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To: The Executive Committee

From: John Greeley

Date: February 25, 2006

Re: Some principles and rules of procedure that could help us at the March 3 2006 meeting of the Faculty Assembly

For short hand purposes, I will refer to those who wish to continue the present faculty evaluations of administrators with some modifications to insure Administrative input, the continuators, and those who wish to delay their continued use in order to improve them, the abeyers.

References are to Robert's Rules of Order Newly Revised, 2000.

1. Authority Lies in the Assembly

A basic principle of parliamentary procedure recognizes that authority lies in the Assembly and that the President (chair) and, in our case, the Executive Committee work to fulfill the will of the Assembly. They act as traffic cops (my analogy) to make sure the Assembly does its work in an orderly and fair way.

The Assembly has the right to instruct committees, including the Executive Committee.

2. Why the Abeyers' Motion Was Out of Order at February 3, 2006 Meeting

Because Robert's wants to preserve motions passed by previous meetings from undue tinkering that could lead to disorder, the rules for amending previous actions of an assembly are more stringent than the rules for amending a new motion. To amend a motion previously adopted, Robert's requires previous notice and a majority vote of the Assembly or a two-thirds vote without previous notice. For the sake of completeness I will add that Robert's also provides an alternate way of amending a previously passed motion by a majority vote of the entire membership, not just those present at an Assembly meeting. Under the rules, the motion of the continuators was in order and needed a majority vote because the continuators gave previous notice. The amendment of the abeyers would have needed a two-thirds vote because of the lack of previous notice, if it had not been out of order on two other counts.

a) Since its main clause called for the abeyance of the evaluation process, the motion was improper because a negative vote against the motion to continue the evaluation would have accomplished the same end (p. 132, l. 5-15). The continuators' motion read, "That the Faculty Assembly continue its annual evaluation of academic administrators." A negative vote would have turned the sentence into "not continue" and the abeyers' would have achieved their goal.

b) The abeyers' amendment went beyond the scope of the continuators' motion for which previous notice had been given by setting up a new system for constructing the evaluations. In the section dealing with amending previously passed motions, under the heading, PROPOSED AMENDMENTS BEYOND THE SCOPE OF THE NOTICE, Robert's states, "No subsidiary motion to amend is in order that proposes a change greater than that for which notice was given" (p. 297, l. 4-10). The abeyers' motion intended to set up a completely new process and thus far exceeded the scope of the continuators' motion.

Note the importance of previous notice in amending previously passed motions.

3. The Wording of the Continuators' Motion

A rule of careful writing states that the main clause contains the main idea in a sentence. Although a motion in one sense is a long subordinate clause because of the introductory "Be it resolved that," I think that we can identify the main clause of a motion by examining the words that come after the that. For instance, the continuators' proposed amendment to the previously passed motion on evaluations states, "That the Faculty Assembly continue its annual evaluation of academic administrators." Then follows in a subordinate phrase the idea "with one additional step incorporated at the start of the annual process" I am assuming that the continuators did not want to expose the evaluation process to discontinuity but they did this by putting the question of continuance in the main clause. Or perhaps they wanted to make sure a majority of the Assembly sided with their desire for continuation by giving the opponents of continuation a chance to stop the evaluation process.

If they wanted to avoid the question of continuation, they should have put the idea of one additional step in the main clause, for instance, "that one additional step be added to the annual process of administrative evaluations etc."

Suggestions for the March 3, 2006 Meeting.

