

SPECIAL RULES OF THE UNIVERSITY OF GUAM FACULTY SENATE

PREFACE – THE UNIQUE REQUIREMENTS OF UNIVERSITY GOVERNANCE

The following special rules implement practices, some of which have been traditional at the University of Guam, that recognize the unique requirements of the academic environment, most especially the need to make timely decisions on a variety of issues within the very limited amount of time.

ARTICLE I – THE ORDER OF BUSINESS IN THE SENATE

SECTION 1 PREPARATION AND APPROVAL OF THE AGENDA

Under Article VII, Section 1 (Duties of the President) of the Senate Bylaws, the Senate President “directs the preparation of the agenda for Senate meetings in consultation with the Vice President and Recorder...” For regular senate meetings, the agenda is thus prepared and approved by the Senate Executive Committee, following an opportunity for consultation with the chairs of the standing committees and review committees during an informal agenda planning meeting held no later than the end of the week prior to the scheduled meeting. There is no quorum requirement (except for the executive committee itself, i.e., two of its three members must be present) and no votes are taken at agenda planning meetings. However, the Senate Executive Committee may approve the agenda for a regular meeting only after convening an agenda planning meeting, by which the committee chairs are provided an opportunity to consult with the Executive Committee, as they desire. The agenda approved by the Executive Committee constitutes the Senate’s adopted agenda. Changes to the agenda after a session is called to order constitute a change to an adopted agenda and therefore require the consent of the Senate or approval (by two-thirds vote) of a motion for a *change to the orders of the day* (see *Robert’s Rules of Order*, Table II, motion 23). Detailed procedures for agenda planning meetings and other steps in the agenda planning process are established in the *Senate’s Standing Rules* (i.e., *Senate Handbook*).

SECTION 2 GENERAL ORDER OF BUSINESS

The sequence for routine business on the Senate agenda reflects traditional practice in governance at the University of Guam, in which the routine transaction of business involves three steps: formal *distribution*, informal *presentation* and discussion, and finally, formal *action*. An item of business is formally distributed to the Senate when the Senate Executive Committee places the item on the agenda for presentation at the forthcoming meeting and transmits the agenda to the Senate as specified by the *Senate’s Standing Rules*. Supporting documents must be transmitted to the Senate prior to or along with the agenda when it is transmitted to the Senate. At the meeting, a knowledgeable and appropriate person, as specified by the *Senate’s Standing Rules*, delivers an informal presentation on the distributed item, and the Senate engages in

informal discussion, as specified by the *Senate's Standing Rules*. Based on the responses received during the presentation, the originator and others responsible for the item complete it and prepare a formal motion for a specific action on it, in consultation with the Senate Executive Committee. At a subsequent meeting, when the item is ready for action, the motion is read and the Senate undertakes formal action. Senate members are responsible for consultation with their constituencies during the weeks between distribution and action. If at the time scheduled for action the Senate decides that more work or additional time is needed prior to action it may refer, postpone, or otherwise dispose of the item in accordance with its *Parliamentary Authority*. Media for transmission, distribution, review, consultation, and discourse include, but are not limited to, committee meetings, public hearings, written (paper) correspondence, and electronic media (e.g., email or the Senate website).

The general order of business within each meeting is therefore as follows: After the opening and the hearing of routine reports, the Senate takes formal action on business that was informally presented and discussed at a previous meeting. Next, the recently distributed items are announced by the chair and presented and discussed as described above. Following the presentations and accompanying discussions, the Senate may take other business from the Standing Committees or members of the Senate. In summary, the basic order of business for the Senate agenda is (1) reports, (2) actions, (3) presentations of recently distributed items, and (4) other business. The Senate adjourns at the scheduled time unless the Senate agrees by consent or two-thirds vote to approve a motion to extend the meeting. (See *Robert's Rules of Order*, Table II, motion 31). Unfinished business is carried over to the next meeting, or scheduled at a subsequent meeting, as determined by the Senate Executive Committee, in consultation with the cognizant committee chairs.

SECTION 3 SUBMISSION AND DISTRIBUTION OF DOCUMENTS

An item of business is regarded as formally *submitted* to the Senate only after it is received and assigned a log number by the Senate Secretary. The item is regarded as formally *distributed* to the Senate after it is scheduled in the Distribution Section on the final Senate agenda and the scheduled explanation has been delivered. Documents handed out to Senate members (either during a session or through campus mail or Internet between sessions) but not scheduled on the agenda as formal distribution constitute *handouts*. A handout is an informal document, for information only, and has no standing on the Senate agenda until and unless it is placed on the agenda through the formal distribution process.

