1965

Letter from Professor Robert Harrison to Dr. Ernest Hartung discussing conduct of the General Faculty Meeting.

University of Rhode Island Faculty Senate

Follow this and additional works at: http://digitalcommons.uri.edu/facsen_bills

Recommended Citation
University of Rhode Island Faculty Senate, "Letter from Professor Robert Harrison to Dr. Ernest Hartung discussing conduct of the General Faculty Meeting." (1965). Faculty Senate Bills. Paper 182.
http://digitalcommons.uri.edu/facsen_bills/182

This Article is brought to you for free and open access by the Faculty Senate at DigitalCommons@URI. It has been accepted for inclusion in Faculty Senate Bills by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons@etal.uri.edu.
Dr. Ernest W. Hartung  
Provost & Acting President  
Administration Building  
Campus  

23 January 1965

Dear Dr. Hartung,

While the details are fresh in my mind, immediately following the first instance of a General Faculty meeting to discuss a recall referendum petition regarding a Faculty Senate action, I want to comment briefly on the conduct of the meeting. Some procedures should be handled differently under the present regulations the next time this occurs, and perhaps slight modification of the regulations is desirable, to provide for contingencies that were not foreseen when the regulations were written.

First I want to congratulate you on handling the chair of the meeting very well, although we all made some mistakes.

1. Concerning the motion before the meeting.
   Although we all agreed before the meeting that the proper procedure would be to have the committee of objecting petitioners place a motion to reject on the floor, it is now clear, on further reflection, that this is not the proper way to proceed. The motion on the floor must be to sustain or to confirm the Senate's action, or that the Faculty adopt as policy the Bill passed by the Senate and approved by the President. The reasons follow.
   a) It is only by having this motion on the floor that amendments (which are authorized by the Constitution, having the status of a standing rule, approved by 2/3 of the entire General Faculty) can be moved and voted upon. These are the only positive actions that can be taken by this meeting.
   b) The motion on the floor should be the same as that to appear on the referendum ballot, which is stipulated by the Constitution, Article II, Section 6. The constitution clearly states:
      (1) "...vote of the Senate shall be submitted to the General Faculty..."
      (2) "...meeting that shall be called for that purpose..."
      (3) "...no final vote on the decision of the Senate shall be taken at this meeting, but voting on this referendum shall be conducted by ..."
   c) In a sense, because of the constitutional stipulations governing the meeting, then, only one main motion (other than to adjourn, or possibly to recess, or procedural motions, or perhaps to set aside the rules) is allowable at this meeting; so it might not even be necessary to place the motion before the house, it being there by virtue of the stipulations and the fact of the call to the meeting. Nevertheless, I believe it would be better (and leave no question unanswered) to have the motion to confirm the Senate's action formally placed before the meeting from the floor.

2. Regarding the motion ruled out of order by the Chair (i.e., to adjourn or to recess to a specific future time to continue the discussion.)
   This contingency was considered when the Constitution and Bylaws provisions were written. However, it was not completely resolved.
a) There is nothing in the Constitution or Bylaws to prevent this action beyond any doubt.

b) The time that it might be done, is, however, limited by the Bylaws (not the Constitution. It is possible that the Senate Bylaws cannot govern the conduct of a General Faculty meeting. C.f. Bylaws 8.2, as amended May 28, 1964.)

The balloting must be completed in 8 weeks from the time of the original Senate vote, or the action automatically becomes effective without Faculty vote.

In the present instance, the convening of the Faculty meeting was so long delayed that time was no longer available for continuing the meeting. (Jan. 22 was the last date on which this meeting might legally be held -- i.e. within 5 weeks after the Senate vote.) The ballot procedure requires 3 weeks (20 days), including the weekend lag. This consumes all of the remaining time before the effective date (i.e., 8 weeks after the original Senate vote.)

If the Faculty meeting had been scheduled earlier, then the meeting might have been recessed and debate continued until the end of the 5-week period, even if the bylaw provisions are ruled to bind the General Faculty.

It seems likely, however, that it might be in order for the Faculty to vote to suspend the rules (Senate Bylaws, 8.2) and thus set aside the time limitation. This might be in order because only the Senate fixes the Bylaws -- the Faculty does not vote on them. The General Faculty is parent body to the Senate, and its legal actions supersede actions of the Senate. Indeed the Faculty might disband the Senate (with the tacit or express approval of the President and the Board of Trustees (see R.I. Laws 16-32-10.)

Perhaps we need to make a specific provision in the Constitution and/or Bylaws to stipulate that the Faculty, in its meeting, can provide for further discussion. However, it must also be provided that the debate cannot be prolonged indefinitely, and thus forestall an opportunity for the entire Faculty to vote. If this were the case, 13% of the Faculty could prevent the entire Faculty from voting. A decision would not be reached. It is the purpose of parliamentary procedure to ensure that decisions will be reached in a fair manner and expeditiously.

3. The Univ. Manual 7th edition, as printed, is not up to date on all provisions of the Constitution and Bylaws. Since it went to press, amendments have been voted to:

   Bylaws:
   8.3 (new added -- old 8.3 became 8.4, May 28, 1964.)
   8.4 (formerly 8.3 amended May 28, 1964)
   10.1 (amended May 28, 1964.)

   My copy of this part of the Manual is correct to the present.

4. When the ballots are mailed, the revised Bylaw 8.4 (which does not appear in the printed Manual in its present form) will have to accompany the ballot.

CC: Pres. Horn
Senate Chairman
Constitution & Bylaws Committee
Prof. Peck
Prof. Metz

Respectfully yours,

Robert W. Harrison
Chairman, Committee on Constitution and Bylaws.