

## PARLIAMENTARY PROCEDURES TO ACCOMPLISH THREE FUNDAMENTAL OBJECTIVES

### 1. Respect and Equal Treatment

Parliamentary law requires that members speak to issues rather than to or about persons. For these reasons, Robert's Rules of Order makes several suggestions including the following:

(a) confine remarks to the merits of the pending question; (b) refrain from attacking a member's motives; (c) address all remarks through the chair; (d) avoid using members' names; (e) be seated during an interruption by the presiding officer (such as when the presiding officer makes a ruling, provides information, etc.); (f) refrain from disturbing the assembly.

While each of these procedures may not be followed meticulously in every case, the basic spirit underlying them must be maintained if the body is to accomplish its business satisfactorily. Further, parliamentary law requires that each member be treated equally and consistently whether a part of the apparent majority or the apparent minority. Among other things, this means that precedent from previous meetings should be followed where applicable, that all sides of an issue should be allowed expression during debate, and that members who have not spoken previously on an issue should be given preference over those who have already spoken.

### 2. Information About Issues

Debate on the floor by the members is intended to assist informed decision-making; however, when formal debate is insufficient, two other principal options are available: (a) committee of the whole or quasi-committee of the whole and (b) assignment to committee.

In the first of these options, committee of the whole, discussion proceeds informally, ordinarily with someone other than the regular presiding officer guiding discussion. Regular rules of debate are disregarded, with only motions to adopt, amend, or rise and report (i.e., terminate committee of the whole) in order. Any votes taken are considered only as recommendations to be considered formally under the regular rules of the assembly when the committee "rises to report" and reconvenes as the regular meeting. Although this option is available to the Senate, the simpler quasi-committee of the whole is more frequently used. In this variant of committee of the whole, the presiding officer remains in the chair, all motions are in order as during a regular session, but rules restricting debate are relaxed as they would be if the Senate had been convened as a large committee.

For a body the size of the Senate, committee of the whole or quasi-committee of the whole are often inefficient ways to conduct business, even though they are designed for large bodies. Frequently, issues require extended discussion and the acquisition of considerable information before individual members can make sensible decisions. In such cases, the second option, referring items to committee—either standing or specially constituted—where all necessary inquiry can take place, is a better procedure.

Items that members wish to bring before the Senate should first be submitted to the Executive Committee, which would at its discretion refer such items to an appropriate committee for study prior to placing them on the agenda. Although this recommendation does not preclude a member's right to come directly to the Senate floor, it does provide a procedure to increase the effectiveness of Senate deliberations and should be followed unless circumstances dictate otherwise.

Irrespective of prior handling, however, any item before the Senate can be assigned to a committee. Should one or more Senators determine committee consideration to be advantageous, a motion to refer to committee should be made. The motion should designate the committee to which the item is to be referred.

If an item is to be sent to a specially constituted or *ad hoc* committee, the maker of the motion should specify the size (e.g., five persons), the composition (e.g., members of the Senate), and the procedure for committee selection (e.g., election, appointment by Committee on Committees, or appointment by the presiding officer). Committees should, after necessary inquiry and discussion, make a report to the Senate with resolutions or recommendations at the end of the report. By precedent, the Senate has accepted recommendations in reports by committees of Senate members as duly made and seconded motions; however, if the committee is constituted of non-members of the Senate, a motion to adopt the recommendations is in order. If no recommendations are made in the report, and no Senator wishes to make a motion based on the report, then Senate discussion should be restricted only to points of inquiry to members of the committee for elaboration or clarification on the substance of the report. If no motion is forthcoming, the report is received by the secretary (no motion for this is necessary) and cited in the minutes as having been made. Its contents may be summarized by the secretary in the minutes if appropriate or it may be reported in full, or it may simply be identified as having been made and available in the records of the Senate. A motion requesting one of these options could be made from the floor.

### **3. Efficiency in Operating**

Several procedures are designed to encourage expeditious conduct of business. Of particular importance are the following:

- a. requirement of motions before debate
- b. priority or precedence of motions
- c. non-debatable and non-amendable motions
- d. general consent
- e. ruling by the the presiding officer of the Faculty Senate—(the Vice Chair of the Faculty)
- f. referring to committees and
- g. disposing of motions without final adoption/rejection vote.

#### **a. Motions before debate**

Although added information and clarification of an item of business or procedure can be requested at almost any reasonable time (i.e., raising a “point of information or parliamentary inquiry” or a “point of order”), extended discussion and debate should occur only after a motion has been made and only in respect to that particular motion. If a deliberative body wishes to provide opportunity for general discussion of the work, procedures, well-being, etc., of the organization, a separate category should be added to the agenda which might be designated by such traditional phrases as General Good and Welfare, or Good of the Order. Otherwise, debate should be confined to discussion of motions duly made and seconded and open for discussion from the floor.

#### **b. Priority or precedence of motions**

A fundamental principle of parliamentary law is that only one question may be before the assembly at a time and that once a motion has been introduced, it must be adopted or rejected, or disposed of in some other way. To facilitate this process, motions are given an order of priority, or

precedence, based on the logical relationships between various actions and certain exigencies which might occur during a meeting. The main motion, subsidiary motions, and privileged motions rank in the order shown on the accompanying chart—that is, those motions placed above a particular motion are in order when that motion is pending. Incidental motions do not have a sequence of priority, but are ordinarily in order when the situation to which they apply occurs. Following the relationships of precedence helps to avoid confusion in debate and undesirable delay in carrying out business.

