

**Resource Materials on  
Parliamentary Procedure for  
The University of Guam Faculty Senate**

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This material is compiled from instructional handouts that have prepared and distributed to the Senate over the past fourteen years by the Senate's parliamentarians. We have organized the beginning with pieces addressing the basic concepts of shared governance to those dealing with specific questions that have arisen during the Senate's formative years. There are presented here for instructional use. For authoritative references, the primary documents (RRO, Senate Bylaws, etc.) should be consulted.

## On the Origin of Politeness

In his best-selling book, *How the Scots Invented the Modern World*, Arthur Herman describes the contribution of Scotland's 18<sup>th</sup> Century scholars to the innovations in science, political and economic theory, and the institutionalization of self-government that came to define modern western democratic society. The leading institution of the Scottish Enlightenment during its formative years was the University of Glasgow. Its distinguished philosopher, Francis Hutcheson, author of *System of Moral Philosophy* and *Inquiry in the Origin of Our Ideas of Beauty and Virtue*, came to be regarded as the founder of the Scottish Enlightenment. Incidentally, Herman also notes that Glasgow's intellectual leadership owed in part to what we today would call *institutional autonomy*—faculty pay and hiring at Glasgow remained in the hands of its regents, while at its sister institution of Edinburgh the town council appointed the majority of faculty professorships. At Glasgow, Hutcheson was one of the leading architects of the concepts of individual and social progress, from which sprang the liberal tenets of human rights and the capacity of people for self-governance—upon which David Hume, Adam Smith, and other disciples of Hutcheson subsequently erected the theoretical frameworks for democracy and free enterprise. Herman points out that the terms *refined* and *refinement*, as applied to human society, were “important words for the Scottish Enlightenment.” The term *polite* is, in fact, a deliberate product of the Enlightenment. It was invented by the contemporary dean of English philosophers, Anthony Ashley Cooper, Lord Shaftesbury, who was one of Hutcheson's intellectual mentors. It is worth citing Herman's account at length:

Shaftesbury took a term associated with the world of jewelers and stonemasons (as in “polished” stones and marble) and elevated it to the highest of human virtues. Being polished or polite was more than just good manners, as we might say. Politeness for Shaftesbury encapsulated all the strengths of a sophisticated culture: its keen sense of understanding, its flourishing art and literature, its self-confidence, its regards for truth and the importance of intellectual criticism, and most important, and appreciation of the humane side of our character. The motto of the Shaftesburys was “love, serve.” Kindness, compassion, self-restraint, and a sense of humor were...the final traits of a “polished” culture.... Shaftesbury joined up the notion of political and religious liberty that he had picked up from John Locke (...his father's doctor and his own tutor) with that of personal liberty, a polishing and refining of the self through friendly social interaction with others. You could not have one without the other...just as human beings were meant to be free in the first, political sense, so they were meant to be free in the second, social and intellectual sense.

In other words, both political and intellectual freedom can survive only in polite societies. Parliamentary procedure, which facilitated polite or civil debate, was thus deliberately developed with the express intent of facilitating intellectual and political *liberty*. The essential ingredient of democratic decision-making is thus *politeness* as defined by Shaftesbury and his colleagues: “kindness, compassion, self-restraint, and a sense of humor.” Individual liberty and free institutions are thus fostered rather than stifled by formal, or polite, conduct. Politeness is the defining trait of educated individuals and institutions committed to the searches for truth, beauty, and social progress. Indulgence in bad manners is decidedly *not* an exercise of free or creative expression, but rather a backward slide toward the brutality and destructiveness of the mob—and the inevitable resort to tyranny to end it. The preoccupation with good manners and formality that characterized the 18<sup>th</sup> Century resulted from the deliberate efforts of its leading thinkers to create free societies committed to individual liberty and human dignity. Politeness thus consists not in being merely “nice” and certainly not in being indulgent or tolerant of boorish behavior, but rather in being committed to and insisting upon self-restraint and impeccable standards of personal and professional integrity for both oneself and others.

# Parliamentary Courtesy

## Protocol and Courtesy in Deliberative Assemblies (RR: 21-24, 41-42)

In deliberative assemblies, certain customs are followed are "to maintain the chair's necessary position of impartiality and...preserve an objective and impersonal approach, especially when serious divisions of opinion arise."

### *The Presiding Officer*

- Refers to himself or herself only in the third person—never uses the personal pronoun "I"—as in "It is the ruling of the chair that..." or "Your president is pleased to report that..."
- Does not address members as "you," or by name (except when assigning the floor, and then by title and name, as in "The chair recognizes Senator Doe..." or "Senator Doe has the floor")
- Addresses members in the third person, as in "The chair must ask the speaker to confine his remarks to the merits of the pending question"

### *The Members*

- Address only the chair, and other members only through the chair.
- Address the chair only by her or his title, as in "Madam President, or Mr. Chairman."
- Avoid mentioning another member's name whenever the person can be described in some other way, as in "Madam Chair, may I ask the member who made the proposal to explain...?," or "Mr. Chair, I believe the previous speaker may have overlooked some important consequences..."
- Refrain from emotional, provocative, sarcastic, or otherwise threatening or offensive language.
- Each member has the right to speak twice on any one question, and for as long as the rules of the assembly permit (for the Senate, this is 2 minutes at a time) but one can speak for a second time only if all wishing to speak at least once have already taken their turn. One who has spoken twice on a given question is said to have "exhausted one's right to debate" on the current question.

### *Points of Order (RR: 37-38, 41, 240-247, 626-628)*

RR notes "it is undesirable to raise points of order on minor irregularities of a purely technical character, if it is clear that no one's rights are being infringed upon and no real harm is being done to the proper transaction of business." (In other words, raising points of order simply as gamesmanship is *out of order*.) Nevertheless "It is the right [and responsibility] of every member who notices a breach of rules [especially the rules of decorum] to insist upon their enforcement." Points of order should be raised to protect the rights of members—and of the assembly—and to facilitate the flow of business, not impede it.

- Must be raised and settled promptly—cannot be raised once the assembly has moved on from the action or event to which the point would have applied (including the announcement of a vote)
- Must state precisely what is out of order and why, as in "Madam President, this discussion is out of order because it pertains to matters outside the object of the Senate. Then *briefly* explain:
  - A motion is out of order if one of higher precedence is on the floor, if it pertains to an issue outside the object of the assembly, or is proposed during an inappropriate portion of the meeting
  - A remark is out of order if it is not directly related to the question at hand, is outside the object of the assembly, is made during an inappropriate portion of the meeting, or the member wishing speak has exhausted her or his right to debate on the current question
  - A member is out of order only for a breach of decorum or offensive conduct, e.g., sarcastic, belligerent, or angry tone of voice, provocative language or offensive gestures, etc.

