# Report of the Former Senate Parliamentarian January 2017 

## Background

Following a request from the Senate Parliamentarian, the Executive Committee charged the University Structure and Governance Committee (USGC) as follows:


#### Abstract

Charge S-1407: Disparities between Robert's Rules of Order (Parliamentary Procedure) and Senate Practices: Consider the proposal submitted by Senator and Senate Parliamentarian Peter Gillett regarding disparities between Robert's Rules of Order and Senate practices, and whether language should be added to the Senate Handbook to formalize exceptions in cases where Senate practice should take precedence over Robert's Rules. Respond to Senate Executive Committee by February 2015.


In March 2016, USGC reported that it had not made progress on this matter, and asked to be discharged, recommending instead that the Parliamentarian prepare recommendations on behalf of the Executive Committee.
The conclusion of a review by the Parliamentarian is that there is little need to establish additional special rules of order for the University Senate, and that most of the disparities can best be addressed by providing clear guidance on what correct procedure should be, in the context of providing broader guidance for senators on how Senate business is generally conducted.

These special rules of order and guidelines, which are intended to be helpful to all senators, but which may perhaps be most useful to newly elected senators, are set out in a proposed new Appendix to be attached to the Handbook of the Rutgers University Senate, and the resolution below specifies the steps required to implement them.

## Resolved

That section III.D. 2 of the Handbook of the Rutgers University Senate be amended to read: "Time limits for debate on committee reports and the question-and-answer periods that follow administrative, board representative, Executive Committee and campus liaison reports may be recommended by the Executive Committee (for approval by the Senate) and indicated on the agenda."

[^0]That a new section III.D. 4 be added to the Handbook of the Rutgers
University Senate and shown in the Table of Contents, to read: "Detailed procedures for the conduct of Senate business are described in Appendix B: Senate Parliamentary Procedure."
That Appendix B of the Handbook of the Rutgers University Senate be renamed, including in the Table of Contents, "Appendix C: Senate Membership Entitlements" and
That a new appendix be added immediately after Appendix A, and inserted immediately after Appendix A in the Table of Contents, entitled "Appendix B: Senate Parliamentary Procedure" as follows:

## Appendix B: Senate Parliamentary Procedure

These special rules of order and guidelines address the working practices of the Senate, and clarify some areas where it has not always been clear how our practices correspond to Robert's Rules of Order, the parliamentary authority referred to in Article III Section D.1.
A. The Agenda and Minutes of Senate Meetings

1. Senate meetings follow a pre-determined General Order of Business laid out in the Handbook (Article III Section B).
2. The specific business to be brought before the Senate is set out in an agenda circulated by the executive secretary following the decisions of the Executive Committee as to matters to be docketed.
3. A simple majority vote is then needed at the beginning of each meeting to adopt the circulated agenda, so the chair calls for a motion to adopt the agenda.
4. Additional items ("New Business") may only be added in exceptional circumstances laid out in the Handbook (Article III Section C.4) and require a two-thirds vote to be added to the agenda. Here, and elsewhere in this Appendix and Robert's Rules, when the term is unqualified, a two-thirds vote means at least two thirds of the votes cast by those entitled to vote.
5. Minutes of the previous meeting are circulated with the agenda for each meeting, and formal reading of them is thus omitted. Although a motion to approve the minutes is not formally required (all that is needed is that they be corrected until no one objects to them as a record of the previous meeting) such a motion is still in order, and is usually the most expeditious way of determining that there is no need for correction. Hence the chair generally calls for a motion to adopt the previous minutes.
B. Motions and Debate in the Senate
6. Business is brought before the Senate by the motion of a senator (in practice, very often by a senator presenting a report on behalf of a committee). A motion is a formal proposal that the Senate take certain action. The basic form of a motion is known as a main motion. For the
most part, these guidelines address main motions and amendments to them. Some motions, however, are short, uncomplicated, and usually handled relatively informally; instances include motions approving the agenda for a Senate meeting, or motions to adjourn.
7. Generally a senator can make a motion only after obtaining the floor; i.e., by proceeding to one of the microphones provided and being recognized by the chair. senators should then announce their name and the constituency they represent.
8. In some cases, however, the chair may request that a specific motion be made (e.g., by asking "Is there a motion to adjourn?"). A call of "So moved" from a seated senator is accepted in lieu of a formal motion.
9. Motions made by senators are subject to debate and/or vote only if seconded by another senator. This applies also to motions solicited by the chair; if a second is not immediately offered, the chair may ask: "Is there a second?" However, motions submitted by senators on behalf of committees at the conclusion of committee reports are presumed already to have the support of at least a majority of the committee's members, and no further second is required.
10. For most main motions, the procedure is:
a. A senator makes the motion.
b. Another senator seconds the motion.
c. The chair states the question on the motion (e.g., by stating: "It is moved and seconded to adopt the following resolution ..."), at which point the motion is pending, that is, on the floor.