Continuators

The motion to postpone discussion does not take the motion out of the hands of the Assembly. When we return the continuators' motion will be in order. They could take one of three courses of action, maybe they can think of others.

a) They could ask to withdraw the motion. If someone objects, then a vote would be taken and a majority vote wins. If a majority votes in favor of withdrawing the motion, then the assessment process remains in its present form. If withdrawal loses, then the Assembly returns to the original continuators' motion.

b) They could keep the motion as is to see if the majority of the Assembly wishes the evaluation process to continue. An affirmative vote would continue the evaluation

process with the proposed added step. A negative vote would discontinue the process of evaluation.

c) On the other hand, the continuators could amend the motion to remove the idea of continuation from the main clause, as I suggested above. An affirmative vote for this amendment would add the new step to the process of evaluation without questioning the continuation of the process. A negative vote on this amendment would favor the continuation of the process with the new step in the subordinate clause. Then, the Assembly would have to vote on the amended motion or the original motion to continue depending on which side had the majority vote on the amendment.

Abeyers

If the continuators try to amend their proposal by dropping the idea of continuation from the main clause, the abeyers could vote against that amendment and if the negative votes had the majority, the continuation main clause would remain. Then they could vote against the continuators' motion and defeat it if they had the votes. The result would be the discontinuation of the evaluation process.

The Revised Abeyers' Motion

In the meantime, the abeyers offered a revised motion. This motion is a main motion and would be in order if the continuators' motion passes or fails because the continuators' motion refers to the present continuation of the evaluation process and abeyers' motion refers to a future reworking of the process. Therefore, the abeyers' motion can follow even an affirmative vote on the continuators' motion and not be out of order for bringing up an issue that has already been voted on. The future reworking of a current process (abeyers' motion) is not the same issue as the present continuation of the current process (continuators' motion).

I received their revised main motion on February 23, 2006.

Motion to Amend the Process of Faculty Evaluation of Administrators

Whereas, The Faculty Assembly voted in 2004 to institute an evaluation of academic administrators.

Whereas, At the Faculty Assembly meeting on February 3, 2006, President Antone said that while she welcomes faculty involvement in the evaluation of academic administrators the present process being used by faculty is not acceptable to her.

Whereas, President Antone offered to work with faculty to develop an acceptable process, and suggested that the Faculty Assembly elect five members of the faculty to work with her and the consultant to develop a valid process, therefore,

MOTION:

Be it resolved, That as a Faculty Assembly, it is our will to hold an election of five faculty who will work with the President to develop a process for faculty evaluation of

academic administrators. Upon development of a mutually acceptable process, the elected group of faculty will bring the new process to the Faculty Assembly for a vote to consider implementation in spring 2007 in place of the current process.

Submitted by:

Robin Hoffmann
Paula Martasian
Ronald Atkins

Unfortunately, as much as I would like to see this motion reach the floor of the Assembly, I find serious flaws in it. I will refer to the two most serious flaws as the term, group of faculty and the size of the committee.

The term, a group of faculty

1. In the motion, the group of faculty would not be a committee of the Faculty Assembly, yet the Faculty Assembly voted for the institution of evaluations of academic administrators in 2004. This motion would remove control of the reworking of the evaluation process from the body that initiated it. At the end of the group's work, the Assembly would vote on the proposals, but in the meantime, it has no means to ask for reports and to give further instructions. I can find nothing in Robert's Rules of Order that could justify such a move to work outside committee structures. Assemblies form committees to work for them and report to them.

2. The term, group, is unnecessary to insure freedom of action. Once a committee is formed, Robert's gives great latitude to a committee to accomplish its assigned task. Robert's (p. 168, l.33 to p. 169, l. 10) states under the title FREEDOM OF ACTION AFTER REFERRAL:

   > Once a committee to which a resolution or other main motion has been referred commences its deliberations, the committee is free to consider, and recommend for adoption any amendment to the resolution or motion so referred, without regard to whether or not the assembly, prior to the referral, considered the same or similar amendment and either adopted or rejected it. When the committee reports, even if to the same meeting that made the referral, the matter stands before the assembly as if introduced for the first time, and the assembly itself, therefore is also free to consider any such amendment, whether considered by the committee or not.

   Obviously, a committee can freely examine any number of possibilities in fulfilling its assignment. Since a committee has such freedom of action, designating the committee as a group of faculty would not increase the scope of its freedom to examine various possibilities and consult with persons outside the committee.