## Parliamentary Principles

### Historical Reasons for Parliamentary Practice

*Implementing shared governance:* 18<sup>th</sup>-century monarchists and other skeptics of democracy argued that decisions by assemblies of common people cannot represent the general or majority interest because such assemblies are inevitably dominated by those inclined and able to coerce the others by

- interrupting or shouting above them
- intimidating them by sarcasm, epithets, or threats
- monopolizing the discussion time by too-frequent or overly-long speeches

The very term *courtesy* reflects the word's origin in the evolution of rules designed to facilitate consultation and collective decision-making in the *courts* of the aristocracy. Parliamentary practice brought *courtesy* to assemblies of the common people and their representatives. Because parliamentary practice empowers *everyone*, however, its implementation typically meets resistance from those who in its absence have successfully dominated group discussions, or who have a continued stake in defeating decisive collective decision-making—but *only* from those. Those who have suffered in frustrated silence uniformly welcome it.

### Principles of Parliamentary Practice

1. *Courtesy* and civil discussion at all times
2. *Equal opportunity* for *everyone* to speak at least once
3. Right of the *majority* to make the decisions
4. Right of *minority* to A fair chance to change the mind of the majority
5. Expeditious and unequivocal rendering of *decisions*

Each proposed action is clearly stated as a motion:

1. Is *written and recorded* by the secretary (and the maker of the motion, if necessary)
2. Is *stated* to the assembly by the chair, prior to discussion and prior to voting
3. Deliberation is *opened by the maker of the motion*
4. *Discussion ends and the motion is disposed of when the time runs out*, or sooner the vast majority (2/3) is ready to cast their vote on it

All the possible ways of disposing of a proposed action are provided for (lowest to highest precedence):

1. *Vote on it* (to accept or reject it)
2. *Set it aside and forget it* without forcing people to vote either way (“postpone indefinitely”)
3. *Modify it*, if a slight change (or two) will make it acceptable to a majority (“amend”)
4. *Send it back* to the originator or another committee to rework and resubmit it (“refer or commit”)
5. *Defer action on it* until a specified time (“postpone”)
6. *Set it aside with the possibility of revisiting it later* (“lay it on the table”)

### Formal Deliberation

- Robert's Rules and the Special Rules of the Assembly apply
- Official decisions are rendered

### Informal Deliberation—two kinds

1. Outside of the formal meetings of the assembly—normally 4 weeks for the Senate
  - Meant to be sufficient to resolve all interests in the proposal, so that little or no additional time is needed for formal deliberation
  - Approval, endorsement, adoption should be expected by the time the proposal is placed on the agenda for action—otherwise the originator should continue to work the action informally until it is clear that the proposal will pass, or it should be withdrawn
2. During scheduled Senate *Presentations*—normally the next session after formal *Distribution*, or as special presentations:
  - Rules of courtesy, procedure, time limits, etc. still apply
  - No motions are introduced (except motions for immediate action).

# Purpose and Principles of Deliberative Assemblies

## Purpose of Deliberative Assemblies

- Make decisions (by majority vote) on proposals that come (normally) from its committees
- Hear reports of committees (which actually do the detailed work and discussion of the details takes place)

## Purpose of Meetings

- Decision-making rather than discussion is the fundamental purpose of the assembly
- Discussion is thus a means to this end, not an end in itself
  - Formal meetings of assemblies may be brief and infrequent, with detailed work the responsibility of its committees
  - Informal correspondence among members and committees facilitates work outside of meetings
  - Formal discussion in meetings of the assembly should be brief, to the point, and directed expressly toward rendering a decision (or otherwise disposing of each item of business) within the scheduled time
  - Weingartner (*Primer on Academic Governance*): “Faculty Senates must not be discussion clubs.”

## Principles for Formal Discussion

- Only members of the assembly (i.e., the decision-makers) may speak
- Each member has an equal entitlement to speak
- Each member respects the right of each other to speak
- Members may speak only on the question before the assembly
- Discussion goes on for as long as needed to get a decision—but no longer

## Parliamentary Rules for Formal Discussion

- The assembly must designate a time limit for each turn of speaking (default is 10 min.)
- Members may speak a second time only if no one who has not already spoken wishes to
- Members may speak twice on each question, but no more
- Discussion ends—and the vote is taken—when:
  - (1) Everyone who wishes to speak has done so
  - (2) Everyone has spoken twice
  - (3) The question is called for and 2/3 of those voting agree to end discussion and vote
  - (4) The time allocated for discussion of the question is exhausted

## The Faculty Senate’s Special Rules for Formal Discussion

- The Senate time limits:
  - 2 minutes per person for each turn
  - 10 minutes for each main motion
    - Discussion may be extended for a specified amount of time by simple majority vote (without debate)

# Organizational Mission and Vision

## On the Construction and Management of Organizations

The following are the acknowledged steps in the professional literature on organizational development and management for organizing and running effective organizations, whether private business, profit or non-profit, public, academic, or social.

The basic steps of constructing and managing organizations are:

1. Precisely define and clearly state the mission of the organization—why it exists and what it does. Consider the following example of a fictional organization called the *Friends of Micronesia*:

*“The mission of the Friends of Micronesia (FOM) is to promote public awareness and mobilize resources from regional and national sources to preserve the unique natural and cultural assets of Micronesia. The FOM sponsors research grants, documentary activities, cultural exhibits, and public awareness campaigns to educate people inside and outside of Micronesia on the natural and cultural heritage of the region. It also engages in lobbying of local and national governments to secure legislation and regulations to preserve and protect unique natural and cultural assets at risk.”*

2. Develop a vision for the organization—how the organization does its mission:

*“The FOM brings together diverse members reflecting the various ethnic, social, and professional groups in Micronesia. It plays a visible public role in formal venues to identify positive steps and mobilize public support and government action as necessary, but also works regularly out of the public eye through informal networking with members of the government and professional communities to educate and leaders and gain support for essential actions.”*

From the mission and vision statements determine the:

3. Roles for the organization and its leaders—formal functions to which the organization or its members are committed: *“The officers of the FOM are recognized civic leaders, with ties to governmental, civic, business, social and other organizations that share the interest of the FOM....”*
4. Responsibilities of the organization and its leaders, i.e., the things for which it is answerable, accountable, or obligated: *“The officers are responsible for designating public action teams as needed to address the key concerns identified by the membership....”*

From the roles and responsibilities of the organization, develop explicit procedures for

- a. performing the roles, e.g., *“The officers of the FOM meet as necessary with leaders of the legislative committees on natural resources, environment, and cultural affairs, and with leaders of the Chambers of Commerce and prominent business organizations in the region....”*
- b. fulfilling the responsibilities, e.g., *“At the annual meeting of the FOM, the officers shall propose the key issues to be addressed by the FOM. Upon ratification of the proposed list by the membership, the officers shall appoint a public action team for each issue....”*

Based on these procedures, the organization then sets its agenda and carries out specific plans:

*“At the 2004 Annual Meeting, the FOM created the Micronesia Cave Preservation Action Team, consisting of...and designated the following priorities for FY 2005....”*

## **Milestones in the Evolution of Shared Governance and the Faculty Senate**

### **2000**

- March-April: WASC team recommends faculty create an “academic senate.” Faculty appoints Faculty Senate Organizing Committee from volunteers.
- May-September: Drafting of the original bylaws
- October: Faculty ratification of Bylaws for the new Faculty Senate
- December: Election of the members and election of the officers of the 1<sup>st</sup> Faculty Senate

### **2001**

- January: Board of Regents Resolution formally recognizes the new Senate with chartering resolution
- May: Section 1, Article VIII, Duties and Internal Organization of the Senate, of the Senate Bylaws rewritten to provide for a standing Memorandum of Agreement on procedures for Senate-Administration interaction, load allocations for Senate officers and committee chairs, and 12-month status for the Senate President.

