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"Eval Adm Proposals - Greeley 2006 02 25 revised" (2006). *Faculty Assembly Documents*. 145.
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1 To: The Executive Committee

2
3 From: John Greeley

4
5 Date: February 25, 2006

6
7 Re: Some principles and rules of procedure that could help us at the March 3 2006
8 meeting of the Faculty Assembly

9
10 For short hand purposes, I will refer to those who wish to continue the present faculty
11 evaluations of administrators with some modifications to insure Administrative input, the
12 continuators, and those who wish to delay their continued use in order to improve them,
13 the abeyers.

14
15 References are to Robert's Rules of Order Newly Revised, 2000.

16
17 **1. Authority Lies in the Assembly**

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

22
23 The Assembly has the right to instruct committees, including the Executive
24 Committee.

25
26 **2. Why the Abeyers' Motion Was Out of Order at February 3, 2006**
27 **Meeting**

28
29 Because Robert's wants to preserve motions passed by previous meetings from
30 undue tinkering that could lead to disorder, the rules for amending previous
31 actions of an assembly are more stringent than the rules for amending a new
32 motion. To amend a motion previously adopted, Robert's requires previous notice
33 and a majority vote of the Assembly or a two-thirds vote without previous notice.
34 For the sake of completeness I will add that Robert's also provides an alternate
35 way of amending a previously passed motion by a majority vote of the entire
36 membership, not just those present at an Assembly meeting. Under the rules, the
37 motion of the continuators was in order and needed a majority vote because the
38 continuators gave previous notice. The amendment of the abeyers would have
39 needed a two-thirds vote because of the lack of previous notice, if it had not been
40 out of order on two other counts.

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

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

57
58 Note the importance of previous notice in amending previously passed motions.
59

60 **3. The Wording of the Continuators' Motion**

61
62 A rule of careful writing states that the main clause contains the main idea in a
63 sentence. Although a motion in one sense is a long subordinate clause because of
64 the introductory "Be it resolved that," I think that we can identify the main clause
65 of a motion by examining the words that come after the that. For instance, the
66 continuators' proposed amendment to the previously passed motion on
67 evaluations states, "That the Faculty Assembly continue its annual evaluation of
68 academic administrators." Then follows in a subordinate phrase the idea "with
69 one additional step incorporated at the start of the annual process" I am assuming
70 that the continuators did not want to expose the evaluation process to
71 discontinuity but they did this by putting the question of continuance in the main
72 clause. Or perhaps they wanted to make sure a majority of the Assembly sided
73 with their desire for continuation by giving the opponents of continuation a
74 chance to stop the evaluation process.

75
76 If they wanted to avoid the question of continuation, they should have put the idea
77 of one additional step in the main clause, for instance, "that one additional step be
78 added to the annual process of administrative evaluations etc."
79

80 81 **Suggestions for the March 3, 2006 Meeting.**

82 *Continuators*

83
84 The motion to postpone discussion does not take the motion out of the hands of the
85 Assembly. When we return the continuators' motion will be in order. They could take
86 one of three courses of action, maybe they can think of others.

- 87
- 88 a) They could ask to withdraw the motion. If someone objects, then a vote would be
89 taken and a majority vote wins. If a majority votes in favor of withdrawing the
90 motion, then the assessment process remains in its present form. If withdrawal
91 loses, then the Assembly returns to the original continuators' motion.
 - 92
 - 93 b) They could keep the motion as is to see if the majority of the Assembly wishes the
94 evaluation process to continue. An affirmative vote would continue the evaluation

95 process with the proposed added step. A negative vote would discontinue the
96 process of evaluation.
97
98 c) On the other hand, the continuators could amend the motion to remove the idea of
99 continuation from the main clause, as I suggested above. An affirmative vote for
100 this amendment would add the new step to the process of evaluation without
101 questioning the continuation of the process. A negative vote on this amendment
102 would favor the continuation of the process with the new step in the subordinate
103 clause. Then, the Assembly would have to vote on the amended motion or the
104 original motion to continue depending on which side had the majority vote on the
105 amendment.
106

107 *Abeyers*

108 If the continuators try to amend their proposal by dropping the idea of continuation from
109 the main clause, the abeyers could vote against that amendment and if the negative votes
110 had the majority, the continuation main clause would remain. Then they could vote
111 against the continuators' motion and defeat it if they had the votes. The result would be
112 the discontinuation of the evaluation process.
113

114 **The Revised Abeyers' Motion**

115
116 In the meantime, the abeyers offered a revised motion. This motion is a main motion and
117 would be in order if the continuators' motion passes or fails because the continuators'
118 motion refers to the present continuation of the evaluation process and abeyers' motion
119 refers to a future reworking of the process. Therefore, the abeyers' motion can follow
120 even an affirmative vote on the continuators' motion and not be out of order for bringing
121 up an issue that has already been voted on. The future reworking of a current process
122 (abeyers' motion) is not the same issue as the present continuation of the current process
123 (continuators' motion).
124

125 I received their revised main motion on February 23, 2006.
126

127 **Motion to Amend the Process of Faculty Evaluation of Administrators**

128
129 **Whereas, The** Faculty Assembly voted in 2004 to institute an evaluation of academic
130 administrators.
131

