

THE STATE UNIVERSITY OF NEW JERSEY  
**RUTGERS**  
Campus at Newark

Office of the Provost • University Heights • 15 Washington Street • Newark • New Jersey 07102  
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November 23, 1993

Professor Paul Tractenberg  
Law School  
Newark

Dear Paul:

I am concerned about the format of your memo to the Faculty Council; while I will be happy to work with any chair the Council elects, I do not want us to do anything which damages the credibility of this fledgling institution.

The Bylaws do not address the term of office of officers, and provide no mechanism for dealing with a resignation in mid-term. The only clause we might lean on is IV,1., "The Vice chair shall preside in the absence of the Chair ..." Your resignation is an "absence" of sorts and the Vice Chair could preside this spring. On the other hand, if the Council wishes to elect a new Chair now, it is free to do so, I suppose, since there's no term of office specified. But, having formally elected officers for the current year, for the Council now to return to the status quo of last spring and appoint Miklos as Chair, bypassing current officers, really does violence to orderly process and will, I fear, be greeted with guffaws in various circles. I stress that my comments have nothing to do with Miklos -- who, of course, made the choice to be on leave and who may or may not have any interest in being chair. As you point out, too, we don't know whether Ray or Miklos will be reelected by their faculties and so can only address the spring's situation.

I write this note because I'd prefer not to get into all this in public, and hope you might change your letter to the Council accordingly.

Sincerely,



Norman Samuels  
Provost

Bea: SBW ✓  
R. Caprio