### **2002**

- Some of the five original academic committees renamed and some committee functions realigned.
- Senate Executive Committee established and its functions specified in the Bylaws.

### **2003**

- Original five academic committees consolidated into three, functions of the standing committees and Senate Executive Committee modified accordingly; some of the processes of interaction between the Senate and the college academic affairs committees clarified.
- Practice of proxy voting by substitutes sent by absent members discontinued
- Senate Parliamentary position created and duties of the Vice President and Secretary adjusted.
- Senate apportionment formula modified to cap membership at approximately fifteen members.

### **2004**

- Title of Senate Secretary changed to Recorder, as Senate obtained professional staff secretary.
- Mandate for Senate President to meet monthly with other university leaders eliminated.

### **2005**

- Formal establishment of the college academic affairs committees by their adoption of bylaws
- Provisions added to Senate Bylaws to
  - Specify the three fundamental types of actions that can be taken by the Senate
  - Provide for administering the Senate budget
  - Specify the duties of the Senate secretary and realign duties of the officers accordingly
  - Provide for more flexible scheduling of regular meetings
  - Eliminate mandate for biennial consideration of bylaw revision
  - Provide for the adoption and administration of a code of ethics
  - Fill unanticipated vacancies with interim members in lieu of special elections.

## Duties of Members

Responsibilities to the institution and to one's constituency. Members are elected by their colleagues in their units, who are likely to know them best and therefore be in the best position to cast an informed vote for them or a competing candidate. One of the fundamental responsibilities of an elected representative is to consult and keep his constituents informed on matters that affect them. Representatives to any elected assembly, however, have a higher duty to the broader interests of the whole rather than the narrow or parochial interests of the people or some segment of the people who elected them. As such, they are responsible for explaining and persuading their constituents on matters that may require accommodation or even subordination of specific interests to the broader interests of the whole. They should not be merely poll-takers whose positions reflect only the whims of the mass or the most vocal among them. The quote from Edmund Burke in the *Senate Handbook* captures this concept well.

Responsibilities to the assembly. Members elected to a democratic assembly also have certain responsibilities to their colleagues and the elected leadership of the assembly. These include the following:

1. Conscientious preparation of materials and proposals submitted to the assembly. Members who submit proposals or motions to the assembly, whether individually or as part of a committee, are responsible for ensuring the submission is well researched, complete, accurate, and clearly presented or explained. Submitting a casually composed or poorly thought out proposal or motion wastes the time of the members and damages the credibility of the assembly. The rules of parliamentary procedure specifically prohibit the intentional submission of such materials as a dilatory or subversive tactic. Even when done without malicious intent, however, it is at best irresponsible and unprofessional, especially for members of an academic institution who are responsible for teaching students the arts of logic, composition, and communication, etc.
2. Consistent attendance at meetings and conscientious preparation for them. Members are expected to come prepared for scheduled meetings by having read and studied the materials distributed and presented at prior meetings. Indeed the very system is designed on the assumption that most of the interaction to clarify questions and resolve concerns will be done between rather than during formal meetings. This is as true of the US Congress or any other national parliament as it is of a university senate or other small deliberative assembly.
3. Deliberating and working in good faith. The purpose of formal meetings is to make decisions *after* each proposal has been adequately read and studied, and concerns or interests resolved *between* meetings. Neglecting to study or not attempting in good faith to resolve concerns ahead of the meeting at which a proposal is scheduled for action is a dereliction of a fundamental responsibility. *Intentionally* waiting until an item is on the floor to bring up a concern or objection for the very first time can be dilatory or subversive, and is therefore arguably unethical. If a member is unable to come prepared on a given issue (which happens to even the most conscientious on occasion) he or she should extend the benefit of the assumption of good faith to those who brought the proposal forward. On other words, one's "default" position on a matter one has not studied ahead of time, and therefore does not completely understand, even if (or perhaps *especially* if) one is inclined to oppose it on the basis of such limited understanding, should be to *support* it rather than to demand more time, oppose it simply because one doesn't understand it, or subject the assembly to poorly informed questions and concerns that could have been—and *were*, for those who fulfilled their responsibilities—resolved during the month or more between distribution and submission of each item for action.
4. "Loyal opposition." A fundamental duty of every member of an elected assembly is to support the decision of the majority once the decision has been properly and formally rendered. Parliamentary practice ensures that the minority gets a fair opportunity to persuade the majority on the merits of sound arguments, but once the arguments have had a fair opportunity to be heard and the decision has been made, it becomes the decision of the whole. Activism or attempts to subvert the majority decision by tactics outside of the rules of parliamentary procedure after it has been made are unethical. In cases, however, where it becomes clear, or a good case can be made that a prior decision ought to be revisited, *Robert's Rules of Order* provide for such reconsideration. (These provisions, by the way, are an innovation inherited from the rules written for the US Constitutional Convention of 1787.)

## Duties and Roles of the Senate Officers

Duties and roles of the Senate officers unique to the UOG Faculty Senate are specified in the Senate Bylaws. In addition, the Senate officers have certain duties and roles common to officers of all deliberative assemblies. Selected duties, roles, and pertinent rules governing them are summarized below:

### ***The President (as presiding officer of the assembly) (RR: 382, 433-435)***

- Opens and adjourns meetings at the scheduled times
- Announces the scheduled sequence of business, and keeps the assembly on the agenda
- Expedites business in every way compatible with the rights of the members
- States, puts to vote, and announces the vote on motions that come before the assembly
- Rules on motions not in order, and protects the assembly from frivolous or dilatory motions
- Responds to inquiries on parliamentary procedure and decides questions of order, subject to appeal
- Authenticates by his or her signature, all acts, orders, and proceedings of the assembly
- Impartially enforces the rules of debate and decorum
  - To participate in formal debate<sup>1</sup>, the presiding officer must relinquish the chair to the ranking officer or member (agreed upon by consent) who has not already spoken and does not wish to speak on the question, until the question has been disposed of.

### ***The Vice President (Bylaws Art. VII, Sec.2)***

- Presides at meetings when the president is absent or has relinquished the chair
- Under the Senate Bylaws, is the designated timekeeper for meetings, parliamentarian *pro tem* in the absence of the parliamentarian, coordinator of Senate correspondence, and Senate archivist.

