

Opinion of the Senate Parliamentarian  
October 4, 2021

Question raised by a Senator: can the Presiding Officer (PO) end debate?  
Supplemental attachment: hierarchy of basic motions

Research

1) Robert's Rules provides fairly clear guidance on this and related questions. They state:

“The PO cannot close debate so long as any member who has not exhausted his right to debate desires the floor, except by order of the assembly, which requires a 2/3 vote” (§ 4:32);

“A member who has spoken twice on a particular question on the same day has exhausted his right to debate” (§ 4:28); “merely asking a question or making a brief suggestion is not counted as speaking in debate” (§ 43:12); a member cannot make a second speech on the same question the same day until every member who desires to speak on it had an opportunity to do so once.” (§ 43:13)

“If the member who made the motion that is immediately pending claims the floor and has not already spoken on the question, he is entitled to be recognized in preference to other members.” (§ 42:9)

“In cases where the chair knows that persons seeking the floor have opposite opinions on the question – and the member to be recognized is not determined by [some other rule] the chair lets the floor alternate, as far as possible, between those favoring and those opposing the measure.” (§ 42:9)

“The right of members to debate or introduce secondary motions cannot be cut off by the chair's attempting to put a question to vote so quickly that no member can get the floor – either when the chair first states the question or when she believes debate is ended... But if the chair gives ample opportunity for members to claim the floor she puts the question (“a reasonable pause” § 43:6), and no one rises, the right to debate cannot be claimed after the voting has commenced.” (§ 43:7)

“Without the permission of the assembly, no one can speak longer than permitted by the rules of the body – or, in a non-legislative assembly that has no rule of its own relating to the length of speeches, longer than ten minutes” (§ 4:29); “Such permission can be given by... means of a motion to Extend Limits of Debate, which requires a 2/3 vote without debate” (43:6).

“The PO .. cannot interrupt the person who has the floor so long as that person does not violate any of the assembly's rules and no disorder arises.” (§ 4:31)

“An assembly at any session can change the limits of debate, for that session only, by means of a main motion adopted by a 2/3 vote.” (§ 43:16)

2) There is no rule in the Faculty Constitution or Bylaws (or elsewhere in writing, that I can find) that sets a limit on speaking time. Therefore, RR governs that question, by default.

Opinion

Though the point could be debated, my (advisory) opinion is that the Faculty Senate is not a legislative assembly by the criteria of RR. Therefore, the default speaking time limit of ten minutes applies.

Because it is unclear (cf. my previous opinion) whether all of RR concerning the role of the PO apply to the Faculty Officers, due to their roles being somewhat different from the PO envisioned by RR, it is also unclear how far the rights of other Senators extend to the Officers when they are acting as PO. Any rules that resolve this question implicitly or explicitly balance the rights of the Officer as a Senator against protecting the rights of other Senators from the imbalance of authority when the Officer is acting in the capacity of PO.

It is important to adopt practices governing that balance of rights. In the absence of clear external guidance, it is my (advisory) recommendation that all of the rules cited above should apply, except that the PO should not choose herself to be the first to speak on any motion (unless no one else requests the floor) and should in general take care not to give preference to herself when deciding who should speak next.

Separately, the rule or convention that debate can occur only after a motion is made often poses difficulties in practice, and it will be my (advisory) recommendation that enforcing this convention is appropriately left to the discretion of the PO. In other words, the PO is entitled, at her discretion, to ask that a motion be put on the floor before debate continues. Any member can raise a Point of Order, at any time, and request such a ruling from the PO.

### Recommendation

Because the aforementioned balance of rights is an important question and likely to recur, and the guidance from RR is unclear, I recommend that the Senate consider resolving the issues concerning the role of the PO in making and debating motions, in one way or another, by proposing to the General Faculty a clarifying amendment(s) to the Constitution and Bylaws.

### Note

RR (§ 4:32), as cited above, conflicts with guidance that I offered during my initial presentation to the Senate. I apologize for that incorrect guidance. In this as in all other cases, input from Senators on parliamentary issues is welcome.

## 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



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**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

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Side 2