

**Findings of the
Ad Hoc Committee on the Senate Executive Committee (SEC)
1 April 2010
Revised 27 October 2010**

After careful consideration of Charter provisions, Sturgis rules, and procedural options (see Report of the Ad Hoc Committee on the Senate Executive Committee), the Ad Hoc Committee on the Senate Executive Committee came to several major conclusions.

Interpretation of Sturgis

Central to the task of the ad hoc committee was interpreting Sturgis' rule that "A committee report cannot be amended except by the committee, since no one can make the committee say anything it does not wish to say." One possible interpretation is that "amended" means *changed in any way*, such as removing items from the report. The ad hoc committee does not agree with this interpretation. Instead, **the ad hoc committee concluded that "amended" means *added to*.**

First, Sturgis qualifies the "amended" statement with the phrase "since no one can make the committee say anything it does not wish to say." We think this is akin to "not putting words in the committee's mouth," or *adding things* to the committee's report. Second, Sturgis goes on to identify four actions an assembly can take in disposing of a committee report, which includes removing certain subjects in the report and sending them back to the committee. If Sturgis intended for "amended" to mean *changed in any way*, then the provision for returning report items would be contradictory.

Evaluation of Five Options

The ad hoc committee concluded that all five options comply with the Senate Charter's provision that the SEC review standing/ad hoc committee reports and vote to include the reports on the regular Senate agenda. All options afford the SEC the opportunity to review and vote on reports, either item-by-item or in their entirety.

The ad hoc committee concluded that all five options comply with Sturgis' four rules for disposing of committee reports. The first (up-or-down) option complies with Sturgis' rules that a report may be adopted or filed. However, the ad hoc committee wants to clarify that the SEC does not have the authority to *adopt* a report, a specific action that, according to Sturgis, makes the report binding on the assembly (Senate). At the same time, the Charter (p. 6) does give the SEC the authority to *accept* a report by voting to include the report on the Senate agenda. The second (endorse-not endorse) and third (consent-action) options comply with Sturgis' rule that a report can be adopted [or accepted, in the case of the SEC] with exceptions or reservations. The fourth (negotiation) and fifth (forward-return) options comply with Sturgis' rule that an item from a report can be referred back to the committee for further study or modification.

The ad hoc committee concluded that the five options are not equally desirable. The first (up-or-down) option is potentially problematic for several reasons. First, it has the potential to cause substantial time delays in proposal review and approval. Second, it has the potential to result in acceptance of problematic proposals. Further, this option limits the role that the SEC plays in the routing process; if the SEC's sole authority is to vote to forward or not forward committee reports, then the need to include the SEC in the routing process is diminished if not eliminated.

The fourth (negotiation) option is problematic because it would be extremely difficult and burdensome to operationalize. There is insufficient time between the SEC and Senate meetings to review and revise proposals, and it would create a great deal of extra work for the SEC members and the committee chairs.

The second (endorse-not endorse) and third (consent-action) options allow complete committee reports to move forward to the Senate and, at the same time, allow the SEC to express concerns about and call attention to particular items within the reports. Further, option three (consent-action) insures that Senators will have an opportunity to discuss specific problematic proposals on the floor of the Senate meeting. One disadvantage is that extensive floor deliberations consume the Senate's limited meeting time.

The fifth option (forward-return) was the subject of prior Senate debate and a major impetus for the creation and charge of the ad hoc committee. The ad hoc committee concluded that this option allows questions and concerns to be addressed before the proposals are forwarded to the Senate, potentially saving Senate meeting time. This option makes the same action options (especially rejection and return of specific proposals back to committee) available to the SEC that are available to some of the other Senate committees (Graduate Council, Undergraduate Curriculum Committee, and General Education Committee).

Additional Procedural Issues

The ad hoc committee concluded that the Senate Charter clearly grants the SEC the authority to vote whether or not to forward committee reports to the full Senate. However, the ad hoc committee concluded that the Senate Charter provides no explicit procedure for dispensing with a returned report (or a returned item from a report). To whom is the report/item returned? What type of explanation should accompany the returned report/item? How much time does the committee/ proposer have to address any questions or concerns outlined by the SEC? If a returned report/item is revised, do previous committees need to re-review the report/item; if so, which committees? What happens if the committee/proposer does not address the questions or concerns of the SEC to the SEC's satisfaction? If a report/item is rejected by the SEC multiple times, does the committee or proposer have recourse for getting the report/item to the full Senate for consideration? The ad hoc committee concluded that the Senate must address these procedural issues, regardless of which of the five options the Senate votes to adopt, and add to the Senate Charter a clear description of the procedure for returned reports/items.