### ***The Secretary (Bylaws Art. VII, Sec 3; RR: 442-443)***

- Presides at meetings when the vice-president is absent, or has relinquished or cannot take the chair
- Keeps the minutes of meetings, and a file of committee reports, and signs certified documents
- Maintains the official copies of the bylaws, special rules, standing rules, and meeting minutes.

### ***The Executive Committee (Bylaws Art. VI, Sec. 3; RR: 119)***

- Coordinates Senate business and follows up on Senate actions
- Has "general supervision of the affairs of the Senate between its business meetings"
  - Emergency decisions or actions (i.e., decisions or actions that would normally be put before the entire assembly if time permitted, but which in the judgment of the officers require action or response before the next meeting) are subject to ratification by the Senate at the next meeting
- Makes recommendations to the Senate (in matter pertinent to its role, as any other committee)
- Maintains the Senate's Bylaws and Standing Rules

### ***Role of the Parliamentarian (as appointed advisor, rather than elected officer) (RR: 449-451)***

- Advisory rather than authoritative: responds to chair's requests for advice and calls chair's attention to errors in proceedings that may do harm; speaks to the assembly only when absolutely necessary
- Chair may confer in advance of meetings to prepare for anticipated questions or problems
- Duties may include additional functions such as instruction and assistance in preparing for meetings
- Must be either a member or former member of the Senate

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<sup>1</sup> This provision does not apply to the *informal* discussion of draft documents and proposals presented during the second step in the Senate's distribution-presentation-action cycle. At such times, there is no motion is on the floor, work on the item being discussed is still in progress and the originator is simply seeking feedback from Senate members on a work in progress. (In principle, the item being presented might never even come to the floor, if for example, after presentation the originator decides to withdraw it from the agenda.) It is only when the *final* product is *formally* submitted to the Senate by a motion for action that the Senate enters into formal deliberation on it.

## The Senate and the Committee System

### The Role of the Senate Relative to Its Committees

- Like all effective democratic assemblies, the Senate is based on the committee system.
  - Is the vehicle for empowering a *minimum number of carefully chosen, streamlined committees with specific functions*
- Senate was *not* intended to be the primary vehicle for action, nor as a forum for detailed examination or exhaustive debate
  - It meets only twice each month to *hear the reports of its committees and make decisions on their recommendations and proposals.*
  - Briefly stated, the committees propose; the Senate disposes.

### The Roles of the Senate Committees Relative to the Senate

- While the Senate is the ultimate *voice* of the faculty on academic matters, the committees are its vehicles for *engagement* on academic matters.
- By design, nearly everything coming to the Senate originates in one of the committees. If the Senate discovers important deficiencies in a proposal brought to it by a committee, it does not presume to re-accomplish the committee's work either on or off of the Senate floor, but rather simply sends the matter back to the originating committee to resolve the Senate's concern before bringing back a new or refined proposal.
- Conversely, each committee should place any given proposal on the floor for action only when it is confident of at least majority support.
- *The Review Committees.* Faculty academic leadership is actuated through the traditional academic review process. The three review committees reflect the faculty's responsibility for the content and quality of *general education* and the *undergraduate* and *graduate* programs of the university.
- *The Standing Committees.*
  - Responsible for some faculty leadership functions in areas such professional ethics, faculty development, and standards for emeritus status
  - But most of their responsibilities are for oversight of matters in which the faculty has important interests at stake but only indirect or limited authority, such as institutional autonomy, budgeting & planning, and evaluation of administrator performance.

### Committee Actions

1. Routine reports and actions—specified among the committee's functions in the Bylaws. An example is the administration of the annual Evaluation of Administrator Performance by the SCE
2. Special reports or actions—prepared by the committee of its own initiative. An example might be a report by the Senate Executive Committee on a conversation with the University President
3. Statements or letters of committee concerns or positions—*approved by the committee* and signed for the committee by its chair, with information copies to other Senate members. An example might be a letter by the SCIE to the Regent's Nominating Council expressing some concerns regarding certain the regent nomination process
4. Proposed statements, letters, or actions for Senate approval—prepared for *Senate approval* and signed by the Senate President for the Senate. An example might be a letter prepared by the SCUBP with a proposed position for the Faculty Senate regarding certain priorities in the proposed university budget, or a committee recommendation for a Senate award, such as the Palulap Medallion
5. Proposed Senate Resolutions—prepared for *Senate adoption* and signed for the Senate by President, attested by the Secretary. An example might be a resolution prepared by the SCIE for the Senate to speak out against an incident of political interference in the affairs of the university

## Appointment of Committees

Robert's Rules of Order prescribes certain standard procedures, which are followed unless the assembly's bylaws or special rules specify otherwise. RRO also gives advice regarding composition and alternative processes for appointing committees.

### DEFINITION AND PURPOSE

- A body of one or more persons appointed or elected to consider, investigate, or take action on certain matters or subjects

### PRINCIPLES

- Two types committees: Standing and Special (also called "select" or "ad hoc")
  - Standing committees have permanent functions
  - Special committees: are established for a one-time task
    - Motion to create must specify task, and membership or method of appointment
- Power to appoint a committee carries with it the power to appoint the chair and fill unanticipated vacancies
- Persons who are not members of the assembly may be appointed, but control over who is appointed is reserved to the assembly

### METHODS OF APPOINTMENT

- Standing committees: procedures for appointment specified in bylaws; 2/3 vote required to create, modify standing committee structure
  - Faculty Senate: President appoints (by bylaws), senate ratifies (by special rules)
- Special (Ad hoc) committees: RRO advises on five methods of appointment:
  - (1) *Appointment by the chair.* "In the absence of special conditions, appointment...by the chair or regular presiding officer is usually the best method....[but] the president cannot assume such power unless it is given him by the bylaws or action of the assembly...."
    - If the assembly orders the appointment of a special committee and it is desired to let the chair select the committee members after adjournment, the delay must be authorized, and the names must be announced and recorded at the next meeting.
  - (2) *Nominations by the chair.* "When the assembly wishes to take advantage of the chair's knowledge and judgment, yet wishes to have veto power."
    - Chair makes nominations on the spot, and first person nominated is automatically chair
    - Chair poses the question: "Shall these persons constitute the committee?" A member can move to strike one or more names, but not insert. Vote is taken immediately (without debate). If a name is stricken the chair offers a new name and the process repeats.
  - (3) *Nominations from the floor.* "When the assembly wishes to reserve the selection for itself, but with confidentiality in voting."
    - Chair calls for nominations. No one may nominate more than one person at a time, and not a second one until all members have had a chance to make one nomination
    - If no more than prescribed number nominated, committee can be appointed by consent
    - If more than prescribed number nominated, chair calls for vote (without deliberation) on each in order nominated until all seats are filled.
  - (4) *Adoption of a motion naming the members.* Names of members may be put into the motion creating the committee, or by an amendment to it, which may also specify the chair.
    - This option obviously requires some advance planning and consultation.
  - (5) *Election by ballot.* Normally used only for appointing standing committees that are to have extensive powers.
    - Election follows same procedures as election of officers.