- Most of the motions coming before the Senate arise from reports of committees, and are often in the form of complex resolutions or recommendations. In this case, the chair does not usually repeat the wording of the motion, but refers to it indirectly; e.g., by stating: "It is moved and seconded to adopt the resolutions set out on page x of the committee's report." Senators who are unclear as to the exact question to be debated or voted upon have the right to ask the chair to state the motion explicitly-which may be helpful if the motion originally circulated has since been amended.
- Prior to this point, the senator making the motion has the right to modify it or withdraw it entirely. Once the chair

Commented [GP4]: Note that here, and in several later places, what are in fact the normal forms set out in Robert's Rules are presented merely as examples - one way in which things may be done . . in practice, though we do not explictly say so, chairs exercise discretion in how clsoely they hew to the letter of the law in cases like this . . . 5. 5. has several more instances like this . .
has stated the question, the motion becomes the property of the Senate, and changes or withdrawal require the Senate's consent.
d. Only senators (and guests invited by the Executive Committee) may address the Senate once a motion is on the floor. After allowing the maker of the motion the opportunity to speak first, the chair recognizes those at the microphones who wish to speak on the motion. If no one has approached the microphones, the chair may ask: "Is there any debate?"

- Each senator has the right to speak twice on the same question, but may not speak a second time while other senators are waiting to speak for the first time. No senator may speak more than twice on any one day on any one question.
- Without the permission of the Senate, no senator can speak longer than five minutes on each occasion. More stringent time limits to speakers can be applied if recommended by the Executive Committee and indicated on the agenda for approval by the Senate.
- Rights in debate are not transferable.
- A motion may be made to extend the limits of debate (e.g., to more than five minutes), which requires a two-thirds vote without debate.
- If it is desired to remove restrictions on the total number of times a senator may speak, the Senate can by majority vote dissolve itself into a committee of the whole.
- The chair may not close debate while there are senators wishing to speak who have not exhausted their right to do so, unless a senator having been recognized at the microphone by the chair makes a motion to call the question (which requires a second, and a two-thirds vote to be adopted).
- When time limits for the deabte or for the meeting adopted with the Agenda are reached, the chair announces this. Any senator may move to extend the time, or the chair may ask: "Is there a motion to extend the time?" Such motions

Commented [GP5]: The default in Robert's Rules is ten minutes - with so many senators this seemed unrealistic, and five minutes is proposed as a reasonable compromise.

Commented [GP6]: Making the previous attempt to limit debate to ten minutes contrary to Robert's Rules and unenforceable in practice.

Commented [GP7]: A new detail .
require a second, are undebatable, and require a two-thirds vote. Otherwise, the meeting is adjourned, and debate on the pending motion continues at the next meeting.
e. When the debate appears to have closed (which the chair may verify by asking: "Is there any further debate?"), the chair puts the question to a vote, after clarifying again the exact question to be decided.
f. Finally, the chair announces the results of the vote. Most main motions require a majority vote (i.e., more than half of those voting) in the affirmative in order to be adopted. Certain other motions (e.g., to add an additional item of new business to the agenda) require a two-thirds vote.
6. During the course of debate, senators have the right to propose amendments to the pending motion.
a. In order to do so, senators must await their turn to be recognized at the microphone by the chair, and then move their proposed amendment; e.g., by stating: "I move to amend the motion/resolution/recommendation as follows . . ."
b. Such amendments will be debated by the Senate if and only if there is a second, and the mover of such an amendment should offer no speech in support of it until the chair has ascertained that it is seconded.
c. If the amendment is seconded, debate on the main motion is suspended, and debate on the amendment proceeds along the lines outlined above.
d. An amendment is a new motion, and senators have the right to speak up to twice on each amendment even if they have already exhausted their right to speak on the main motion.
e. After a vote is taken on the amendment, debate on the main motion is simply resumed if the amendment fails. If the amendment passes, the Senate proceeds to debate the main motion in its now-amended form.
f. Amendments themselves are motions that may be amended. Debate on amendments to amendments is conducted in the normal way and, depending on the outcome of the vote, discussion of the original amendment then proceeds in its amended or original form.

