

Rutgers University Senate

Committee on University Structure and Governance (USCG)

Charge S-2108 on “Senate Procedures for Debate, Amendment, and Voting”

Report

Background

The Executive Committee charged the University Structure and Governance Committee of the Senate to

Investigate and make any appropriate recommendations with regard to changes in Senate procedures for debate, amendment, and voting that might improve their efficiency and effectiveness without unduly restricting their democratic nature.

The Senate is a large parliamentary body. Its processes are structured by a set of formal procedures, including those spelled out in Roberts Rules of Order, the Senate Handbook, and the Handbook’s Appendix on Parliamentary Procedure.

But the Senate’s practice is also shaped by its specific character and dynamics: The Senate plenary only meets about once a month for an afternoon. And the agenda for that meeting is typically full: The Senate hears one or more long reports from administrative officers and a collection of shorter reports from campus representatives, Senate representatives to the governing boards, and others. And it typically considers one or more resolutions proposed by Senate committees. Some resolutions are uncontroversial. Others ignite vigorous debate. The Senate Handbook provides that “[w]hen possible, senators who plan to move amendment of a committee resolution should notify the committee chairperson prior to the meeting”¹ and the Senate leadership has long emphasized the importance of such advance notification, to allow an opportunity for wordsmithing and for informal discussions. Nevertheless, Senators often propose amendments from the floor, whose language and details sometimes need to be worked out on the fly. Nevertheless, the Senate has almost always tried to complete its consideration of any given resolution during a single meeting.²

¹ Handbook, Article III, Section D(3).

² The only regular exception are resolutions proposing changes to the Handbook, which are introduced to the Senate at one meeting and then discussed and voted on at the next meeting.

As a result of all this, the Senate needs to operate by a set of rules and cultural expectations that maintain the engagement of its members and maximize the opportunity for democratic deliberation while also promoting efficient and expeditious deliberation and decisionmaking within a time-limited session packed with many items of business. That the Senate manages to function effectively is a testament to the skill of its leadership and the self-discipline and common sense of its members. Nevertheless, the Executive Committee's charge to the USGC suggests that some tweaks to the Senate's processes and rules might be in order.

Analysis and Recommendations

The USGC identified two specific issues that seemed amenable to relatively simple fixes.

1. Although the Senate's Secretary distributes committee reports and resolutions due to be voted on in advance of the meeting, the Senate's practice is that the chairs or other representatives of the relevant committees read and explain the resolutions before deliberations begin. The resolutions themselves typically do not take long to read. But committee presenters, at least in recent times, also tend to read the reports accompanying the resolutions, often virtually verbatim. And as some reports are quite long, reading them out loud can take a good deal of time.

This practice is not required by any rule of the Senate. It is, though, engrained in the Senate's current culture and permitted by its rules. While the Handbook authorizes the Executive Committee to impose various time limits on speakers, it specifically provides that "Time limits do not include presentation of a docketed committee report."³

The current practice has several downsides, however: (1) It leaves less time for substantive deliberations, (2) It reduces Senators' incentive to read reports in advance, and (3) It can leave Senators impatient and disengaged, which is not a healthy state of affairs for a body that needs to maintain the interest of its participants for an entire afternoon. To be sure, it sometimes makes good sense for Senators to hear a long report verbatim. But that should be the exception and not the rule.

The USGC therefore recommends a modest change in the rules that would impose a five-minute time limit on committee presentations, not including the reading of the resolutions themselves. The proposed rule is flexible, however. It allows both for the Executive Committee to prescribe a different time limit and for the presiding officer to give leave for more time. The goal is not to impose a draconian regulation but to encourage reform of the Senate's culture, to make clear to Committee presenters that their task, in the words of the proposed new rule, should be to "succinctly summarize the gist or main points of the report and the significant terms of any accompanying resolutions or recommendations to be voted on."

³ Handbook, Article III, Section D(2).

2. As discussed above, one source of inefficiency and frustration in the Senate's current procedures is the consideration of amendments to resolutions that are moved from the floor. If the language of such amendments is not carefully thought out in advance, they often need to be drafted on the fly. The result, at least sometimes, is vague, unclear, or awkward language or unintended consequences.

In many parliamentary bodies, resolutions and proposed amendments can be mulled over and perfected over the course of several sessions. That allows, among other things, for extensive informal discussions to fine-tune language and clarify intent. Notably, Senate committees go through precisely this sort of deliberate, incremental, process in drafting reports and resolutions in the first place. That can make it especially frustrating when an off-the-cuff amendment on the floor of the Senate threatens to undo a committee's careful and time-consuming work.

The USGC briefly considered whether it should suggest tightening the rule requiring that amendments from the floor be drafted and shared before the Senate meeting. But we did not think this was desirable. The Senate plenary must ultimately be in charge. Sometimes, the felt need for an amendment only becomes evident during deliberations on the floor as discussion reveals problems or disagreements that might not previously have been evident. Indeed, a helpful amendment responding to genuine concerns can sometimes save a committee resolution from failing entirely.

The ordinary rules of order do provide vehicles, which the Senate rarely employs, to allow resolutions and amendments to be fine-tuned on the sidelines. For example, a member could move to recess the plenary meeting briefly. Or a Senator could move to postpone consideration of a resolution until later in the meeting. But making, considering, and voting on such motions would itself be time-consuming and potentially divisive.

The USGC therefore proposes a modest rule change that would allow the presiding officer, without the need for a motion or vote, either to (a) recess a meeting for no more than 10 minutes or (b) postpone consideration of a pending matter for no more than 20 minutes. In the event of a postponement, the intervening time could be taken up by some of the reports or other routine items that are typically left to the end of the Senate meeting. The proposed rule includes safeguards to assure that the chair's power is not abused or overused and to make sure that it does not prevent the Senate from completing action on items of business that it would otherwise consider.

The USGC believes that adding this measure of flexibility to the Senate's procedures would, in the end, both save time and improve the quality of the Senate's work.

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Resolution Approved on February 18, 2022 for Submission to the Executive Committee

Resolution

Be it Resolved

That the Handbook of the Rutgers University Senate be amended so that:

- At the end of Article III(D)(2) of the Handbook, the sentence that currently reads “Time limits do not include presentation of a docketed committee report” is replaced with the following:

Committee chairs or representative presenting docketed committee reports shall succinctly summarize the gist or main points of the report and the significant terms of any accompanying resolutions or recommendations to be voted on. Such presentations shall not ordinarily exceed 5 minutes for the body of the report, and whatever time is needed to present the motions themselves, except with the explicit leave of the presiding officer, or if the Executive Committee has prescribed different limits.

- At the end of Article III(D) of the Handbook, a new section 5 is inserted to read as follows:

5. (a) Whenever the Senate’s thorough and productive consideration of a resolution or other matter before it during a meeting would benefit from further informal consultation among Senators, it shall be in order for the Chair, without the need for a motion or vote, to either:
 - i. recess the meeting of the Senate for no more than 10 minutes, or
 - ii. postpone consideration of the business at hand for no more than 20 minutes and use the intervening time for the presentation of reports or other items of business that do not call for discussion or action by the Senate.

(b) The Chair shall not exercise the authority granted in this section:

- i. more than twice during any meeting of the Senate.
- ii. if it would prevent the Senate from completing action on items of business that it would otherwise consider.

(c) The authority granted to the Chair under this section shall not preclude any Senator at another time from making a motion to recess or a motion to postpone that might otherwise be proper under the ordinary rules of order.