

## Clarification

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From	"Fessler, Susanna" <sfessler@albany.edu>
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To	Senate Executive Committee <SEC@albany.edu>
Subject	Clarification

SEC Colleagues,

First, a deep thanks to everyone for all the hard work done this week by e-mail and in person. I realize that e-mail inboxes have been filled multiple times throughout the week, and it has been a chore to keep up with everything. The final (?) details will be smoothed out this weekend, and all the materials for the Presidential Search Committee elections will go out on Monday afternoon. At least, that's the plan!

Second, I wanted to clarify the two discrete issues involving Senator Wills. In the flurry of meetings and e-mails yesterday I worry that I might have left something out or been confusing. So, if what I write seems redundant from yesterday it probably is, but I just wanted to be clear.

The first issue is not Senate business, at least not currently. Senator Wills, in his message to the SEC, states that my e-mail responses to him (which I forwarded to you all yesterday) were an "unacceptable and obstructionist maneuver...to preempt discussion of them." This is not a motion, it is simply a statement to the SEC, thus it does not have a place in the Senate meeting. Indeed, the full Senate has not seen Wills' e-mail from yesterday and could very well never see it. That said, if the SEC chooses to reply to this statement it is welcome to do so. Obviously I must recuse myself from that process. Of course, Senator Wills could make it Senate business, if he moves a vote of no confidence in me, or makes a point of order related to how I handled his initial e-mail inquiry, or makes some similar motion.

The second issue(s) are the three resolutions which Senator Wills submitted to me yesterday for inclusion in the February 6 agenda. These three resolutions are actionable items, and therefore in keeping with the Bylaws Article II, 7.7.1:

7.7.1 any Senator shall have the right to place items on the agenda by submitting such items to the Chair of the Executive Committee at least ten days before the scheduled meeting;

we are obligated to put them on the agenda even though the SEC has not examined them, as it normally does with agenda items pursuant to the Charter:

VII.5 . The Executive Committee shall review proposals and agenda items and may recommend for or against them. The Executive Committee shall either refer a proposal to an appropriate Council or place it on the Senate agenda. The Executive Committee may not prevent such items from appearing on the Senate Agenda.

Thus, by not reviewing the resolutions, we are in violation of the Charter. However, I see no way around this. I just wanted everyone to understand the situation, in case the procedural problem comes up at the Senate meeting. At the December Senate meeting I tasked GOV with resolving this contradiction between the Bylaws and Charter, which is the most I think I can do at this point.

Gail will be sending out the February 6 agenda and related documents on Monday. I have asked that the three resolutions submitted by Senator Wills be put on the agenda after the Presidential Search Committee election and the Charter Amendment to create a new council for administrative assessment (CARE).

Finally, I wanted to tell you that I plan to cede the Chair to Andi during the discussion of the Wills resolutions, so that I may speak about them. I choose to do this because the resolutions hinge in some part on actions of the 2010-11 Governance Council, which I chaired.

I hope everyone has a warm and restful weekend,

Susanna

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