## Senate Actions: Endorsement, Approval, Adoption

Under Article VIII of the *Senate Bylaws, Duties and Internal Organization of the Senate*, the Senate recognizes three basic types of action: endorsement, approval, and adoption:

### Endorsement

- Endorsement implies the lending of the Senate's support to a recommendation or document that already has, and will retain, some standing of its own whether or not the Senate endorses it.
- Endorsement certifies that the Senate is satisfied that the work it has endorsed
  1. has been well researched and critically examined
  2. is complete and of high quality
  3. is compatible with the broad inter-collegiate interests of the university, as seen by the Faculty
  4. has been prepared with due respect to the University's rules and procedures
  5. has been produced with the Faculty playing its appropriate role in the development process
- NO OTHER CONSIDERATIONS are appropriate—else the Senate is intruding on the prerogatives of the organization whose product it is endorsing.
  - The Senate need not, indeed should not, conduct detailed debate on specific aspects of items that come to it for endorsement.
  - If the Senate is not thus satisfied, it withholds endorsement and sends its concerns back to the organization from which the item originated so that Senate concerns can be resolved before the item is submitted again.
- Example: The Senate may *endorse* program review self-studies, new program proposals, and critical reviews of them. It may not alter or mandate alteration of the substance of them, nor is it appropriate for the Senate to attempt to mediate disagreements between parties that have submitted independent products to the Senate. Rather, the Senate only needs to assure itself that the program self-study and the review team's work were done in a thorough manner, according to established guidelines. On that basis the Senate endorses the process and forwards the review materials to the SVP.

### Approval

- Approval denotes official consent on the contents of a document for which the Senate has sole authority, and which has no standing in the absence of Senate action.
- Example: Under the RRPM, nominees for emeritus/emerita status must be recommended by the Senate. The Senate does this by *approving* a recommendation made to it by one of its internal committees, namely the Standing Committee on Faculty Excellence. Without the Senate's approval, the committee's recommendation does not go forward.

### Adoption

- Adoption implies acceptance of a recommendation or document as the Senate's own. Items put before the Senate for adoption may originate from within or outside of the Senate.
- Example: The Senate *adopts* items that are uniquely its own, such as its bylaws and special rules. Similarly, because resolutions are a unique statement or decision of the Senate, resolutions are *adopted*. Resolutions may originate inside or outside the senate, however.

## Formal vs. Informal Deliberation

### Formal Rules and Procedures are Essential for Group Decisions

In all societies and organizations, group decisions are valid only if they are made according to rules that everyone understands and acknowledges as legitimate. This is true even (arguably, especially!) in the organizational culture of universities. Although contemporary university culture places great stock in informal discourse (the seminar is the presumed model) collective decisions cannot be made in informal discourse.

Consider what happens when a controversial decision is attempted in any context other than a formal venue in which the rules of discussion and decision-making are understood, recognized, and followed by everyone:

- Two outcries are typically heard: “The rules weren’t followed!”, “There wasn’t enough discussion!”
- On such occasions, even those who characteristically profess their contempt for rules and formality, swiftly appeal to the rules—or to what they claim to be the rules—and usually with great passion
- Under such circumstances, additional (acrimonious) discussion does not resolve the issue:
  - Endless calls for more discussion, in fact, are a well known dilatory or subversive tactic, by which an individual or minority may attempt to block or discredit a majority decision, or badger members of the majority in hopes of changing their minds—which, when it succeeds, usually leaves the “final” outcome even more uncertain and controversial.

All rules of parliamentary procedure therefore contain provisions to ensure that, first, everyone in the assembly understands the question before the assembly, and, second, everyone has an equal opportunity to participate in the decision (whether or not they use it). There are also explicit provisions by which the assembly specifies when there has been enough discussion, and that it is thus ready to render a decision.

### Informal Interaction is Necessary for Productive Collaborative Work

The primary responsibilities of faculty members are teaching and research. Academic governance is an essential means to these ends. Even if governance were the primary work of faculty members, most of the work that is done in preparing proposals submitted for decisions can and must be accomplished through informal discourse within and among the Senates committees and individual members.

- The Senate’s Special Rules and Standing Rules therefore provide that ordinarily EACH ITEM coming to the Senate for a decision is given at least ONE MONTH, for informal collaboration and coordination in committees and between Senate members and their constituencies (whether or not they make use of it).
- The Senate’s procedures provide venues for timely decisions after a sufficient opportunity for informal interaction on proposals coming to the Senate.

### Rendering Timely and Valid Decisions

The Senate ordinarily has only 45 minutes to receive its committee reports, and only 60 minutes that it must divide between

1. Taking formal action on final proposals submitted by its committees,
2. Hearing informal presentations on proposals in progress within its committees, and
3. Receiving distribution of draft proposals prepared by its committees.

Senate leaders and members are therefore responsible for ensuring that

1. Proposals are submitted for decision only after the originator is confident of majority support
2. The scheduled agenda is conscientiously followed at each session so that
  - a. Each item on the agenda is given the time allocated for it
  - b. Valid, unequivocal decisions are rendered
  - c. Draft proposals that committees are bringing forward get the benefit of some informal presentation and feedback from the Senate meeting as a whole
  - d. New distributions get the benefit of a brief explanation as the Senate receives them

## Executive Sessions in Elected Assemblies

An *executive session* is any meeting or portion of a meeting of a deliberative assembly in which the details of the discussion, and sometimes the decision, are kept confidential among the membership. The term originated in the US Senate and originally referred to the consideration of *executive business* such as presidential nominations to appointive offices or to treaties, for which discussion is confidential (*RRONR*, pp. 95-96). Except for information that the organization has agreed need not be kept confidential, the minutes of an executive session must be read and acted on only in executive session.

Organizations have two policy options regarding the access of non-members to their meetings—meetings may be *open (public)* or *closed (private)*:

