

Report of the University Structure and Governance Committee (USGC) on Charge S-2112

Charge, S-2112: Free speech Issues at Rutgers and the University Senate's Role

Consider the most effective mechanism to enable the University Senate to provide the administration with feedback and advice from the Rutgers University community relating to statement, policy, and implementation on matters of free speech. Look at peer best practices. Make any appropriate recommendations.

Background

This charge was presented to the RU Senate Executive Committee and assigned for further consideration to the University Structure and Governance Committee (USGC). USGC considered this in committee meetings as outlined below.

Notably, this charge raises a number of concepts that are not well defined. It was unclear what type(s) of free speech it contemplated; whose feedback and advice it contemplated, e.g., the full Senate, the Executive Committee, or otherwise; and what timeframe it contemplated. Nevertheless, the USGC attempted to interpret this charge in a manner consistent with what its intent was perceived to be and as discussed during USGC meetings.

First, this charge states that it “relates to statement, policy, and implementation on matters of free speech.” However, based on how this charge was presented to the Executive Committee, and then introduced to USGC, we understood that the charge was intended to deal with time-sensitive matters that may call for the Senate to provide its perspective or statements to the administration – specifically, the Office of the President of the University – regarding salient, current events. Second, although the charge is silent on timeframe, it was viewed as a charge dealing with time-sensitive matters. Third, considering that the Senate has more than 200 members and meets monthly during the academic year, and not during the summer, it is not well suited to make statements in response to time-sensitive matters. As a result, USGC interpreted the charge with the Executive Committee in mind as the best situated branch of the Senate to speak on the Senate’s behalf in response to time-sensitive events when the full Senate is not in session. Also, USGC considered that the President has a staff that is well-equipped to respond to time-sensitive events. Nevertheless, there may be circumstances when the Senate’s perspective is significant.

USGC also discussed the existence of regular channels of communication between Rutgers’ Senate and the President’s Office. Indeed, the President meets with the Senate and the Executive Committee periodically, and there are currently no barriers to informal lines of communication between Senate leadership and the Office of the President.

Although the charge specifically references peer practices, USGC discussed the myriad differences among senates at various universities and how they relate to administrative offices. In light of this, USGC determined that it was capable of considering this charge without resorting to a lengthy investigation that would likely yield little actionable information.

Considerations

Based on the foregoing, USGC takes this opportunity to highlight certain practices and norms related to the Senate's practice of communicating with Rutgers' administrative offices and the Office of the President (collectively, the Administration). When current events call for time-sensitive communications between the Senate and the Administration, the Senate's Executive Committee is the branch of the Senate that is best equipped to speak on the Senate's behalf when the full Senate is not in session. In addition, the Senate values the relationships its leadership may have with the Administration, which also provide a conduit for informal time-sensitive communications.

Recommendations:

In light of the foregoing, the USGC recommends that the Senate take no structural action in response to this charge.