   At the same time that a committee has freedom to act as it sees fit, the Assembly preserves some control over it. It can give the committee binding instructions on

when the committee should meet, how it should consider the question, whether it should employ an expert consultant, and when it should report (p. 164, l, 18-28).

3. The preamble refers to a group of elected faculty working with the President and the consultant and the motion itself refers to the group working with the President. A committee can do this as well as a group.

Conclusion

Since the term group has no precedent in Robert's and a committee can act in the same way as the group of faculty described in the proposed motion, I advise the Executive Committee and the Speaker not to advance this motion to the Faculty Assembly until the proposal recognizes the functions of committees in the work of the Assembly.

The size of the committee

The motion calls for a group of five faculty, which is too small.

Robert's distinguishes two types of special committees under the heading: PROPER COMPOSITION OF COMMITTEES (p. 481, l, and l-21. The first is an action committee and the second, a deliberative committee, such as the one proposed in the motion.

> In the case of a special committee, the purpose for which it is appointed affects the desirable size and composition as follows:
>
> - When a special committee is appointed to implement an order of the assembly, it should be small and should consist only of those in favor of the action to be carried out. If anyone not in sympathy with the action is appointed, he should ask to be excused.
>
> - When a special committee is appointed for deliberation or investigation, however, it should often be larger, and it should represent, as far as possible, all points of view in the organization, so that its opinion will carry maximum weight. When such a committee is properly selected, its recommendations will most often reflect the will of the assembly. By care in selecting committees, debates on delicate and troublesome questions in ordinary societies can be mostly confined to the committees. The usefulness of the committee will be greatly impaired, on the other hand, if any important faction of the assembly is not represented.

Since the Assembly has over 110 members, a deliberative committee of only five members runs the risk of not representing all the views in the Assembly. A deliberative committee of nine to twelve members would not be unwieldy and would have a greater chance of representing the spectrum of opinions in the Assembly.

Secondly, since the faculty would elect the committee, our present practice of counting votes in elections could also contribute to a narrowing of views in the committee. When many candidates run for a small committee, persons with low pluralities can be elected, because votes are spread out over many candidates and we elect the candidates with the

highest number of votes. Contrary to Robert's (p. 391, l. 35-392, l.13), which demands a majority in all elections, the winning candidates do not need a majority of votes. When I served on the Election Committee in the early 1990s, I noted candidates being elected to key committees with less than twenty votes.

Under these circumstances, it is possible for an organized coterie of faculty to agree to vote for the same slate of candidates and manage to elect several persons sharing their views to a committee, thus thwarting the representation of other views and the will of the majority. This could be especially true in an election to a small committee of only five members.

***Conclusion*:**

Because the size of the proposed group or committee does not follow Robert's rules for the size of a deliberative committee and the danger, under our rules for counting votes in an election, of electing small deliberative committees unrepresentative of the spectrum of faculty opinions, I do not advise the Executive Committee and the Speaker to bring the motion in its present form to the Assembly.

Other problems

A few cases of ambiguity: The consultant is mentioned in the preamble but not in the motion itself.

The motion has a date for implementing recommendations, but no date for reporting to the Assembly.

The ending of the motion refers to the current process. If the continuators' motion fails, there is no current process.

What can be done?

The group offering the motion should work to bring it into line with the rules of order that the Assembly follows. I will be happy to assist them.

Although I have, through Paula Martasian, suggested to the group of faculty offering this proposal some changes that would bring it into line with Roberts' Rules of Order, the group did not make those changes, perhaps out of a desire to cooperate precisely with the suggestions of the President.

I think that the President can understand that our eagerness to cooperate with her should not lead us to violate our rules of procedure in order to follow her suggestions precisely as she spoke them. After all, cooperation is not obedience, and collaboration is not obsequiousness.