- If meetings are open, the organization may allow non-members to observe—though they may not participate in the meeting unless invited by the chair with the consent of the assembly, or by majority vote of the assembly. The University of Guam Board of Regents, for example, allows observers to be present during the routine portions of its meetings, although none may address the board during the business portion of its meeting, except by invitation—with the exception of the Faculty Union Chair, who under the Board-Union Agreement may address the Board at any time, even though he or she is not given a seat at the table.
- If an organization whose meetings are normally open, however, has business for which its rules require confidentiality, or the nature of the business itself warrants confidential treatment it may conduct all or a portion of a meeting in executive session. If executive session is scheduled on the agenda, the chair simply announces that the assembly is going into executive session and asks any non-members present to leave. Otherwise, the assembly may consent to the advice of the chair that it go into executive session or a member may enter a motion for executive session. The UOG Board of Regents, for example, goes into executive session under its rules for discussion of personnel matters such as promotion, tenure, and hiring decisions.
- If an organization's meetings are normally closed the organization may open its meetings only when its rules call for open sessions, or the members in attendance vote or consent to the advice of the chair to open the meeting.
- Under the Senate Bylaws, Article VI, Section 1, "Meetings of the Senate, its standing committees, and review committees, are open except when scheduled for or otherwise taken into executive session in accordance with the Senate Bylaws or Parliamentary Authority." Thus, the Senate and its committees can allow invited guests to report and uninvited visitors to observe their proceedings. The Senate and its committees nevertheless may go into executive session when the members agree, either by majority vote or consent to the advice of the chair, or when the rules advise or mandate executive session. Under the Senate's Parliamentary Authority (*Robert's Rules of Order*):
  - Executive session is appropriate when the Senate is to discuss the merits of nominees for appointments, awards, or disciplinary actions
  - A motion to go into executive session is a *privileged motion*, i.e., it can be made at any time and has priority over any other question before the assembly (*RRONR*, p. 219)
  - If non-members are causing or contributing to disorder or interfering with the rights of the members, they can be excluded even from an open meeting simply by a ruling of the chair (*RRONR*, p. 644)
  - Proceedings relating to discipline or status of a member must be conducted in executive session (*RRONR*, Ch. XX). Executive session is also appropriate for any other situation in which the nature of the business warrants confidentiality, or in which the presence of non-members may inhibit discussion or influence the outcome of decisions.

## **Main Motions**

### **Wording of main motion**

- Main motions are the currency of the assembly—i.e., the means by which its decisions are made
- Become the officially recorded statements of actions taken (*RRO, p. 99*)
- Must therefore “*concise, unambiguous, and complete*” (*RRO, p. 99*)
  - Should be carefully composed in writing in advance, whenever possible
    - Principle: Members of the assembly must understand precisely *what they are voting on*, and *what the effect of the vote will be*
  - Trade-off between brevity and clarity should be resolved in favor of clarity
  - Motions that are especially important, long, or complex should be composed as *resolutions* (See Handout 16)
  - For preparing an agenda, composition of the motions is the crucial final step

### **Writing motions in advance**

- All motions must be written, except for short procedural motions (e.g., motion to adjourn)
- If entered by an internal committee or delegation no second is required, since more than one member already supports the motion
- If not on the agenda, must be entered at an appropriate portion of the meeting, but must still be written, even if time must be taken from the meeting to compose it
  - It does not save time to attempt to compose a motion orally, without writing it down
    - Spontaneous motions, i.e., composed “on the fly” during the meeting, or without careful consideration and critical examination in advance, should not be allowed
    - Large assemblies often have photocopies made and distributed on the spot
  - Must be in written form by the time the chair *reads* it back to the assembly
- Any member, at any time, may call a *point of clarification* to ask the chair to read the motion again (may even interrupt a speaker, even the chair)

### **Motions not in order** (*RRO, pp. 110-111*)

- Conflicts with or is outside the scope of the assembly’s bylaws or mission statement
- Presents substantially the same question disposed of in previous session by being rejected or postponed indefinitely
- Revisits a motion previously disposed of in the same session
- Individual members can submit motions to the assembly, but only when the action is clearly outside the purview of one of the committees; otherwise the motion must start in the committee and be taken to the assembly by the committee

### **Senate practices (Bylaws, Special Rules, Standing Rules)**

- All motions pertaining to scheduled business are composed by the senate president, after consulting with the SEC and members present at the agenda planning meeting, as part of the agenda planning process
  - Principle: Senate president will normally chair the meeting, and *brevity, clarity, and completeness* of motions is a *responsibility* of the chair
- In the case of resolutions, the entire resolution (motion) is read to the assembly, either by the chair or a member designated by the chair, just as any other motion is read to the assembly
- Motions not on the agenda may be entered during the “other business” portion of the agenda, but
  - This practice should be employed only when an urgent matter is at hand, and it is not possible to submit the motion to the SEC in time to have it placed in written form on the agenda--and the motion must still be written in advance of the meeting, if possible

## Resolutions in Representative Assemblies

### What is a resolution?

“Simply a written main motion in a particular format in which the arguments for the motion are often included in the wording.” (Slaughter, p. 31)

- A main motion
  - Prepared in advance
  - Contains an (optional) explanation: preamble (“Whereas....”)
  - Specifies or directs an action: resolution (“Now therefore be it resolved....”)
- A non-routine motion
  - For substantial, non-routine business
  - May have special significance, address a specific issue of particular importance
  - Has enduring standing
    - Becomes the position of the assembly until superseded or rescinded
      - In *legislative* bodies (e.g., US Congress), resolutions have the force of law

### When to use a resolution?

- To express a sentiment, make a formal statement (declaration or explanation), or take a formal position
  - Commendations
  - Public statements of support or opposition
  - Positions on administrative or board actions
  - Specify conditions, acknowledge or clarify reservations or concerns
- To establish something new and lasting
  - Awards
  - Codes of ethics, conduct

### How is a resolution handled?

1. Normally prepared by a committee (but can be prepared and submitted by any member of the assembly—like any other main motion)
2. Scheduled for action and submitted in accordance with the assembly’s rules like any other main motion
3. Resolutions are put up for *adoption* since they establish a position of the assembly
4. A *motion to adopt the resolution* is put on the floor like any other motion
5. Chair reads back the motion to the assembly (as for all main motions)
6. Chair calls for the resolution to be read (by a member of the committee submitting it)
7. Chair offers the maker of the motion the floor to speak in support of the resolution
8. Is otherwise handled like any other main motion

## How is a resolution different from other main motions?

1. The resolution (i.e., portion following “Now therefore be it resolved...” is deliberated first and amended first
  - If the resolution implements an attachment, then the attachment is part of the resolution
2. The preamble cannot be deliberated or amended until the assembly is finished deliberating and amending the resolution
3. When the resolution is adopted, all the actions specified in the resolution are automatically taken (which is the point of the resolution)
  - A resolution may be self-contained, or it may call for taking a position—endorsement, approval, or adoption—on a separate document
    - In the case of a resolution to endorse another document, the endorsed document belongs to the originator (so may not be modified by the Senate), but the resolution (which establishes the Senate’s position regarding the document) belongs to, and therefore may be modified by the Senate
  - The resolution (like all documents) should come to the Senate only when it is ready for action without modification—i.e., concerns that would drive modification should be raised (in good faith) and resolved *before* the resolution is placed on the floor
  - There must be a compelling reason to amend or otherwise modify the draft (of any document) once it is brought to the floor

## Voting in Elected Assemblies

### Majority Vote—the Basic Requirement

- “More than half” of the members present and voting (*RRO*, p. 387), called “simple majority”
  - Must be a member, must be present (at an official meeting, with quorum present), and must vote