SECTION 4 CHANGES TO DISTRIBUTED DOCUMENTS

As a document moves through the Senate, it is annotated with the dates of its distribution, presentation, and ultimate disposition. Until the formal motion for action is placed on the floor, the item and its supporting document belong to the originator, and may be modified and refined by the originator to meet concerns or incorporate suggestions that have surfaced following distribution and/or presentation. Such changes, however, should be highlighted each time the revised document is re-distributed to the

Senate. For example, changes made to the initially distributed draft should be highlighted at the time of presentation, and changes made during or subsequent to presentation should be highlighted in the draft of the document that ultimately accompanies the motion for action. When the final version of the item is taken for action, it is attached to the agenda and introduced with a formal motion for a specified Senate action. Changes to the document can be made during formal deliberation only by formally amending the document in accordance with *Robert's Rules of Order*, and providing it is amendable under the *Senate's Bylaws and Rules*.

SECTION 5 JUSTIFICATIONS AND MOTIONS FOR EXPEDITED ACTIONS

The originator of an item, or the chair of the responsible committee, may request immediate action be taken immediately following presentation of a newly distributed item by presenting a formal request to the Senate Executive Committee at or prior to the Agenda Planning Meeting for the forthcoming Senate meeting. Such requests must be justified in a written memorandum in which evidence is cited that unless action is taken sooner than would otherwise be routinely scheduled (1) the purpose of the proposed item will be compromised, or (2) the University will incur, or is at serious risk of incurring, unnecessary additional expense, or (3) other compelling interests of the University, the Faculty, or its Students may be compromised. If the Senate Executive Committee agrees, following consultation with the committee chairs attending the Agenda Planning Meeting, the Senate President places the item on the agenda accordingly, annotated with "immediate action requested." This does not guarantee that action will be taken at the scheduled meeting, however, but rather only that the request for immediate action will be presented to the Senate and an opportunity will be presented for a member of the Senate to introduce a motion for immediate action. The Senate President thus transmits a copy of the memorandum to the members of the Senate along with Senate agenda. It is, however, the responsibility of the originator and/or the interested committee to contact the members of the Senate in the meantime to explain or respond to questions regarding why immediate action is needed on the item of interest.

Items thus placed on the agenda follow rather than lead the regularly scheduled items on the agenda. Routinely scheduled items thus have priority over items for which expedited action is sought. When the Senate comes to an item scheduled for presentation with immediate action requested, the Chair has the memorandum of justification read to the Senate. The chair reminds the Senate that consideration and taking of immediate action may require twenty minutes or more of Senate time, at the expense of other Senate business already scheduled on the agenda. The Chair then calls for a motion for the Senate to take the item for immediate action. Since prior notification has been given (by virtue of the memorandum of justification having been transmitted to the members of the Senate along with the agenda prior to the meeting), the motion for immediate action requires only a simple majority to pass, but subsidiary motions (e.g., to amend, postpone, or refer) are not in order, and debate cannot be extended. The Chair allocates ten minutes for debate and then calls on the maker of the motion to speak in favor of the motion for immediate action. If the Senate votes to take immediate action, the Chair then calls for a motion for the action, which must be written in advance and presented to the Chair prior

to the meeting. The Chair then allocates ten minutes for discussion and the item is subsequently handled as an item scheduled for action would otherwise be handled.

In the event that extraordinary and compelling circumstances arise only between the conclusion of the previous Agenda Planning Meeting and the opening of the subsequent Senate meeting, but appear to warrant immediate action on an item not yet up for action at the next scheduled meeting, the originator or interested committee may present a memorandum of justification to the Chair at any time prior to the opening of the scheduled Senate meeting. If the Chair concurs that the request merits consideration by the Senate at the next scheduled meeting, the Chair advises those presenting the memorandum that they must also provide the Senate with sufficient copies of the memorandum to be distributed to each member of the Senate prior to the opening of the meeting. During the review of the agenda, the Chair has the memorandum read to the Senate, and then advises the Senate that the item has been moved at the discretion of the Chair to the “immediate action requested” portion of the agenda. Procedures are otherwise the same as provided above for the case of prior notification, except that since prior notification was not made, the vote on the motion for immediate action requires a two-thirds vote to carry.

