rules of each university and would be under the influence of the university's senate.

guidelines should be revisited and adjusted periodically as new cases of policy consultation are tested against the principles that underlie them.

## **Guidelines**

1. USC may be presented with a systemwide policy that invites one of four different levels of consultation: (1) information; (2) preliminary review and advice; (3) formal review and advice; and (4) approval/endorsement.
2. Whenever a systemwide policy is either created or revised, the Executive Vice President/Vice President for Academic Affairs (EVP) will at minimum present the policy to USC for information.
3. The USC and EVP will then determine jointly whether presentation of the systemwide policy may be informational only, or whether there is a need for formal review and advice from USC to meet basic principles of shared governance, based on whether the policy is of an academic nature or has an impact on faculty.
4. Even if a systemwide policy is not of an academic nature and does not have an apparent impact on faculty, the EVP may ask for review and advice from USC on the policy. Similarly, the EVP may sometimes ask for preliminary review and advice from USC during the early development of a systemwide policy, sometimes on a confidential basis, if necessary. Preliminary review and advice of this kind should be clearly distinguished from formal USC review and advice on—or approval or endorsement of—a systemwide policy.
5. Although USC's statutory role is primarily advisory, the system may in some circumstances request USC to endorse or approve of a systemwide policy or an indication of approval or endorsement may be appropriate or required under some rule or bylaw. USC can only approve or endorse a systemwide policy after having the opportunity to provide formal advice and review. Endorsement or approval requires a formal majority vote. In some circumstances consistent with its advisory role, USC may wish to refrain from endorsing or not endorsing a systemwide policy even when asked.
6. New policies or existing policies with substantial proposed revisions will typically be sent to USC for review and advice. If such policies are not of an academic nature and do not have an impact on faculty, considerations of jurisdiction and prudence suggest that the level of review should typically be attenuated.
7. Policies with revisions that are minor or editorial, are required by law, or are federally or state mandated, will typically be presented for information only. Consistent with guideline

3, the processes for determining whether presentation of the policy requires further USC review and advice will be made jointly by USC and the EVP.

8. As part of the process of obtaining USC review and advice, either USC or the EVP may suggest that the systemwide policy go to the three university senates for information, review, and/or advice before USC provides its formal review and advice. While USC is the shared governance body that provides advice to the system, and the three senates are the shared governance bodies that provide advice to their respective universities, there could be instances where the impact of a systemwide policy is sufficiently broad or controversial that its development would benefit from senate review and advice to USC.<sup>4</sup>
9. Even in cases of policies that may prove controversial or have wide impact, timing and efficiency considerations may sometimes make it necessary for USC to provide its review and advice without first engaging in more extensive consultation processes with each senate. Necessity claims may be brought to USC from the EVP, but judgments of necessity should be made jointly by USC and the EVP after consultation. USC should exercise its discretion thoughtfully when making necessity judgments, so as to ensure both a strong and appropriately informed voice for shared governance and a workable and timely mechanism for policy development. Policies that obtain USC consultation of this kind could then be sent to the senates for information.
10. In addition to the above processes for USC consultation, the EVP should consider early inclusion of faculty representation on the bodies that are creating and revising systemwide policies, especially if they are of an academic nature or have impact on faculty. Faculty representation on such bodies cannot substitute for the USC review and advice needed to meet basic principles of shared governance. Nor can such faculty representation guarantee future buy in by USC or any of the faculty senates. Faculty representation is nevertheless advisable to help avoid some problems later in the process and ensure the best policies are developed with the widest chance of broad faculty support.
11. The President at any time can recommend that a systemwide policy be sent to USC for information or any other level of consultation.

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<sup>4</sup> The Illinois *Statutes*, Article II, Section 2(b) states in relevant part: “The University Senates Conference shall assist the senates to communicate . . . with the system and university administrative officials, and with the Board of Trustees through the president, and may develop and implement procedures to enhance such communication.”