### Implications of the Basic Requirement

- “Majority” = “More than half,” thus:
  - 19 votes cast, majority (more than  $9\frac{1}{2}$ ) is 10
  - 20 votes cast, majority (more than 10) is 11
  - 21 votes cast, majority (more than  $10\frac{1}{2}$ ) is 11
- Proxy and absentee voting discouraged (*RRO*, p. 414, 408)
  - “Incompatible with the essential characteristics of an [elected] deliberative assembly”
    - Nontransferable membership—and elected representative cannot send a staff member or friend to vote for him or her
    - Violates 2 points of the BR: elected rep not present, person voting is not an elected rep
    - Vote cast by someone not participating in the debate or with no accountability
  - Faculty Senate accordingly deleted proxy voting provision from its bylaws in March, 2003
- Meeting must be scheduled and convened in accordance with the bylaws of the organization
- Quorum requirements are set by the organization; Faculty Senate’s is a majority of the membership

### Extraordinary requirements (i.e., other than the BR)

- “Super-majority” requirements: most commonly  $2/3$ , but can be any other fraction up thru unanimity

### Implications of extraordinary requirements

- Unanimity gives each member a veto—mostly used only by juries
- “Two-thirds” means only *at least* (as opposed to “more than”)  $2/3$ , thus:
  - 30 votes cast,  $2/3$  is 20 ( $20/30 = 2/3$ )
  - 31 votes cast,  $2/3$  is 21 ( $21/31 = 0.677$ ;  $20/31 = 0.645$ )
  - Simple rule: votes in favor must be at least twice the number of votes opposed.
- Extraordinary requirements must be justified (*RRO*, p. 388)
  - Are “a compromise between the rights of the individual and the rights of the assembly”
    - When in doubt, err on the side of the individual (motion) rather than the assembly
  - Under *RRO*,  $2/3$  requirement applies only to motions that
    - (a) Suspend or modify a rule of order previously adopted (e.g., bylaws, meeting agenda), i.e., things that are “supposed to stay the way they are,” once settled)
    - (b) Prevent the introduction of a question for consideration
    - (c) Closes, limits, or extends the limits of debate (e.g., call for previous question)
    - (d) Closes nominations or polls
    - (e) Takes away office (based on the “already decided” principle)
- *RRO* requirements may be modified in bylaws, special rules, or standing rules to facilitate the work of the organization (See attachment for list of motions otherwise requiring  $2/3$  vote)
- Senate bylaws and special rules liberalize *RRO* “default” by specifying simple majority for:
  - (a) Expanding academic committees or creating ad hoc committees (even though it constitutes an amendment of the bylaws)
  - (b) Extending discussion time (majority for overtime, but  $2/3$  required to terminate early)
  - (c) Taking “immediate action,” i.e., before the regularly scheduled time (expedites)
  - (d) Adding unscheduled distribution at the meeting, i.e., distribution not on the agenda

### Other modifications of the BR

- Set of members to which the proportion applies:
  - Entire membership: only for such events as revision of bylaws (FS bylaws require  $2/3$  of entire faculty to vote for revision)
  - All members present: generally undesirable; makes abstentions become “no” votes

### Straw polls not in order

- “Neither adopts nor rejects a measure, hence is meaningless and dilatory” (*RRO*, p. 415)

## On the Role of Communications by Email

### The World before Email (pre-Windows 95)

- Informal media: personal conversation—either face-to-face or by telephone
- Formal media: signed (“hard copy”) memoranda, on letterhead
  - Letter-writing as an art form in the 17<sup>th</sup>-19<sup>th</sup> Centuries
  - Well-composed letters were matters of pride, and evidence of good breeding

### The World after Email (and everything else that followed)

- Informal media:
  - Now includes email...and Facebook, chatting, texting, tweeting, and who knows what next...
  - Personal conversation has become displaced by less personal (even impersonal) communication
    - One emerging bright light: Skype, Google Hang-Out...
  - Civility, formality have accordingly suffered
- Formal media: signed (“hard copy”) memoranda, on letterhead

### The Uses and Abuses of Email

- Advantages
  - Instant dissemination of facts (meeting dates and times) to a large number of people
  - Does not require recipient to be present, and recipient can respond when convenient
  - Recipient can ignore, delete, or pretend it didn't arrive without giving immediate offense
- Disadvantages
  - Easily misread—even with the best of intentions (the art of letter-writing is lost)
  - Facilitates rudeness—people say things in emails that they would never say in person, to a person
  - When applied to sensitive topics, inevitably generates more heat than light
  - Can be sent anonymously, like a note shoved under the recipient's door
  - Can be the equivalent of note tied to rock and thrown through a window
  - Can get delivered to people for whom it was not intended—inadvertently or otherwise

### Living with Email

- It is NOT a formal medium
  - Does not have the status of a formal memo
  - Has no standing as official communication, i.e., does not constitute documentation of a formal position by a committee (or even an individual), does not necessarily merit or require a response
- Standard response to angry/abusive emails: “I would happy to discuss this matter with you in person. Shall we meet for lunch?”

## Certification of Collective Decisions and Executive Correspondence

Reference: Section V.C (page 5) *Faculty Senate Handbook*:

To certify the fact and authenticity of a formal decision of the organization (i.e., one made by majority vote during legitimate meeting, and according to the rules of the assembly) the chief executive officer signs as follows:

From the Senate:

**From: Faculty Senate** \_\_\_\_\_  
For the Senate

From the committee:

**From: Senate Standing Committee on Institutional Excellence**  
\_\_\_\_\_  
For the Committee

For a memorandum from an officer of the organization, speaking in his/her capacity as an officer, but not on behalf of the group, the officer signs as follows:

From the President of the Senate:

**From: Senate President**

From a committee chair:

**From: Chair, Senate Standing Committee on Institutional Excellence**

## Succession in Academic Governance

No component of a university is more vital to its success than its faculty. The quality of the faculty defines the value of the university to its constituency and determines its ability to attract and educate students—its basic mission. Moreover, the Western Association of Schools and Colleges has emphasized that the faculty is responsible for the academic leadership of the university.

The academic leadership of the faculty of the University of Guam is exercised through its Faculty Senate, which was created by the faculty itself between March and October 2000. On October 26<sup>th</sup>, 2000, the Faculty Senate Bylaws drafted by the Organizing Committee appointed by the faculty were ratified by a 70% to 30% margin in a vote of the entire faculty. The faculty also ratified an implementation plan that would get the Faculty Senate up and running by January 2001 and the rest of the Academic Committees in place by the Fall 2001 semester. In December 2000, the 1<sup>st</sup> Faculty Senate met and elected its officers.

On January 18, 2001, the University's Board of Regents, at the request of the Senate's leaders, adopted a resolution by which they announced to the university and the public that they henceforth recognized the newly created Faculty Senate as the sole voice of the faculty on academic matters, and the Faculty Union as the voice of the faculty on labor and working condition issues. Through the Senate and the Union, faculty leaders made direct contributions to the success of the 2000-2001 presidential search and the establishment and success of the new Regent Nominating Council. The subsequent success of the university in the 15 years that have followed is due in no small part to the success of its Faculty Senate and mutual confidence that the successive administrations and the Senate have had in one another.