ARTICLE II : INTERACTION AND DISCUSSION IN THE SENATE

SECTION 1 OUT-OF-SESSION, IN-SESSION, INFORMAL, AND FORMAL DISCUSSION

The Senate recognizes two venues for interaction and discussion: *out-of-session* and *in-session*. Out-of-session interaction occurs between Senate meetings; in-session discussion takes place during scheduled Senate sessions. Media for out-of-session discussion include personal conversation, telephone, email, and the Senate web site. In-session discussions can be either *formal*, when a motion is on the floor for action, or *informal*, as when an item is merely presented for discussion with no motion on the floor for action. Thus, informal discussion usually accompanies the presentation of each item at the second session in the distribution-presentation-action cycle, while formal discussion accompanies the action at the third session. The committee or member submitting the item may make changes to the document under consideration, based on feedback from out-of-session discussion and informal in-session discussion, until the document is placed on the agenda for formal discussion and action (see Section VI.A. above). At this point, the document is attached to the Senate agenda, and further changes are made only by amendment on the Senate floor or other procedures as provided for under *Robert’s Rules of Order* and the *Senate’s Standing Rules* (i.e., *Senate Handbook*).

SECTION 2 THE TWO-MINUTE RULE FOR DISCUSSION

During formal and informal discussions on the floor of the Senate each member is entitled to no more than 2 minutes at a time. In accordance with *Robert’s Rules of Order*, members may take the floor only twice in a given discussion, and may take the floor for a second time only if no one who has not already spoken once wishes to speak. The Senate Timekeeper informs the Chair when each member has exhausted his or her right to the floor.

SECTION 3 FORMAL DISCUSSION

The Senate President, in consultation with the Senate Executive Committee and committee chairs allocates an appropriate amount of time for formal discussion of each item submitted for action. The allocated time should be just enough to provide the Senate the opportunity to hear final summary arguments for or against the action and accordingly to make whatever final minor amendments or alternative disposition (such as referral to committee) that might be appropriate, based on the informal interaction and discussion that will have attended the item during the time since it was formally distributed to the Senate. Because items on the agenda for action will normally have had the benefit of at least two months of informal out-of-session interaction and discussion, as well as presentation and informal group discussion at a previous session, only a small amount of time (typically 10 minutes) should normally be necessary for formal discussion and action. After the motion for action is on the floor, the Chair keeps the floor open for discussion until the time allocated for formal discussion is exhausted or members voice no further discussion, whichever comes first. The Chair then calls for the vote on the action. At this point, the Senate votes on the action as called for by the Chair, unless it chooses by two-thirds vote to extend the discussion for some specified additional amount of time, (see *Robert's Rules of Order*, Table II, motion 3), or to otherwise dispose of the motion. Thus, at the end of the scheduled time for each action, if no one moves to extend discussion or to otherwise dispose of the motion, the Senate votes on the motion on the floor and then moves on to the next item on the agenda.

SECTION 4 EXTENDING DISCUSSION

Extending the discussion on a given item may preclude the Senate from addressing subsequent agenda items. Motions to extend discussion are therefore appropriate only when a modest extension of discussion is likely to quickly resolve debate and thereby facilitate prompt action on the main motion. If more time is needed, an alternative disposition such as postponement or referral to committee should be taken.

ARTICLE III: SENATE DISCIPLINARY PROCEDURES
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SPECIAL RULES PERTAINING TO THE IMPLEMENTATION OF THE UOG FACULTY SENATE PROFESSIONAL CODE OF CONDUCT

In accordance with Article IV Section 6 of the Senate's Bylaws, the Senate shall abide by Parliamentary Authority specified in Robert's Rules of Order, Article XIII -- Legal Rights of Assemblies and Trial of Their Members, the UOG Faculty Senate Professional Code of Conduct, and its implementation as defined by these procedures.

IMPLEMENTATION PROCEDURES

1. INITIATION OF ACTION

Any member or group of members of the Faculty Senate may make a claim in writing to the Senate Executive Committee, notifying them of a possible violation of the UOG Faculty Senate Professional Code of Conduct, against any member or group of members of the Faculty Senate.

2. INFORMAL DISCUSSION AND FILING OF CLAIMS

2.1 The Senate encourages discussion among affected parties to establish that grounds for Senate action do or do not exist, prior to seeking initiation of Senate action.

2.2 Following attempts of informal discussion, the claimant may file a formal claim with the Faculty Senate President. If a claim includes one or more members of the Senate Executive Committee, then the claimant files a formal claim with the Senate's Parliamentarian. The Senate's President or Parliamentarian establishes the ad hoc Conduct Hearing Committee (CHC) as specified in Section 4.

3. NATURE OF THE CHARGES

3.1 Charges must specify one or more violations of the UOG Faculty Senate Professional Code of Conduct; or conduct that seriously detracts from the professional image of the Faculty Senate.

3.2 All charges must be specific, and all charges must be documented.

4. ESTABLISHING THE CODE OF CONDUCT COMMITTEE

4.1 When formal written charges are filed with the Faculty Senate Executive Committee (SEC), the President of the Faculty Senate (or Parliamentarian as provided in Section 2.2) shall appoint an ad hoc Conduct Hearing Committee (CHC) consisting of three Faculty Senate members.