**c. Non-debatable and non-amendable motions**

Many motions are neither debatable nor amendable. In most cases these motions have to do with the rights, privileges, or procedures of the assembly (e.g., requesting suspension of the rules, raising a point of order, or moving for adjournment) and are not directly related to discussion of the substance of a motion before the assembly. Further, the intent of such motions is usually inherently clear and their legitimacy is dependent upon rights granted in parliamentary law or on circumstances of the meeting readily apparent to all. Thus, debate or amendment is not needed and could only serve to delay the meeting. Rules for debate and amendment of various motions are included in the accompanying chart.

**d. General consent**

An important and sometimes misunderstood procedure is general consent. This procedure allows a body to proceed on matters of general agreement without formal vote. It is based on the principle that procedural protection of the minority need not be strictly enforced if there is no minority to protect. It is initiated by the presiding officer who simply says, “Is there any objection to....” or, “If there is no objection we will....” or, “There seems to be agreement that....”. If the sense of the body is represented and no objection is raised, the support of the body is assumed. It does not, however, imply unanimous agreement by the assembly; it may only mean that the minority determines not to force a formal vote. If any member of the assembly voices an objection, a formal vote, preceded by debate if appropriate, must be taken.

**e. Ruling by the chair (the presiding officer of the Faculty Senate—the Vice Chair of the Faculty)**

The principal method by which points of uncertainty are determined is through a ruling by the chair. In such cases, the presiding officer, in consultation with the Parliamentarian, rules concerning the legitimacy of some item or procedure occurring during the meeting. If any member of the assembly disagrees or believes that a vote on the ruling should be taken, such a member may “appeal the ruling of the chair.” The appeal must be seconded. If seconded, the ruling is then brought to a vote and the majority rules. (Debate is allowed on some appeals, but not on those related to decorum, rules of speaking, priority of business, or any undebatable motions.) If no appeal is made, the ruling of the chair stands with the authority of general consent as discussed above.

**f. Referring to committees**

When motions are unclear in statement or implications, when information is lacking, or when debate does not provide adequate clarification of issues essential to voting, an item may be directed to an appropriate committee. Frequently, the assembly in full session lacks the resources needed to investigate adequately the subject under consideration. In such cases, poorly phrased

motions and bad decisions can be avoided by sending the item to a committee where information and recommendations can be developed.

**g. Disposing of motions without final adoption/rejection vote**

There are occasions on which one or several members of an assembly may decide that it is not in the best interest of the body to continue the deliberative process to a final adoption or rejection vote. The Parliamentary Law Pocket Chart that follows this section indicates appropriate processes for various categories of motions.

Such motions, as well as all other motions available to members of a parliamentary body, are intended to assist the conduct of business. If they are used in a dilatory manner they should be ruled out of order by the presiding officer or objected to through a point of order from the floor. Such restrictions, of course, should be exercised only against those actions of members that are clearly intended to obstruct the legitimate progress of the body.

These are but a few of the remarks that could be made concerning effective parliamentary practice. The Senate or any other deliberative body can be effective only if many of its members actively express their views through motions and debate. The foregoing comments and the attached parliamentary chart are provided to encourage Senators to involve themselves in the issues that come before the body. If mistakes are made they can be corrected by the presiding officer, the Parliamentarian, or other Senators. It is better to be involved and make mistakes, than to be uninvolved and not contribute to the deliberative process.

## Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (10<sup>th</sup> Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21 Close meeting	I move to <b>adjourn</b>	No	Yes	No	No	Majority
§20 Take break	I move to <b>recess</b> for	No	Yes	No	Yes	Majority
§19 Register complaint	I rise to a <b>question of privilege</b>	Yes	No	No	No	None
§18 Make follow agenda	I call for the <b>orders of the day</b>	Yes	No	No	No	None
§17 Lay aside temporarily	I move to <b>lay the question on the table</b>	No	Yes	No	No	Majority
§16 Close debate	I move the <b>previous question</b>	No	Yes	No	No	2/3
§15 <b>Limit or extend debate</b>	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14 <b>Postpone to a certain time</b>	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13 <b>Refer to committee</b>	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12 Modify wording of motion	I move to <b>amend</b> the motion by ...	No	Yes	Yes	Yes	Majority
§11 Kill main motion	I move that the motion be <b>postponed indefinitely</b>	No	Yes	Yes	No	Majority
§10 Bring business before assembly (a <b>main motion</b> )	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

## Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (10<sup>th</sup> Edition)*

**Incidental Motions** - no order of precedence. Arise incidentally and decided immediately.

YOU WANT TO:	YOU SAY:	INTERRUPT	2 <sup>ND</sup> ?	DEBATE?	AMEND?	VOTE?
§23 Enforce rules	Point of order	Yes	No	No	No	None
§24 Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25 Suspend rules	I move to suspend the rules which ...	No	Yes	No	No	2/3
§26 Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27 Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29 Demand rising vote	I call for a division	Yes	No	No	No	None
§33 Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33 Request for information	Point of information	Yes	No	No	No	None

**Motions That Bring a Question Again Before the Assembly** - no order of precedence. Introduce only when nothing else pending.

§34 Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35 Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 maj. w/ notice
§37 Reconsider motion	I move to reconsider the vote ...	No	Yes	Varies	No	Majority

---

Jim Slaughter, Certified Professional Parliamentarian-Teacher & Professional Registered Parliamentarian

336/378-1899(W) 336/378-1850(F) P.O. Box 41027, Greensboro 27404

web site: [www.jimslaughter.com](http://www.jimslaughter.com)

4/2004

Side 2