Commented [GP8]: Quite apart from this Appendix, this is increasingly a practical problem that we need to attend to
g. Amendments to amendments may not be amended. If it becomes apparent that an amendment to an amendment is deficient in some way, it must be defeated, after which an improved version may be moved in its stead.
h. Senators sometimes offer "friendly amendments." Usually this is intended to indicate that the mover is sympathetic with the purposes of the motion and wishes to rectify some minor deficiency expeditiously, presumably to the satisfaction of the maker of the motion. Regardless of such intentions, a committee (if all its members present concur) or senator offering a motion is free to amend it only until the point at which the motion is stated by the chair, after which the Senate must vote on whether or not to amend the pending motion, as described above.
i. Committee reports are often very lengthy, and sometimes contain background information, descriptions of current and past situations, work performed by the committee and others, reasons why recommendations are being made or resolutions offered, and other material. The Senate debates whatever motion the chair has stated, and not any other parts of the report. It is this motion (which may be a single sentence, multiple pages of detailed recommendations and resolutions, or, very infrequently, the whole report) that may be amended by the Senate. If necessary, other parts of the report may be corrected informally by the committee before the question is stated by the chair, or even after the debate is over. They are part of the committee's report to the Senate, but they do not form part of the proposed action the Senate is debating. Observing this distinction should enable the Senate to avoid the mechanisms for formal amendments when they are unnecessary. It is still desirable to correct deficiencies in any parts of a report that will be publicly associated with the Senate.
j. Amendments are out of order if they:

- are not germane to the question
- make adoption of the amended motion equivalent to rejecting the original motion
- would cause the main motion itself to be out of order

Commented [GP9]: Nothing new in a. - g. so far ... this is the practice we have followed for over three years now, though prior to that we were less formal .

- propose to amend the form of an amendment under consideration (e.g., from a deletion to an insertion)
- would change one parliamentary motion into another
- would strike out enacting words such as "Resolved."

7. Sometimes senators speaking on a motion may seek additional information or clarification that may best be provided by the committee member presenting a report. The chair may allow a senator who has the floor to ask for information, and may allow the presenter of a report, who may still be conveniently positioned at a microphone, but who no longer has the floor, to reply. This is often a practical way of proceeding. Nevertheless, presiding over the debate and assigning privilege of the floor are still the responsibilities of the chair; not of the presenter of a report or the maker of a motion. Questions and replies should be addressed to the chair; senators do not address each other directly during the course of debate.

## C. Reports of Committees

1. Most of the work preparing for the Senate to exercise its legislative or advisory functions is conducted by committees following charges issued to them by the Executive Committee. Committees submit reports to the Executive Committee in response to the charges they receive, and the Executive Committee dockets them for presentation at subsequent Senate meetings.
2. Sometimes assemblies request that committees investigate issues and submit informative reports to the assembly, following which nothing need be done. For the Senate, this is a rare pattern. Most of our committee reports result in proposed action by the Senate, whether it be to offer advice to the Board of Governors or the President, or to exercise legislative authority in some way.
3. Consequently, most of our committee reports conclude with motions to be adopted by the Senate, usually in the form of resolutions to take action or to make recommendations.
4. Effective shared governance is not well served by uninformed debate on the floor of the Senate, which can arise when senators lack the opportunity that committee members have to consider matters fully and carefully, and are only able at the last moment to skim reports

