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1 To: 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, the continuators, and those who wish to delay their
12 continued use in order to improve them, the abeyers.

13

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

15

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

17

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.

21

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

24

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

27

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

40

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.

47

48 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

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

56
57 Note the importance of previous notice in amending previously passed motions.
58

59 **3. The Wording of the Continuators’ Motion**

60
61 A rule of careful writing states that the main clause contains the main idea in a
62 sentence. Although a motion in one sense is a long subordinate clause because of
63 the introductory “Be it resolved that,” I think that we can identify the main clause
64 of a motion by examining the words that come after the that. For instance, the
65 continuators’ proposed amendment to the previously passed motion on
66 evaluations states, “That the Faculty Assembly continue its annual evaluation of
67 academic administrators.” Then follows in a subordinate phrase the idea “with
68 one additional step incorporated at the start of the annual process” I am assuming
69 that the continuators did not want to expose the evaluation process to
70 discontinuity but they did this by putting the question of continuance in the main
71 clause. Or perhaps they wanted to make sure a majority of the Assembly sided
72 with their desire for continuation by giving the opponents of continuation a
73 chance to stop the evaluation process.
74

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

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

81 *Continuators*

82
83 The motion to postpone discussion does not take the motion out of the hands of the
84 Assembly. When we return the continuators’ motion will be in order. They could take
85 one of three courses of action, maybe they can think of others.
86

- 87 a) They could ask to withdraw the motion. If someone objects, then a vote would be
88 taken and a majority vote wins. If a majority votes in favor of withdrawing the
89 motion, then the assessment process remains in its present form. If withdrawal
90 loses, then the Assembly returns to the original continuators’ motion.
91
- 92 b) They could keep the motion as is to see if the majority of the Assembly wishes the
93 evaluation process to continue. An affirmative vote would continue the evaluation
94 process with the proposed added step. A negative vote would discontinue the
95 process of evaluation.
96

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

105

106 *Abeyers*

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

112

113 **The Revised Abeyers' Motion**

114

115 In the meantime, the abeyers offered a revised motion. This motion is a main motion and
116 would be in order if the continuators' motion passes or fails, because the abeyers' motion
117 addresses amending the evaluation process in the future.

118

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

120

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

122

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

125

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

129

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

133

134 **MOTION:**

135

136 **Be it resolved, That** as a Faculty Assembly, it is our will to hold an election of five
137 faculty who will work with the President to develop a process for faculty evaluation of
138 academic administrators. Upon development of a mutually acceptable process, the
139 elected group of faculty will bring the new process to the Faculty Assembly for a vote to
140 consider implementation in spring 2007 in place of the current process.

141

142 Submitted by:

143

144 Robin Hoffmann

145 Paula Martasian
146 Ronald Atkins

147

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

151

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

153

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

162

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

167

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

177

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

182

183 At the same time that a committee has freedom to act as it sees fit, the Assembly
184 preserves some control over it. It can give the committee binding instructions on
185 when the committee should meet, how it should consider the question, whether it
186 should employ an expert consultant, and when it should report (p. 164, l, 18-28).

187

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

191

192 ***Conclusion***

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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), 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, an organized coterie of faculty could arrange to vote for the same slate of candidates and manage to elect several persons sharing their views to a

240 committee, thus thwarting the representation of other views and the will of the majority.
241 This could be especially true in an election to a small committee.

242

243 ***Conclusion:***

244

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

250

251 **Other problems**

252

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

255

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

258

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

261

262 **What can be done?**

263

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

266

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

271

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

276