The central role played by the academic senate is uniformly recognized by academic statesmen. Stanford President Emeritus Donald Kennedy, noted in his 1997 book, *Academic Duty*, that

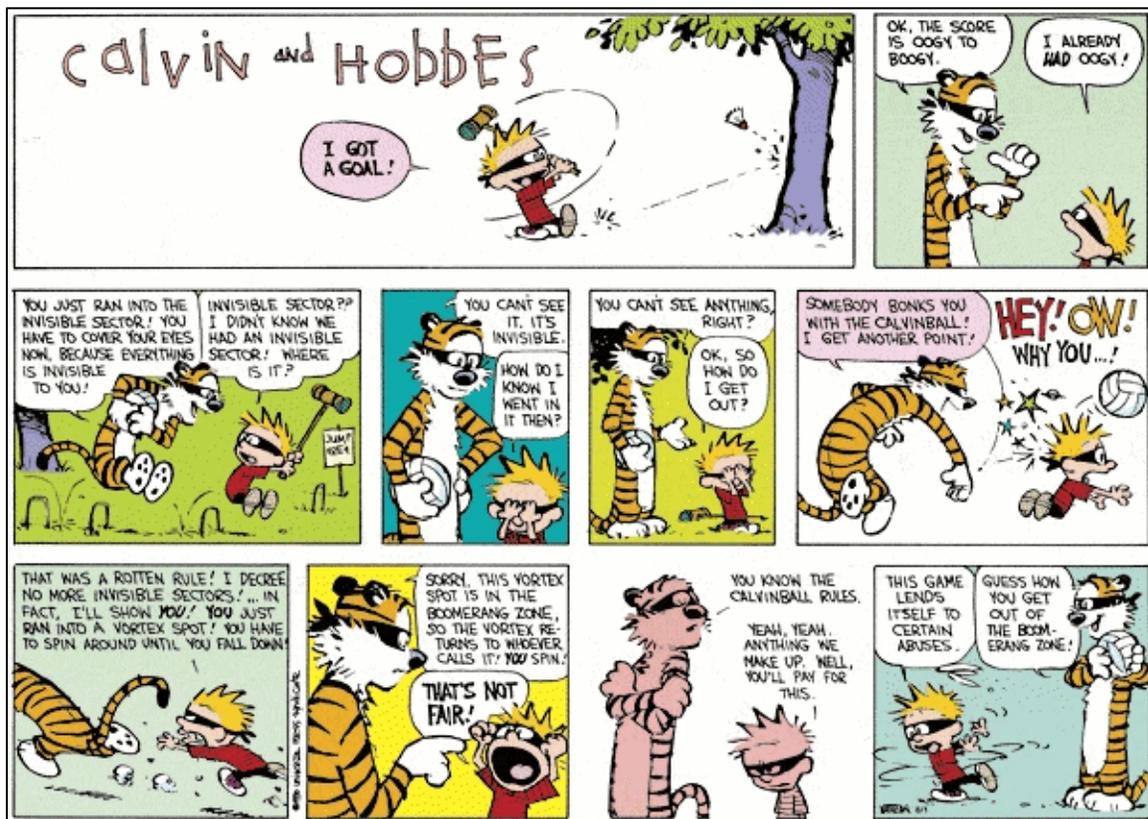
It is essential that faculty members have a way of deploying trusted representatives to participate not only in the committees that carry out the regular delegated functions of the faculty, but also in the committees that act for it in major university policy decisions. In no kind of institution is the consent of the governed more vital to success—or more difficult to obtain—than in a university. Because the faculty's work *is* the university's work, it is essential that faculty support be behind the decisions that vitally effect it.

As the history of governance at this university has demonstrated, no institutional practice is more vital to success in governance than deliberate planning and selection of faculty leaders who are committed to the integrity of the academy and the survival of its fundamental defining features: institutional integrity, institutional autonomy, and academic freedom. The restoration of effective academic governance fifteen years ago was a crucial contribution to the university's recovery from the accreditation crisis of 2000-2001. It is the responsibility of the current leadership, i.e., the current senate, to ensure that is succeeded by competent, respected leaders who will have the confidence of both the faculty and the administration. When the extant faculty leadership lapses in this responsibility, its leadership positions are co-opted by individuals who for various reasons dissipate the confidence of the faculty, the administration, and the public, and thus abandon the leadership of the institution to the administration.

As we approach the April faculty election, it is incumbent upon members of the senate to encourage effective members to stand for re-election and for the delegation from each unit to deliberately and actively recruit responsible and committed members of their respective faculties to run for seats that are to come open. No seat should be filled by a member who is reluctant, poorly qualified, self-serving, or bent on disrupting or sabotaging the institution. It is, moreover, incumbent upon experienced and respected members of the faculty to step forward and encourage other experienced and respected members to step forward to assume leadership positions on the Senate's executive committee, standing committees, and academic review committees. Succession cannot be left to chance: Senate delegations must begin meeting now, to systematically examine the rosters of faculty in their units and identify both experienced senior faculty whose contributions are needed, and junior faculty with leadership talent and skills who are ready to step into university leadership positions. The current leadership of the senate itself must thoughtfully examine who is ready and able to assume the leadership of the senate and then encourage—even insist—that those best suited to lead the senate for the next year step up to it.

## Calvinball

In Calvinball, each side makes up its own rules—on the fly—and attempts to impose them on the opposition—which, in turn, immediately counters with its own newly invented rules. Endless improvisation results in ever more imaginative and abstruse rules. If there are any pre-existing written rules, they can also, of course, be competitively reinterpreted by each side.



Among university faculties everywhere, Calvinball is the natural state of governance in the absence of an institutional culture grounded in constitutional governance and adherence to parliamentary convention. Although Calvinball has been on the decline at the University of Guam since October 26, 2000, when the UOG faculty ratified the Bylaws of its newly created Faculty Senate—which adopted *Robert's Rules of Order* as its Parliamentary Authority—it is still practiced to varying degrees from time to time around the university, and there are occasional attempts to draw the Senate and faculty leaders into it.

Calvinball became fashionable in academia beginning especially in the 1970s, when it became chic to proclaim “I don’t like to follow rules” or “I prefer informality; can’t we just work with one another...?” What the makers of such proclamations are loathe to admit, however, is that it is not *rules per se* they object to—rather, it’s having to follow *anyone else’s* rules. In the absence of the Rule of Law, everyone makes up his or her own rules—and then attempts to impose them on everyone else, by force or subterfuge.

In university meetings, a classic Calvinball tactic is to call for “suspending” or “waiving” the rules—which of course, means ignoring *established* rules, to implicitly impose *one’s own*. The associated, and thoroughly disingenuous, premise is that doing away with rules is “more democratic.” Rule by the people, however, presupposes *organization* and agreement by *all of the people* upon an established, i.e., *constitutional* system. The central principle of self-governance is respect for, and adherence to, well-conceived, established rules.

*Where there is no law, but every man does what is right in his own eyes,  
there is the least of real liberty.*

Henry M. Robert