Commented [GP10]: Again, quite apart from this Appendix, this is an area of practical confusion where it will be advantageous to hew more closely to the rules than we have sometimes done, at risk of our having become confused as to what the rules actually are! .
So, separately from whatever we decide to do here, I will be looking to clarify with Senators that they can and should submit questions and concerns directly to reporting presenters or committee chairs BEFORE reports are formally presented. Key to this will be going back to having them distributed further in advance of Senate meetings than we have regularly been achieving recently. Then senate debates should be primarily a matter of arguing for or against motions to be adopted - not, as they sometimes are these days, primarily about understanding what the motions say, or about clarifying or modifying them - even though these may sometimes still need to be done.
potentially representing many months' work by a committee. Best practice therefore requires:
a. That committee reports be submitted to the Executive Committee on a timely basis so that senators have the opportunity to study them in detail before debating motions arising from them on the floor of the Senate, and voting on them (See Handbook Article III, Section C.2)
b. That senators schedule time to study committee reports properly prior to Senate meetings, so as to avoid finding themselves in the course of Senate debate responding to important matters without the benefit of mature consideration.
In practice, busy schedules often mean that these best practices are hard to achieve. The quality of our shared governance requires that these always be our goals.
5. The Senate may respond to committee reports in a variety of ways
a. The Senate never votes to receive a report. As Robert's Rules make clear, once a report has already been presented, a "Yes" vote would be redundant and a "No" vote meaningless.
b. The Senate may vote to adopt a report. Robert's generally advises against this, and the Senate rarely does this. It means that the report of the committee literally becomes the report of the Senate, that the Senate endorses every word. A motion to adopt a report may be amended so as to adopt the report in a modified form. If this happens, it is essential that the published form of any such report clearly indicate what the committee originally reported, and in what modified form it is adopted by the Senate. It is never appropriate for the Senate to attempt to vote to modify what a committee reports, or to appear to make a committee report say something other than what it did.
c. The Senate may vote to adopt recommendations proposed by a committee in a report. This means that the recommendations become those of the Senate as whole, but the Senate expresses no view on the committee's work, reasons, arguments, etc.
d. The Senate may vote to adopt resolutions proposed by a committee in a report. Again, the Senate expresses no view on the committee's work, reasons, arguments, etc. Section D below

Commented [GP11]: Should we also repeat here the admonition from the Handbook (III.D. 3.) "When possible, senators who plan to move amendment of a committee resolution should notify the committee chairperson prior to the meeting. Substantive amendments must be given to the executive secretary in writing before being put to a vote."
expands on the related issues of adopting recommendations or resolutions.
e. Another device the Senate has used on many occasions is for a committee report to include recommendations made by the committee to the Senate, and for the report to conclude with a motion resolving that the Senate endorses these
recommendations. How does the Senate's endorsing a committee's recommendations differ from the Senate's making the same recommendations itself?

- It is arguably weaker and less direct. The Senate is not itself recommending anything; it is merely supporting recommendations made by the committee.
- The main difference is this: When the Senate debates a motion to make certain recommendations, those recommendations themselves are typically part of the motion, and subject to amendment by senators in the course of debate. When the Senate debates a motion simply to endorse recommendations made by a committee, the recommendations themselves are not part of the motion and are not subject to amendment. The motion might be amended (e.g., to say that the Senate strongly endorses the recommendations and urges swift implementation) but the Senate cannot change what the committee recommended. For this reason, even if it makes the drafting a little more complex, it is often preferable for a committee report to propose recommendations to be adopted directly by the Senate.
- However, as a converse to this, it is often desirable for the Senate to endorse recommendations made in reports by outside bodies, such as a faculty council, a student governing association, etc. The Senate could not in any case change those recommendations (though it might choose itself to recommend something different), but it can be powerful for the Senate to endorse them and to urge their implementation.
f. The Senate may take no action. Some reports are for information purposes only and no action was ever contemplated. Other reports may have examined issues and discussed possible actions, but concluded that no action should be taken. A motion to take no action is never appropriate (because a motion is a formal proposal that the Senate take certain action). A motion to take action that the committee report recommended against would comply with the letter of Robert's Rules, but would be tiresome. A vote defeating such a motion would, of course, result in no action. But it is easier by far if the committee report offers no motion, and no vote is taken.
g. There are times, however, when it is desirable that there be a publicly visible record that the Senate has considered an important issue and concluded that no action ought to be taken. A simple device for achieving this is for the committee to recommend (to the Senate) that no action be taken, and for the report to conclude with a resolution that the Senate endorses the committee's recommendation. The Senate is thus not resolving to do nothing, it is resolving to agree with the committee's conclusions and recommendations.

