

SIMON FRASER UNIVERSITY

Rules & Procedures

MEMORANDUM

Dr. K. Strand Acting President and Chairman of Senate	From: K. E. Rieckhoff, Chairman Senate Committee on Rules and Procedures
Subject: Interim Recommendations on Procedures	Date: May 22, 1969

14733-PC

In accordance with the wishes of Senate the Senate Committee on Rules and Procedures has reconsidered its submission "Interim Recommendations on Procedures", dated April 18, 1969, S223. Taking into account the debate of Senate on May 12, 1969 and submissions received since then, the Senate Committee on Rules and Procedures hereby submits to Senate a revised set of proposed Rules and Procedures. At the same time we also serve notice of motion for these Rules and Procedures.

In addition to the recommendations we are submitting explanations and justifications for the individual recommendations, since the Senate debate of May 12 indicated that these recommendations were not sufficiently explained. The preamble to the recommendations given on page 1 of paper S223 is still relevant and need not be repeated here. We should like, however, to add the following general remarks:

The majority of business items and recommendations appearing before Senate are generated within the Faculties, within Senate's Committees, and within the Office of the Academic Vice-President. If these bodies have done their work properly and adequately, Senate's task should be mainly that of discussing the merits of the proposals brought forward and of disposing of them by acceptance or rejection with at most minor modifications. If major modifications are required, then this is an indication that the work of the originating body may have been inadequate. In such a situation two courses of action are open to Senate. The one which has been most frequently followed by Senate in the past is that Senate has had to perform much of the work of the originating body through extensive debate and major amendments to the recommendations and proposals. While this is in principle possible, it has not only been an inefficient way of doing the job, but more importantly, as stated in paper S223, this process has led to contradictory or ambiguous recommendations. Worst of all, the amendments presented to individual items have often been debated out of context in a piecemeal fashion. This too has seriously interfered with the intelligent disposition of such recommendations by Senate.

The other course of action is the one in which a report will first be considered in toto, thus giving Senate an opportunity to dispose of such items it finds acceptable and reject at this stage such items which Senate finds unacceptable in their original form before making amendments and suggestions. Once a report or set of recommendations has been dealt with in such fashion, Senate can then put forth alternative motions to items it finds unacceptable. If such alternative motions as are passed by Senate require restructuring of the total set of recommendations, then Senate can refer the alternative motions along with the original report back to the originating body with instructions that will enable the originating body to prepare for Senate a revised report that is clearly worded, consistent (noncontradictory in its parts), and unambiguous. The procedures that we propose in this paper are intended to insure that the latter course of action will be followed by Senate. This appears to be far more sensible than much of our past practice.

It has been argued that traditional sets of rules such as Roberts Rules of Order should be followed in all cases. This argument is specious, as there are many different kinds of deliberative bodies. Senate is neither parliament nor a private club, but has its own special roles and functions. It is by no means uncommon that deliberative bodies not only have the right but also make use of the right to set their own rules to facilitate the execution of their own special functions. In fact, the Universities Act stipulates that Senate has the power to make its own rules. More specifically, the proposed rules are in the spirit of Roberts Rules of Order which are designed to safeguard the deliberative process. The rules proposed by Senate Committee are designed to ensure both adequate and orderly debate of business before Senate, taking into account the particular nature of Simon Fraser University.

It has been said that no rules that Senate can make will cure the ills that arise out of the particular membership and chairmanship of the Simon Fraser Senate. This is true. However, procedural structuring can indeed help to minimize the effect of any ills and, while no one set of rules will be a cure-all, nonetheless there are a number of improvements that can result in the increased effectiveness of a body however imperfect it may be otherwise. It is the specific responsibility of the Senate Committee on Rules and Procedures to concern itself with such matters and bring forward appropriate recommendations.