132 **Whereas,** At the Faculty Assembly meeting on February 3, 2006, President Antone said
133 that while she welcomes faculty involvement in the evaluation of academic
134 administrators the present process being used by faculty is not acceptable to her.
135

136 **Whereas,** President Antone offered to work with faculty to develop an acceptable
137 process, and suggested that the Faculty Assembly elect five members of the faculty to
138 work with her and the consultant to develop a valid process, therefore,
139

140 **MOTION:**

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

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

146
147 Submitted by:

148
149 Robin Hoffmann
150 Paula Martasian
151 Ronald Atkins

152

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

156

157 **The term, a group of faculty**

158

- 159 1. In the motion, the group of faculty would not be a committee of the Faculty
160 Assembly, yet the Faculty Assembly voted for the institution of evaluations of
161 academic administrators in 2004. This motion would remove control of the
162 reworking of the evaluation process from the body that initiated it. At the end of the
163 group's work, the Assembly would vote on the proposals, but in the meantime, it has
164 no means to ask for reports and to give further instructions. I can find nothing in
165 Robert's Rules of Order that could justify such a move to work outside committee
166 structures. Assemblies form committees to work for them and report to them.
167
- 168 2. The term, group, is unnecessary to insure freedom of action. Once a committee is
169 formed, Robert's gives great latitude to a committee to accomplish its assigned task.
170 Robert's (p. 168, l.33 to p. 169, l. 10) states under the title FREEDOM OF ACTION
171 AFTER REFERRAL:

172

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

182

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

187

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

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

- 192
193 3. The preamble refers to a group of elected faculty working with the President and the
194 consultant and the motion itself refers to the group working with the President. A
195 committee can do this as well as a group.

196 197 *Conclusion*

198
199 Since the term group has no precedent in Robert's and a committee can act in the same
200 way as the group of faculty described in the proposed motion, I advise the Executive
201 Committee and the Speaker not to advance this motion to the Faculty Assembly until the
202 proposal recognizes the functions of committees in the work of the Assembly.

203 204 **The size of the committee**

205
206 The motion calls for a group of five faculty, which is too small.

207
208 Robert's distinguishes two types of special committees under the heading: PROPER
209 COMPOSITION OF COMMITTEES (p. 481, l, and l-21. The first is an action committee
210 and the second, a deliberative committee, such as the one proposed in the motion.

211
212 In the case of a special committee, the purpose for which it is appointed affects
213 the desirable size and composition as follows:

- 214
215 • When a special committee is appointed to implement an order of the assembly, it
216 should be small and should consist only of those in favor of the action to be
217 carried out. If anyone not in sympathy with the action is appointed, he should ask
218 to be excused.
- 219
220 • When a special committee is appointed for deliberation or investigation, however,
221 it should often be larger, and it should represent, as far as possible, all points of
222 view in the organization, so that its opinion will carry maximum weight. When
223 such a committee is properly selected, its recommendations will most often reflect
224 the will of the assembly. By care in selecting committees, debates on delicate and
225 troublesome questions in ordinary societies can be mostly confined to the
226 committees. The usefulness of the committee will be greatly impaired, on the
227 other hand, if any important faction of the assembly is not represented.

228
229 Since the Assembly has over 110 members, a deliberative committee of only five
230 members runs the risk of not representing all the views in the Assembly. A deliberative
231 committee of nine to twelve members would not be unwieldy and would have a greater
232 chance of representing the spectrum of opinions in the Assembly.

233
234 Secondly, since the faculty would elect the committee, our present practice of counting
235 votes in elections could also contribute to a narrowing of views in the committee. When
236 many candidates run for a small committee, persons with low pluralities can be elected,
237 because votes are spread out over many candidates and we elect the candidates with the

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

242
243 Under these circumstances, it is possible for an organized coterie of faculty to agree to
244 vote for the same slate of candidates and manage to elect several persons sharing their
245 views to a committee, thus thwarting the representation of other views and the will of the
246 majority. This could be especially true in an election to a small committee of only five
247 members.

248
249 **Conclusion:**

250
251 Because the size of the proposed group or committee does not follow Robert's rules for
252 the size of a deliberative committee and the danger, under our rules for counting votes in
253 an election, of electing small deliberative committees unrepresentative of the spectrum of
254 faculty opinions, I do not advise the Executive Committee and the Speaker to bring the
255 motion in its present form to the Assembly.

256
257 **Other problems**

258
259 A few cases of ambiguity: The consultant is mentioned in the preamble but not in the
260 motion itself.

261
262 The motion has a date for implementing recommendations, but no date for reporting to
263 the Assembly.

264
265 The ending of the motion refers to the current process. If the continuators' motion fails,
266 there is no current process.

267
268 **What can be done?**

269
270 The group offering the motion should work to bring it into line with the rules of order
271 that the Assembly follows. I will be happy to assist them.

272
273 Although I have, through Paula Martasian, suggested to the group of faculty offering this
274 proposal some changes that would bring it into line with Roberts' Rules of Order, the
275 group did not make those changes, perhaps out of a desire to cooperate precisely with the
276 suggestions of the President.

277
278 I think that the President can understand that our eagerness to cooperate with her should
279 not lead us to violate our rules of procedure in order to follow her suggestions precisely
280 as she spoke them. After all, cooperation is not obedience, and collaboration is not
281 obsequiousness.

282