6. The purpose of considering a variety of ways in which the Senate may respond to a committee report is not to make the process seem more complicated than it is. The goal is to make senators aware that it is important to draft reports so that the most appropriate response from the Senate can be efficiently achieved.
D. Recommendations and Resolutions
7. Committee reports should be drafted so that any proposed actions by the Senate are stated at the end as motions to be brought to the floor, usually in the form of recommendations or, preferably, resolutions.
8. In drafting recommendations and resolutions for possible adoption by the Senate, our goal should always be to say as simply, directly, and clearly as possible exactly what it is we are proposing should be done, and who we intend should do it.

Commented [GP12]: This is important but tedious. I hope it is at least now clear

Commented [GP13]: Whether or not we decide to include this in the Handbook, it might usefully be communicated to committee chairs .
3. A motion is a formal proposal that the Senate take certain action. A resolution is just a particular format used for long or complicated motions. Hence it is never appropriate for the Senate to resolve that some other person or body take action. The Senate is only able to resolve that the Senate or its officers or members take action. When the desired action is to be taken by someone else, the most appropriate form of motion is a recommendation. It may be appropriate for the Senate to recommend that the University President or the Board of Governors take certain action, but it will not usually be appropriate to resolve that they will. That is for them to do.
4. When the Senate is to be asked to make recommendations directly, reports sometimes conclude along the lines:

Whereas . . . .; and
Whereas . . . .; and
Whereas...

## Be it Resolved

That the University Senate recommends:
1.
2. ...
3. ...

This achieves the desired result, but is unnecessarily indirect. The resolution, if adopted, leads to a decision to make the three recommendations-which is not quite the same as actually making them. There is no requirement that the motions raised by committee reports be cast in the form of resolutions. A motion in the form of recommendations to be adopted (see 5.c. above) would be more direct in this case:

The University Senate recommends:
1.
2.
3. ...
5. Note that the example of adopting recommendations given above also avoided any "whereas" clauses. Although it may be desirable
and useful to set out in the body of a committee report any reasons leading to the recommendations to be made, it is not necessary, and often undesirable, to include those reasons in the motion to be debated and voted upon. It is sufficient for the Senate to vote on the recommendations it wishes to make; it is not generally necessary to vote on the reasons why the Senate wishes to make them. Leaving them out allows senators who support the recommendations for reasons different from those of the committee to vote in favor of them with a clear conscience and without difficulty. Motivation for resolutions is often more effectively communicated in earlier parts of committee reports (e.g., Background), where it explains how the committee has reached its conclusions, without being subject to debate or vote.
6. The same issue arises in relation to motions cast as resolutions. We have often used multiple "whereas" clauses in the past, and they are not now forbidden, but they are never required either. A resolution may certainly begin "Be it Resolved . . ." or even "Resolved . . ." As Robert's Rules put it: "neither rule nor custom requires a resolution to have a preamble, and one should not be used merely for the sake of form."
a. "Whereas" clauses may be used when it is desired to draw particular attention to difficulties, shortcomings, or other issues that have occasioned the resolution's being made, or the benefits and remedies it is intended to bring.
b. In this case, the preamble should contain no more clauses than are strictly necessary.
c. In a few special cases, the main point of a resolution is not the action it proposes be taken, but the attention it draws to the background and reasons. A case in point is a recent resolution to express appreciation and gratitude for the service of the retiring chair of the Senate. Appreciation and gratitude could have been expressed perfectly well without such a complex resolution: the point was to create a public record, via the whereas clauses, of the chair's many accomplishments and contributions meriting such appreciation.
7. Many committee reports result in multiple resolutions or recommendations, or in single resolutions or recommendations

Commented [GP14]: See also the note below . .