In the light of the foregoing comments, the Senate Committee on Rules and Procedures recommends that Senate adopt the following procedures:

1. When a Senate Committee, a Faculty, or the Academic Vice-President submits a report to Senate, it shall be placed on the agenda. As soon as the appropriate agenda item is reached, the Chairman shall recognize first the Chairman of the Committee or his designate, the Dean of the Faculty or his designate, the Academic Vice-President or his designate, as applicable.

Comments to 1). No reference is made to recommendations originating with individual members of Senate with the exception of the Academic Vice-President. The reason for this is that, in fact, recommendations and motions originating from individual Senators have not had any formal previous discussion and formulation in the University. Such recommendations, unless they have an immediate appeal to Senate, will often require the referral to Senate Committees or to the Faculties for consideration, and hence the arguments made for the proposed procedures do not apply. Moreover, there is in such cases a definite need for greater latitude with regard to disposition. This is not to claim that the proposed procedures might not be found workable also for such recommendations and motions. It would be up to Senate to make such a decision if it wishes to do so.

2. Where a report as identified under 1) contains a recommendation or recommendations to Senate, the speaker identified under 1) shall introduce and move at that time the recommendation or the set of recommendations contained in the report.

Comments to 2). This would appear to be normal procedure. However, occasionally in the past it has not been followed rigorously and, in fact, there are cases on record where before a recommendation could be introduced and moved and hence debated other speakers have been recognized and motions of referral or major amendments have been introduced without allowing a formal presentation of the recommendation.

3. As soon as a recommendation or set of recommendations as under 2) has been moved and seconded, the Chairman of Senate shall rule to which extent the recommendation or set of recommendations shall be dealt with ad seriatim, such ruling being subject to challenge. As a result of such ruling the original motion will then consist of one or several parts which are subsequently referred to as items.

Comments to 3). There are, of course, alternate ways by which an appropriate division could be made. It appears to the Committee that by leaving this decision to the Chairman of Senate

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more consistent and adequate decisions will result than by other methods. One has to keep in mind that the Chairman has the prerogative of obtaining advice from the assembly before making his decision if he feels so inclined and, moreover, if his decision appears to be contrary to the wishes of the majority of Senate it can be overturned by a challenge.

4. After an appropriate division has been made as under 3), the Chair shall recognize the mover to speak on the first (or only) item of the recommendations. General debate on this item follows with the provision that

- i) No amendment shall be in order that is not acceptable to the mover of the item. That is, if in the course of the debate a member of Senate moves an amendment to the item he shall, upon the request of the Chairman, yield the floor to the mover of the item. The mover has at this stage three options:
 - a) If, in his view, the amendment is of an essentially editorial character or otherwise agreeable to the mover he may choose to incorporate it directly into the item with the approval of the seconder. If he so opts, the item as modified will be the subject of subsequent discussion and vote.
 - b) He may find that while he does not consider the amendment editorial in nature it nonetheless does not come in conflict with the spirit and intent of either the item under discussion or any other item of the recommendation and he may decide that in this sense it is acceptable to him. In this case the amendment, after having been seconded, will be debated subject to the other provisions of 4) with the additional proviso that no amendment to the amendment will be in order. If the vote on the amendment is affirmative, discussion will proceed on the item as amended. If the vote on the amendment is negative, discussion will revert to the item as originally presented.
 - c) If, in his view, the amendment proposed violates the spirit or intent of the recommendations or will require reconsideration of the recommendations by the originating body he may reject the

amendment. In this case the mover of the amendment shall have the floor and may at this stage give notice of intent to move an alternative version of the item. He would presumably speak against the item as it stands.

Comments on 4(i). The analogous section in the original recommendations of the committee appeared to be one of the more contentious ones. It obviously needed clarification both as to intent and operational mechanism. It should be pointed out that it does not interfere with Senate's prerogative to reject and change items as presented. Such members of Senate as are unable to agree with the item as it stands should at this stage speak against it and if necessary give notice of intent to move an alternative. They should vote against the motion when it comes to a vote. Such procedures have been found acceptable and satisfactory in the past and avoid Senate doing the work of the committees or other originating bodies while allowing Senate to implement its own wishes.

