

GUIDELINES ON CONFIDENTIALITY AND
RELEASE OF INFORMATION BY SENATE COMMITTEES

The primary purpose of the Senate is to further self-government by the University Community. Such self-government requires the involvement of the largest possible number of members of the University in the discussion of problems before the University, and in the formation of a consensus of large majorities. To surround the deliberations of the Senate or any of its committees with secrecy would be to frustrate the intentions of the community in so decisively adopting the Senate form, and would exclude the rest of the community from sharing in the making of the decisions.

There are, however, certain kinds of decisions and work within committees which are advanced more fruitfully without publicity at all stages of the proceedings. In the initial discussions of the problems, before fixed positions are arrived at, the comments and the thoughts of the members of committees should not be inhibited by the fear of publication. That is, members of committees should be able to seek solutions without concern that everything said is subject to public scrutiny. This is not to say that thought-out positions are to be confidential: each member of a Senate Committee is responsible not only to his/her constituents, but to the entire Senate and community for his/her considered opinions and votes, which, except in matters of personnel, should always be public and available to anyone interested. Important votes should be available in the public minutes.

Two Senate committees in particular are customarily more burdened than the others with need for confidentiality in specific work they routinely consider. Decisions involving the selection of personnel for leading positions, or the bestowal of honors, or the recruitment of administrators, need to be kept confidential, because, (1) if the names are made public, say, as in the search for a president, embarrassment ensues if the person whose name has leaked out is either not asked or turns it down; (2) in the case of competition in the awarding of honors, the ones not honored but who had been rumored to be the recipients of honors suffer disappointment and public chagrin. The relevant passages from the Senate By-Laws for the Executive Committee and for the Committee on Honors and Prizes are given below.

But no set of rules can be formulated which is sufficiently inclusive in detail to cover all possible situations which may arise when publicity should be withheld until a timely release. For example, the Committee on Physical Development of the University may be apprised of some developmental venture which may require confidentiality lest it be upset by speculators. There is no Senate rule governing this situation, or potentially, many others. Such matters can be recognized and so designated by each committee. Individual committee members who do not agree with a committee majority with respect to confidentiality of an impending agenda item should feel free to absent themselves from its discussion.

SPECIFIC RECOMMENDATIONS

We therefore conclude that a set of minutes of each committee meeting should be prepared which can be released publicly as soon as possible after each meeting. These minutes would record all actions taken by the committee, with votes recorded. The discussion would not be recorded in these minutes but majority and minority opinions on questions of major interest, or the substance of arguments pro and con, could be included in the minutes by agreement among members.

Committees should also make reports to the Senate when necessary to supplement the minutes and these reports should be made public at the time of release to the Senate.

Within the limits outlined above, individual members of committees should be free to state their positions on current questions but not to release information on confidential matters as defined in the Senate By-Laws or by agreement of each committee.

If it is necessary for someone to speak on behalf of a committee as a whole, the chair should do this or else someone specifically designated by the committee.

EXCERPTS FROM THE SENATE BY-LAWS

... The Executive Committee shall participate pursuant to the Statutes of the University and the By-Laws of the Trustees, in the selection of University Professors, the President of the University, the Provost or Provosts, and six Trustees. In performing these functions, the Executive Committee or the appropriate subcommittee thereof shall act in executive session and in a confidential manner and shall not be required to report its deliberations or actions to the Senate as a whole.

... The Committee [on Honors and Prizes] shall work with the President and the Trustees in the selection of recipients for honorary degrees and prizes. In deliberating on nominations for prizes and honors, the Committee may act in executive session and in confidential manner, and shall not be required to report its deliberations or actions to the Senate as a whole.