[^1]having multiple parts. Whenever possible, the Senate debates and votes on all such resolutions and recommendations together. When certain resolutions or recommendations are meaningful only if earlier ones are adopted, the chair may elect to state the questions on them individually or in logical groups. In this regard, committee chairs should be attentive to the difference in what can be done with multiple motions (which can be grouped as seems best), or a single motion having multiple parts (which it is most convenient to consider as a whole).
a. If the chair does not initially follow such a course of action and the Senate wishes to do so, separate consideration of a series of motions arising from a committee report may be ordered by adopting a motion to consider the motions seriatim (one after another). Such a motion may be made by any senator having the floor. It requires a second, is not debatable but is amendable, and requires a majority vote in the affirmative in order to be adopted.
b. In the case of a complex single motion with multiple parts, the chair has no choice but to state the whole question. However, a motion to divide the question may be made by any senator having the floor. It requires a second, is not debatable but is amendable, and requires a majority vote in the affirmative in order to be adopted. The motion must clearly state how the question is to be divided. A motion cannot be divided unless each part represents a proper question for the assembly to act upon if none of the other parts is adopted, and unless the effect of adopting all of the parts will be exactly the same as adoption of the original motion. A motion cannot be divided if its parts are not easily separated; the division cannot require a rewriting of the resolution beyond an essentially mechanical separation of it into the required parts.
8. It is the long-standing custom of the Senate that recommendations and resolutions proposing changes to the Handbook of the Rutgers University Senate or to the Senate's enabling regulations incorporated into University Policy are presented on the floor of the Senate twice. They are introduced at a Senate meeting where they
are explained and discussed but not voted upon. They are then presented a second time, possibly amended in light of the earlier discussions, in a later Senate meeting at which they are put to a vote, with a two-thirds vote being required for adoption.

## E. Administrative and Other Reports and Question-and-Answer Sessions

1. Administrative reports, Executive Committee reports, board representative reports, and campus liaison reports ordinarily follow the disposition of regular business requiring Senate action.
2. Question-and-answer sessions following the administrative reports are open to participation by all present, and not limited to senators, in accordance with Senate rules and if time permits.
3. Non-senators will be invited to ask their questions only after any senator wishing to ask a question has had the opportunity to do so. Senators may ask additional questions only after everyone wishing to ask a question has had the opportunity to do so
4. Time limits for question-and-answer sessions following administrative reports, Executive Committee reports, board representative reports, and campus liaison reports may be set in advance by the Executive Committee or by the chair if the Executive Committee has not done so. Individual questions are limited to two minutes each unless the Executive Committee has set a different time limit.

Commented [GP16]: Other matters not discussed in this Appendix but which might possibly usefully be added include explanations of motions to Table, to Postpone to a Certain Time, to Postpone Indefinitely, to Commit, Refer, or Recommit to a committee, etc.

Commented [GP17]: This was not previously required, but Chair Gould followed this practice, and I have continued to do so ...

Commented [GP18]: One is impractical, any longer is too generous, especially as it is hard to police whatever number we pick . . . but these are meant to be QUESTIONS not statements or debate.


[^0]:    Commented [GP1]: Big Question 1: How much detail is helpful. We had five sentences. Now we have 11 pages. Almost all suggestions for improvement have asked me to spell out more detail. When to stop? Robert's Rules runs to 716 pages. Is THIS enough yet???
    Commented [GP2]: Big Question 2: The plan was to help senators. Several of you have suggested that this NOT be in the Handbook because it ties the hands of future chairs too much. Arguably, however, these were mostly still the rules BEFORE we spelled them out in detail (with a few exceptions where we are making new rules that NEED to be laid down somewhere) and there is nothing said here about policing or enforcing them any more vigorously than we do now. Also, where else would we put them?

    Commented [GP3]: Previously this read: "Time limits for debate on committee reports and the question-and-answer periods that follow administrative, board representative, and Executive Committee reports are recommended by the Executive Committee (for approval by the Senate) and indicated on the agenda. Motions arising in the course of discussion of reports are assigned an automatic time limit of ten minutes, in addition to the limit for questions. When a time limit is in effect, each speaker is allowed no more than three minutes. More stringent time limits to speakers can be applied if recommended by the Executive Committee (for approval by the Senate) and indicated on the agenda. Time limits do not include presentation of a docketed committee report." As you can see, most of this is deleted here and spelled out in more detail in the Appendix. What remains is also changed from "are" to "may be" reflecting that fact that we hardly ever actually do this!

[^1]:    Commented [GP15]: Whereas clauses included in a preamble are part of the motion, and are being voted on. As we saw in the case of the recent resolution in support of President Barchi and the Administration, reasons can often usefully be taken OUT of such clauses and given instead as part of the background section of reports, where they are NOT being voted on. Here, I have been arguing for minimal use of "whereas" clauses so I have not (yet) included Robert's advice that, if they ARE to be included, amendments to the preamble should be considered last, since changes in the resolving clauses may require changes in the preamble.

