

## Minority Report of the Ad Hoc Committee on the Forum Constitution

The report and recommendations previously published by this committee were not the unanimous view of the committee. Accordingly, this minority report is being issued.

Under “Statement of the Problem” in the majority report, several things are listed that we don’t think are problems or are problems that will not be fixed by this amendment to the Bylaws.

Basically, what the majority report calls for is an amendment to the Bylaws of the Faculty Forum to require that any motion pass a floor vote at a meeting before being sent out for a mail vote of the entire Forum. Our current rules state that we only vote once on a motion. For example, suppose the Committee on Academic Policies moves a report calling, say, for a new concentration. Currently, we would debate the issue on the floor and then send the matter out for a mail ballot. If this amendment passed, we would debate the issue on the floor, vote on CAP’s proposal (the new concentration), and if that vote were favorable, send the concentration out to the full Forum for approval. Thus, the concentration would have to pass two votes where now it only has to pass one.

Further, if this amendment passes, it might prevent us from doing business. Again, suppose that CAP has proposed a new concentration. There is much discussion on the floor, time passes, and people leave. If we started with 55 faculty (a quorum), we might be down to as few as 30 or 35 by the end of debate. Under the old system, there is no problem; we would simply send the matter out for a vote. However, under the new system (this amendment to the Bylaws), we would first have to vote to send it out, and *we don’t have a quorum anymore*. It’s conceivable that many issues would be held over a month before they could be voted on by the full Forum.

The above are the general reasons why the minority on this committee feels that this amendment should **not** pass.

Below are specific answers to points in the majority report.

Great emphasis is laid on the fact that our current practice violates Robert’s Rules of Order. Yet it does not! The ever-revered *Rules* clearly state that, “The bylaws... such an instrument supercedes all other rules of the society.” (*Robert’s Rules, Newly Revised*, 1981, p. 12). Also, “When a society has adopted a particular parliamentary manual as its authority, the rules contained in that manual are binding upon it in all cases where *they are not inconsistent with the bylaws*.” (*RRNR*, p13) [emphasis supplied]

So if there is any conflict between *Robert’s Rules* and the Bylaws, the *Rules* themselves say that there is no conflict, that *Robert’s* gives way to the Bylaws.

The authors of the majority opinion list three additional reasons why our current procedures violate the “norm” of *Robert’s Rules*.

1. “We have sent substantive motions out without a debate.” [Quoted from the majority report.] This might be a matter of defining the word, “debate.” The author of the minority report cannot remember a single instance in the history of the Forum when a substantive motion was sent out for a vote without being offered on the floor first. Perhaps, by “debate” is meant there was no actual discussion because no one had anything to say. That will not change if this amendment passes.
2. “The chair seldom puts the question to the floor on a substantive issue.” I must confess I don’t understand this point. If “floor” is taken to mean the actual faculty physically present at a meeting, then the “seldom” should be “never.” If “floor” is taken to mean the entire Forum, as provided in the Bylaws, then “seldom” should be replaced by “always.”
3. “The chair cannot announce the result of a vote that was never taken.” Well, that’s certainly true. However, we have always voted on every motion, and the chair has always announced the results of every vote taken, so I’m not sure why this point is here.

The majority report then states that, “Our current process violates Robert’s Rules in another very important way. The chair frequently shuts off debate early. This is done both because of time constraints and because, without a vote being taken on the floor, debate is less important than it ought to be.” Again, this is more in the mind of the beholder than in actual fact. Does the chair “frequently” cut off debate “early”? Those are value judgments for each of us. Everyone who wishes to speak on an issue invariably gets to do so once. When debate is cut off, it is because of time constraints, (which won’t change if this amendment passes) and it is when people are speaking for the second, third, or fourth time. Debate being “less important than it ought to be,” is belied by the vigorous debates we have had in the past.

Lastly, in the section titled “Results Expected,” the majority report states, “This proposal fixes the problem by returning to the approved process.” As we have seen, there currently is no problem to be fixed, “returning” is difficult since we have always operated under these same Bylaws and rules, and “approved “ leads to the question “approved by whom”? Our process is approved by our Bylaws, which in turn make them approved by *Robert’s Rules*.

To sum it up, this is a bad amendment. It can’t help and it can hurt. It should not pass.