

Queensborough Community College Academic Senate Committee on Bylaws

Minutes: May 12, 2010

Members Present: David Sarno (Chair), Joseph Goldenberg, Janice Molloy (acting Secretary), Liza Larios (President's Designee), Joanne Chang (Committee on Committees)

Members Absent: Caf Dowlah, Christine Mooney, Jonathan Cornick (Steering Committee Designee)

New Members Present for 2010-2011: Bryn Mader, Danny Mangra

New Members Absent: Linda Meltzer, Tian Ren

Quorum Present: Yes

- 1) The agenda was approved with no changes.
- 2) Dr. Sarno welcomed everyone to the final meeting of the Spring 2010 semester, and welcomed the new members present Bryn Mader and Danny Mangra. He also explained that Caf Dowlah, Chris Mooney, Linda Meltzer, and Tian Ren were unable to attend the meeting.
- 3) The minutes of March 17, 2010 were discussed.
  - a) A correction was made on Page two, item # 4. In sentence #2, the word "nevertheless" (originally shown with a strikethrough) will be removed from the discussion of conducting business via email.
  - b) Dr. Sarno reminded the committee that Dr. Dowlah had sent an email on May 18, 2010 with comments on several points in the minutes. He stated that since Dr. Dowlah could not attend, he would consider this email a report that warranted the attention of the committee. He informed the committee that he had contacted Dr. Tai, as Chair of the Steering Committee, for advice. He then responded to each point in Dr. Dowlah's email and invited comments, as follows:
    - i. Dr. Dowlah stated that he had requested at the outset of the meeting, several times, that Professor Tai make her presentation before the committee started its deliberations and that this was not reflected in the minutes. Dr. Sarno responded that the agenda had been changed as requested, and that this had been noted in the minutes; he continued by assuming that what Dr. Dowlah had wanted was for Dr. Tai to make her

presentation and then leave the meeting. No members present recalled such a request, so the minutes were not changed.

- ii. Dr. Dowlah stated that Professor Tai ignored his repeated requests and stayed in the meeting, and took part in almost every issue discussed, but that his requests were not reflected in the minutes. The committee members present did not recall this request being made, so the minutes were not changed.
- iii. Dr. Dowlah stated that the intent and expression of certain aspects of the opposition between himself and Dr. Tai regarding the proposal on the use of email for committee business were not adequately reflected in the minutes. The committee agreed to revise the final paragraph on page two of the minutes as follows.

“...Dr. Dowlah spoke to colleges moving to long distance and email as an option whenever it is feasible. Further, Dr. Dowlah queried the term ‘absolutely necessary’ several times as it was used by Dr. Tai when referring to the circumstances under which Robert’s Rules would allow communication by email. Dr. Tai said Robert’s Rules of Order states it is not desirable to communicate via email. Robert’s Rules of Order states that email is much less desirable than an in person meeting...”

- iv. Dr. Dowlah stated that he believed that Dr. Tai had no right to take part in the committee deliberations; that she was invited to make a presentation, and could not be allowed to take part in the deliberations of the meeting. He requested the current Committee members to check Robert's Rules of Order to check this issue-whether a non-member can take part in the deliberations of a Committee-whether a non-member can write/rewrite resolutions of a Committee. He stated his opinion that the deliberations and resolutions of the last meeting of the By-Laws Committee were thus corrupted, and should be set aside completely.

Dr. Sarno replied that the Bylaws allow for Dr. Tai’s presence and participation in the meeting. Article VII, Section 2, Paragraphs c and d state that the Chair of the Steering Committee is an ex-officio member on all standing committees, and further that any member of the instructional staff may be present and request permission to speak at a committee meeting. Section 3 states that the public has the right to attend any committee meeting and may speak with permission of the body. Dr. Tai, as an invited guest who was invited to speak, was present in her capacity both as a co-

author of the original proposals from the Steering Committee, as well as Chair of the Steering Committee. Dr. Sarno reminded the committee that the proposals being considered were time-sensitive and of high importance to the Academic Senate and that the Bylaws Committee would not have been able to complete its business in a single meeting if she had not taken part in the deliberations. Instead, the meeting would have adjourned with unanswered question requiring communication from the Steering Committee and then convening the Bylaws Committee again at a later date. Dr. Sarno reminded the committee that ex-officio members may not vote, but are not barred from being present for a vote, as has been the case with the President's Designee, Steering Committee Designee, and Committee on Committees Designee. As such, the members present agreed the minutes required no further revisions and that there was no need for the Resolutions to be withdrawn.

Finally, Dr. Sarno pointed out that the sections of the Bylaws to which he had referred could be interpreted in more than one way. Article VII, Section 2 is titled Subcommittees, but paragraphs a-c specifically refers to "all standing committees." He concluded by suggesting that the committee might address this in the fall semester.

- c) At the conclusion of this discussion, a motion was made and seconded to approve the revised minutes.
- 4) Dr. Sarno provided the Committee with the Chair's Report. He explained that four resolutions from the Bylaws Committee were presented at the April 13, 2010 Academic Senate meeting. Dr Sarno provided an excerpt from the minutes of the May 11, 2010 Senate meeting in order to present the outcome of the votes on the Resolutions.
  - a) The senate voted on and passed the Resolution on the changes in the name and charges of the Committee on the Gallery and Performing Arts (one negative vote and one abstention).
  - b) The senate voted on and passed the Resolution on changing the number of members on the Committee on Distance Education (five negative votes and one abstention).
  - c) Several member of Senate responded quite vocally to the Resolution on the use of email for Committee business. There were 36 affirmative votes, 12 negative votes and six abstentions. The Steering Committee believes that it received enough votes to pass according to the Bylaws, but it failed to meet the more stringent requirements of the CUNY Central Office's interpretation of the Perez decision on

Open Meetings. Unfortunately, the final outcome of this vote is still pending. It is likely that the Steering Committee will request that the 2010-2011 Bylaws Committee re-examines the Perez Decision and its interpretation by the CUNY Central Office.

- d) The senate voted on and passed the Resolution on the creation of the Committee on Assessment and Institutional Effectiveness (11 negative votes and two abstentions).
- 5) Dr. Sarno summarized the prior business of the Bylaws Committee from November 2009 through March 2010. He informed the committee that his final report would be prepared by the first week of June and would be distributed to all members via email. He stated that the report would contain some recommendations about how committee business by email might be handled should the matter be revisited by the Academic Senate or the Bylaws Committee; and also that Article VII, section 2 should be revised as it has the heading of "Subcommittees" but then refers simply to "Committees." Dr. Sarno then asked for additional recommendations from the committee members. None were given.
- 6) Elections of a new Chair and Secretary for 2010-2011 were conducted. Janice Molloy was elected unanimously as new committee chair. She served on the Bylaws Committee 2009-2010, and is the only returning member. The election for secretary was postponed as the other new members present did not wish to be nominated and two of the new members were absent. The election will be completed on the first meeting in the Fall 2010 semester.
- 7) Old Business – concluded. Chair's report will be emailed by June 2010 to all committee members.
- 8) New Business: Dr. Sarno once more stated that the new committee should consider revisions to Bylaws Article VII, section 2 (see item #5) and also be prepared to review the Perez decision concerning open meetings.
- 9) Dr. Sarno thanked all of the committee members for their participation, support and hard work during his time as Chair. The Committee members gave many thanks to Dr. Sarno for his guidance as an outstanding Chair for the past two years.

The Meeting was adjourned after one hour.

Respectfully submitted,

Janice Molloy, Bylaws Committee of the Academic Senate