- ii) Privileged motions shall be in order but shall in all cases be non-debatable, even where Roberts Rules of Order specify otherwise. That is, an immediate vote without debate must be taken on all privileged motions.

Comments on 4(ii). Under Roberts Rules of Order most privileged motions are in fact already non-debatable. The extension of this provision to all privileged motions serves to insure that the debate cannot be deliberately side tracked by the introduction of such motions.

- iii) No member of Senate shall be allowed to speak more than twice on the item and no more than twice on any amendment to the item. If the mover has not already spoken twice on the item during debate it shall be his prerogative upon conclusion of debate to speak again if he so desires. He shall retain this right to be the last speaker even if a motion to put the previous question has been voted upon in the affirmative. In this case the Chairman shall recognize him before putting the question to the assembly.

Comments on 4(iii). To the extent to which this section is not in accord with Roberts Rules of Order, it allows the mover of the item the final rebuttal and this appears to the committee a matter of common sense and common courtesy.

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- iv) Debate shall be relevant to the substance of the item or amendments and the Chair shall rule on such relevance, subject to challenge.

Comments on 4(iv). This explicitly reaffirms traditional practice.

- 5. Following the conclusion of debate, conducted according to 4) above, the Chair shall put the question on the item. If the item carries, it is subject to no further discussion. If the item fails, alternative versions may be moved, but only after all items of the recommendations have been dealt with as outlined in the following sections.

Comments on 5). This recommendation appears self evident in the light of earlier comments.

- 6. If there is more than one item in the recommendations, following the vote on one item the Chair shall recognize again the speaker identified in 1) to speak on the next item for which the procedures shall be as under 4) and 5).

Comments on 6). As mentioned earlier this assures that all items will be discussed in substance in the agreed upon order.

- 7. After all items of the recommendations have been dealt with under the procedures given in 4), 5), and 6), motions that are alternatives for such items that failed to carry will be in order. Also in order will be motions giving directions to the originating body on any, e.g. referrals etc. The Chair shall ask for such motions on items that failed to carry, item by item in the original order in which these items appeared. For each motion thus introduced, the Chair shall rule whether it is relevant to the particular item or not. If it is relevant, it shall be dealt with under the same procedures as outlined under 3), 4), 5), and 6). Such rulings on relevance are subject to challenge.

Comments on 7). Seven provides Senate with the opportunity to either substitute alternative versions for those items it found unacceptable in their original form or to give directions to the originating body pertaining to such items. Under this section Senators retain all rights to offer modifications to recommendations.

Amendments

8. When an alternative version for an item that originally failed carries, the Chair shall give the floor to the speaker identified under 1) who will decide whether the alternative version requires a rewording of or integration into the original report. In this case he may request that the item be referred to the originating body for incorporation and subsequent resubmission to Senate. If he so requests, the alternative motion shall be considered referred to the originating body for such incorporation. More than one such referral of an alternative motion to a failed item back to the originating body shall require the approval of Senate, and the Chair shall make the ruling as to when this situation pertains, subject to challenge.

Comments on 8). This section is designed to assure that the originating body has a chance to reword its overall recommendation in the light of Senate's deliberations. However, it also provides that the originating body cannot abuse this right if it fails repeatedly to come up with acceptable recommendations to Senate on any given matter. It leaves to Senate the decision as to whether it wishes to allow the originating body more than two opportunities to deal effectively with any item of a report or recommendation.

The Senate Committee on Rules and Procedures feels that adoption of the procedures outlined above will insure that

- i) Reports from the originating bodies indicated will received orderly and adequate consideration in Senate.
- ii) Senate will not have to do the work of the originating bodies.
- iii) Senate has the opportunity to exercise its power and prerogatives fully and effectively.

The Committee therefore requests speedy adoption of its recommendations.

Klaus E. Rieckhoff

K. E. Rieckhoff
Chairman