

Concerns about Bylaws Changes for Faculty Senate

I. 1. (d) – page 2: Who is the chief academic officer of the UT system, if not the President?

I. 3. – page 2: When would a campus not have a chief academic officer? [“... as the same may exist from time to time.”]

II. 1. A. – page 2: To complete the change from “election” to “appointment,” the word “reelection” in last sentence also needs to be changed to “reappointment.”

II. 1. C. – page 3: Should not “C.” appear before the paragraph on alternates, instead of after it?

II. 1. D. 3. – page 3: This section refers to “college or division caucus” but elsewhere in the bylaws the reference is to caucuses of “colleges, units, or divisions.”

II. 5 – page 7: Could this rule be a reaction to previous real or perceived misuse of the motion to lay the question on the table (which is not debatable) in the place of the motion to postpone the main motion indefinitely (which is debatable)? This rule appears to provide for limited debate on the importance of the main motion. By requiring a two-third vote for passage (rather than the simple majority normally needed for a motion either to table or to postpone indefinitely), it makes it more difficult to misuse the motion to table. (Of course, it also makes it more difficult to use correctly the motion to table.)

II. 7 – pages 7 and 8: Letters for several bullet points follow rather than precede the corresponding text.

III. 2. B – page 11: Why is membership of the Appeals Committee set at “at least 18 tenured faculty members” rather than a definite number?

III. 2. C. – pages 11 and 12: Why assume the ex-officio members in the first list are “non-voting” when those in second list are expressive stated as being non-voting?

III. 2. E. – page 12: Why is membership of the Budget and Planning Committee set at “at least 10 faculty members” rather than a definite number? Is the chief financial officer really a non-voting member?

III. 2. I. – page 15: In the second paragraph of this section, should “the Knoxville campus” be changed to “the UTK campus” or just “UTK”?

III. 2. J – page 15: Why is membership of the Research Council set at “no fewer than 12 appointed” individuals rather than a definite number?

III. 2. M. – page 18: Why is membership University/Systems Relations Committee set at “at least eight faculty members” individuals rather than a definite number?

Question 2:

Can ex-officio members vote, and are they counted in determining whether a quorum is present?

Answer:

"Ex officio" is a Latin term meaning "by virtue of office or position." Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.

Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members, including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (except the nominating committee); and
2. If the ex-officio member is not a member, officer, or employee of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote.

[[RONR](#) (10th ed.), p. 466-67; p. 480, l. 18-27.]

Question 12:

Isn't it always in order to move to table a motion to the next meeting?

Answer:

This question confuses the motion to *Lay on the Table* with the motion to *Postpone to a Certain Time*. The purpose of the motion to *Lay on the Table* is to enable an assembly, by majority vote and without debate, to lay a pending question aside temporarily in order to take up something else of immediate urgency. In ordinary societies it is rarely needed, and hence seldom in order. [[RONR](#) (10th ed.), p. 201-210; see also p. 127 of [RONR In Brief](#).]

Question 13:

Can something be defeated by adopting a motion to table it?

Answer:

This is a common violation of fair procedure. Such a motion is not in order, because it would permit debate to be suppressed by a majority vote, and only a two-thirds vote can do that. The proper use of the motion to *Lay on the Table* is stated in the answer to Question 12, immediately above. [[RONR](#) (10th ed.), p. 207-209.]

How can something be defeated without a direct vote on it?

Before debate on an original (ordinary substantive) main motion has begun you may raise an *Objection to Consideration of [the] Question*, which is undebatable and can suppress the main question by a two-thirds vote against consideration. [[RONR](#) (10th ed.), p. 209, l. 1-4; p. 258-61; see also p. 129 of [RONR In Brief](#).]

If debate on the main motion has begun and you want to get rid of that motion without a direct vote on it, use the motion to *Postpone Indefinitely*. That motion requires only a majority vote, but until it is adopted, it leaves the main question open to debate. [[RONR](#) (10th ed.), p. 121-24; see also p. 126 of [RONR In Brief](#).] If you feel that it is undesirable that debate take place, move the *Previous Question* immediately after moving to *Postpone Indefinitely*. If adopted by a two-thirds vote, this motion will cause an immediate vote on the motion to *Postpone Indefinitely* without further debate. [[RONR](#) (10th ed.), p. 189-201.]

Question 14:

How can I get an item on the agenda for a meeting?

Answer:

For a proposed agenda to become the official agenda for a meeting, it must be adopted by the assembly at the outset of the meeting. At the time that an agenda is presented for adoption, it is in order for any member to move to amend the proposed agenda by adding any item which the member desires to add, or by proposing any other change.

It is wrong to assume, as many do, that the president "sets the agenda." It is common for the president to prepare a proposed agenda, but that becomes binding only if it is adopted by the full assembly, perhaps after amendments as just described. [[RONR](#) (10th ed.), p. 363, l. 8-20; see also p. 16 of [RONR In Brief](#).]

Source: <http://www.robertsrules.com/faq.html>