4.2 Parties are informed in writing of the charges and the names of the CHC members and have (5) business days to challenge the appointment of an ad hoc committee member. Challenges to the membership of the ad hoc committee are addressed to the Faculty Senate President (or Parliamentarian) who, within (3) business days, shall decide on the challenge and appoint, if deemed appropriate, a replacement.

4.3 The SEC, at the time that it notifies all parties of the charges, shall call for a written account of the facts from each party.

4.4 Once established, the CHC shall elect a chair and who shall implement the procedures hereinafter set forth.

5. THE CONDUCT HEARING COMMITTEE

5.1 Any member of the Faculty Senate may serve on the CHC except that no person previously involved in the case shall serve, nor shall members of the Senate Executive Committee ordinarily serve.

5.2 The CHC shall be provided with copies of written materials involved, including charges, replies, supporting documents, and evidence from which the committee shall determine the factual contradictions that require investigation, the factual data which must be discovered, and a list of the persons to be interviewed.

5.3 The committee shall conduct a fair, speedy, and confidential investigation. None of its findings shall be communicated to the parties involved or to outside parties.

6. REPORT OF CONDUCT HEARING COMMITTEE

6.1 The CHC shall present a written report of its findings and recommendations within (20) business days to the SEC.

6.2 If the CHC finds the charge(s) groundless, the SEC shall discharge the CHC, dismiss all charges, and destroy all records of the charges and the investigation after a period of (5) working days.

7. ACTION BY THE FACULTY SENATE

7.1 If the written report from the CHC to the SEC stipulates that charges have been established, at the following Faculty Senate Session, in Executive Session, the Senate may take one of the following actions:

a. The Faculty Senate approves the CHC recommendation of reprimand. The Faculty Senate President shall write a confidential letter of reprimand to the accused.

b. The Faculty Senate approves the CHC recommendation of expulsion from the Faculty Senate. The Faculty Senate President shall inform the member in writing of the decision. The Senate President shall also notify the affected college or school of the expulsion and of the need to fill an unanticipated vacancy in accordance with Section 7, Article IV of the Senate Bylaws. The expelled member shall be ineligible for appointment as the interim senator; however, s/he may run for re-election to the Senate in a regularly scheduled election, unless otherwise specified in the letter of expulsion.

c. The Faculty Senate refers the matter back to the CHC for further determination(s) of fact, not to exceed a period of ten (10) business days, before a subsequent vote in the Senate.

7.2 The Faculty Senate President shall deliver appropriate correspondence on the Senate's action within (3) business days.

7.3 In the event that the Senate fails to take action within two (2) regularly scheduled meetings following the CHC's determination that charges have been established, then the Senate shall take no action on the charges, and no further charges pertaining to the same alleged offense(s) may be brought against the accused senator(s).

Adopted by the 1st Faculty Senate February 7, 2002

Updated by the 3rd Faculty Senate, December 18, 2003

The Rules were revised to conform with changes that had been made to the Senate Bylaws.

Revised by the 6th Faculty Senate, February 8, 2007

The Rules were revised to bring them up to date with practices that had evolved in the Senate, and to simplify certain procedures.

Amended by the 6th Faculty Senate, March 8, 2007

The Senate deleted Article XI, Procedures for Elections and Appointments, from the Special Rules and inserted it into the Bylaws.

Revised by the 8th Faculty Senate, November 20, 2008

The Special Rules were revised to make the requirements for immediate action more explicit and rigorous.

Revised by the 9th Faculty Senate, May 3, 2010

The Special Rules were revised with the addition of Article VII: Senate Disciplinary Procedures.

Revised by the 12th Faculty Senate, February 21, 2013

This revision to the Special Rules brought them up to date with recent changes to the Senate Bylaws (in particular the shift from semi-monthly to monthly meetings). The rules were also reorganized and edited to improve the logic and clarity of presentation.

Amended by the 14th Faculty Senate, November 13, 2014

Under the original twice-monthly meeting schedule, the traditional cycle of distribution, presentation and action was usually completed in four to five weeks, at the second meeting following the one at which an item was distributed. Since the Senate adopted a monthly meeting schedule (May 5, 2011), however, such three-step cycle would now require eight to nine weeks. This amendment revised Section 2, General Order of Business, and Section 5, Justifications and Motions for Expedited Actions, in Article I, The Order of Business in the Senate. The amendment restores the normal transaction time from distribution to action to four to five weeks and preserve the same opportunity for critical review, consultation, and discourse on each item of business coming to the Senate. It also encourages applications of advances in communication technology that facilitate distribution, review and interaction.