

Resolution to Authorize One-Time Electronic Vote of Senate

PROPOSED ACTION ITEM:

- Whereas, The Rules of the University Senate, the Senate Assembly and the Senate Advisory Committee on University Affairs (hereafter, the Rules) require a quorum of the Senate to conduct certain business; and
- Whereas, A Senate quorum has proved difficult to achieve, thereby preventing necessary business from occurring; and
- Whereas, The Rules (Article I, section 6, paragraph 2) provide that “A mail vote by Senate members on any issue on which the Senate is competent to act may be authorized at any Senate meeting by a majority vote of those voting;” therefore, be it
- Resolved, The Senate hereby authorizes a one-time vote of the Senate to be conducted electronically on amendment of the Rules as may be proposed by the Rules Committee and approved by SACUA and the Senate Assembly.

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1. This resolution does not change the Rules.

It is a vote only to invoke an existing Rule that permits the Senate to authorize a mail vote:

Article I, Section 6, paragraph 2:

“A mail vote by Senate members on any issue on which the Senate is competent to act may be authorized at any Senate meeting by a majority vote of those voting.”

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2. Rationale

- The Rules require a quorum of the Senate (100 members) to conduct business.
- A Senate quorum has proved difficult to achieve: Only three verified quorums since 2004: 2004, 2011 (for vote on the tenure term increase), and 2015 (student evaluations).
- Lack of a Senate quorum has prevented actions on powers and authority specifically delegated to the Senate.
 - Election of the Senate Secretary (I.3.2)
 - Adoption and amendment of its own Rules (I.8.1-3)
 - Authorization of mail votes (I.6.2)

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2. Rationale

Article I, Section 8. Rules

- (1) Adoption. The University Senate may adopt rules concerning its own government and procedure and concerning its officers and committees.
- (2) Amendment. Rules adopted by the Senate may be changed or amended by a majority vote. A motion to amend the Rules is not a procedural matter for purposes of Section 5 (Agenda).
- (3) Cases Not Covered. In all cases not covered by rules adopted by the Senate, the procedure in Robert's Rules of Order shall be followed.*

* Roberts's Rules or Order prescribes that bylaw amendments always require at least notice and two-thirds vote and sets default for amendment if not specified as two-thirds if prior notice or a majority vote of entire membership.

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2. Rationale

- Senate Assembly Rules do provide for the Senate Assembly to act on behalf of the Senate.

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2. Rationale

Article II. Section 2. Powers and Duties (excerpted)

- An action of the Assembly shall have the effect of an action of the Senate unless and until it is revoked by the Senate,
- except when the Assembly recommends an amendment to the "Rules of the University Senate, the Senate Assembly, and the Senate Advisory Committee on University Affairs" that requires a change in the Bylaws of the Board of Regents.
- Notice of any such proposed amendment to the Rules shall be communicated to the members of the Senate by publication in the University Record or by other appropriate means.
- No action thereon by the Board of Regents shall be requested without Senate approval if, within thirty days following such publication, a meeting of the Senate is called in accordance with its Rules to consider the Assembly recommendation.

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2. Rationale

- Whether the scope of that authority applies only to general academic policies or extends to enumerated Senate powers is unclear.
- By tradition, Senate Assembly has not acted on Senate enumerated powers.
- Issues
 - Rules were developed with expectation of active Senate participation.
 - Interpretation that allows Senate Assembly to act for Senate on enumerated powers would allow a small number of faculty (a majority of a quorum of *the Assembly*, $(\frac{1}{2} * (\frac{1}{2} * 78)) + 1 \approx 20$) to change the Rules of *the Senate*.

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3. Procedure

- An amendment authorized under this resolution must be proposed by the Rules Committee and approved by SACUA and the Senate Assembly before being submitted to the Senate for electronic vote.

History of the Resolution

- Prepared for consideration at Senate meetings on September 22, 2014 and March 16, 2015
- No action due to lack of Senate quorum