

Committee on Bylaws
Report on the meeting of October 22, 2008
Prepared by David Sarno, Chair

The Committee responded to four proposals to amend the Bylaws:

1. Chairmanship of the Academic Senate in response to the Middle States Self-Study
2. Change in order of business of Academic Senate meetings
3. Designation of a Senate Technology Officer
4. Scheduling of Academic Senate meetings

1. Amendment concerning Chairmanship of the Academic Senate

The Middle States Self-Study noted that the existing bylaws that govern chairmanship of the QCC academic senate may be in conflict with Middle States recommendations. At issue is the statement in Article II, Section 1 that indicates

“...The Present shall preside over regular meetings of the Academic Senate”

Middle States recommendations indicate that the accredited institution possess

“a governing body not chaired by the chief executive officer”

Two proposals were sent to the Bylaws Committee for review; one from President Marti and one from Paul Weiss. The Committee heard testimony from Linda Reeseman on behalf of the Steering committee of the Academic Senate, and from Steven Beltzer on behalf of the Faculty Executive Committee. The committee also read prepared memoranda from Emily Tai and Phillip Pecorino. The subsequent discussion included the following main points:

1. There was no call from Middle States to address this issue. If it is called into question, the Steering Committee can explain to the review committee how the current bylaws offer an unusual institutional strength. The current system ensures participation of the administration in faculty governance and also provides appropriate checks and balances.
2. The current bylaws state that the President of the college presides over the Senate. The President does not chair the Senate and he does not have a vote. There is no need to elect a Chair for the Academic Senate because this position is held by the Chair of the Senate Steering Committee. There is no conflict between the bylaws and Middle States.
3. The proposed changes would have required additional changes in the QCC Governance Plan, which would require the approval of the CUNY Board of Trustees.

While the Bylaws Committee sincerely appreciates the efforts of President Marti and Dr. Weiss, we have determined that the current system of governance is not in conflict with Middle States guidelines, nor is such a conflict likely to be perceived. **The Bylaws Committee unanimously voted that no changes should be made to the Bylaws in Article II, Section 1.**

2. Change in order of business of Academic Senate Meetings

A proposal was made to revise Article II, Section 4 of the Bylaws to include as the first item, “Approval of Agenda.” The rationale stated that this is a common item at meetings of many organizations and that it would allow alteration of the agenda to include urgent items or to ensure that a quorum is present for particular items. The Committee felt that the intention of this proposal was unclear. While it was understood that urgent matters may arise between the time when the agenda is set and the actual meeting occurs, such changes can already be introduced under New Business. Further, all business of the Senate is assumed to be important and worthy of the attention of its members. Finally, as no mechanism was provided for how the items would be approved, and more importantly how the agenda could be changed and under what circumstances, there was concern this could potentially cause problems at Senate meetings. For example, certain agenda items could be blocked or dropped should there be any opposition, or items could be placed on the agenda without offering enough time to review relevant documents.

The Bylaws Committee has deferred a vote on the proposal which would amend Article II, Section 4 of the Bylaws. We recommend that the proposal be re-submitted with clarification of the intention of the proposal, as well as a description of the mechanism by which changes may be made, including who may make them.

3. Designation of a Senate Technology Officer

A proposal was made to revise Article I, Section 4 of the Bylaws to designate a Senate technology Officer. The Committee agreed with the rationale provided. However, we felt that the language should be revised to clearly indicate that each member has a different title and role. **The Bylaws Committee has unanimously voted to approve the amendment to Article I, Section 4 of the Bylaws, but with the changes shown below:**

Original proposal language (revised text underlined):

- a. The Academic Senate shall elect a chairperson, a vice-chairperson, and a secretary for the Academic Senate, from among members elected at large to the Senate, for a one-year term. These three elected members of the Academic Senate shall constitute a Steering Committee of the Senate. The Academic Senate shall also elect two members of the Senate to serve as Parliamentarian and Senate Technology Officer. Nominations and elections for the Steering Committee of the Senate shall be conducted directly from the floor at the duly convened May meeting of the Academic Senate except in the case of the first Senate body.
- b. Vacancies in the Steering Committee or the offices of Parliamentarian or Senate Technology Officer shall be filled by persons normally eligible for such office to fill the unexpired term. Nominations and elections shall be conducted from the floor at the Senate meeting next following the occurrence of the vacancy.

Language proposed by Bylaws Committee (revised text in bold):

- a. The Academic Senate shall elect a chairperson, a vice-chairperson, and a secretary for the Academic Senate, from among members elected at large to the Senate, for a one-year term. These three elected members of the Academic Senate shall constitute a Steering Committee of the Senate. **The Academic Senate shall also elect two members of the Senate; one to serve as Parliamentarian and one to serve as Senate Technology Officer.** Nominations and elections for the Steering Committee of the Senate shall be conducted directly from the floor at the duly convened May meeting of the Academic Senate except in the case of the first Senate body.

- b. Vacancies in the Steering Committee or the offices of Parliamentarian or Senate Technology Officer shall be filled by persons normally eligible for such office to fill the unexpired term. Nominations and elections shall be conducted from the floor at the Senate meeting next following the occurrence of the vacancy.

4. Scheduling of Academic Senate Meetings

A proposal was made to amend the Article II, Section 2 of the bylaws to clarify when Academic Senate meetings would be scheduled. The intention was to avoid holding Senate meetings on Tuesdays when Tuesday classes have not been scheduled by the University. **The Bylaws Committee unanimously voted to accept the proposed change to Article II, Section 2 of the Bylaws.**

FROM:

Section 2. Regular Meetings

Regular meetings of the Academic Senate shall be held on the second Tuesday of each month unless that date falls on a period of recess. Should the date set for a regular meeting be a holiday, the meeting shall be held on the Tuesday immediately following. Public notice of the time and place of any meeting that is scheduled a week or more in advance must be given to the news media and conspicuously posted in one or more designated public locations at least 72 hours before the meeting. In the case of meetings scheduled less than a week in advance, notice must be given at a reasonable time thereto.

TO:

Section 2. Regular Meetings

Regular meetings of the Academic Senate shall be held on the second Tuesday of each month unless that date falls on a period of recess. Should the date set for a regular meeting be a holiday or a day when Tuesday classes have not been scheduled by the University, the meeting shall be held on the Tuesday immediately following. Public notice of the time and place of any meeting that is scheduled a week or more in advance must be given to the news media and conspicuously posted in one or more designated public locations at least 72 hours before the meeting. In the case of meetings scheduled less than a week in advance, notice must be given at a reasonable time thereto.

Respectfully submitted,
David Sarno