

Davis Division
Representative
Assembly
Parliamentarian Guidelines

Endorsed by the Committee on Elections, Rules and Jurisdiction (CERJ)-November 2012

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Title II. The Representative Assembly

Davis Division Bylaw 34. Membership (Am. 6/1/2005)

A. The Divisional Representative Assembly shall consist of the following members ex officio: The President of the University; the Chief Campus Officer at Davis; the Chair, Vice Chair, and Secretary of the Davis Division, each of whom shall serve in the same capacity as an officer of the Representative Assembly; the elected and first alternate members of the University Assembly; the chair of each Faculty of a college or school at Davis; one Departmental Representative for each academic department (or equivalent administrative unit) composed of 13 or more voting members of the Davis Division; and one Committee Representative of each standing committee of the Davis Division. Whenever the elected chair of the Faculty of a college or school is temporarily unable to serve, the vice chair may serve in his or her stead.

B. Departments or other academic units with fewer than 13 voting members of the Davis Division may join for voting purposes at each election with any other department or departments willing to do so, provided the constituency so formed has more than 12 voting members of the Davis Division and provided that notification, including a list of Senate members composing the constituency, is given to the Secretary of the Division. A member of the Davis Division holding an appointment in more than one department shall certify to the Davis Division Secretary the department in which he or she wishes to vote for Representatives, and he or she shall be counted for apportionment in that department. The Divisional Committee on Elections, Rules and Jurisdiction shall group into constituencies those departments with 12 or fewer members of the Division which have not formed constituencies prior to a date specified in advance by the Secretary of the Division. The Committee on Elections, Rules and Jurisdiction shall add departments that have not formed constituencies to other combinations where necessary to the orderly arrangement of constituencies. Each departmental constituency shall elect its Departmental Representative by secret ballot, shall otherwise devise its own procedures for nomination and election of Representatives and for filling vacancies that occur, and shall make provision for rotation of the office among the departments combined into the constituency. One or more alternate Representatives (prescribing their order of priority) may be elected to serve whenever the regular Departmental Representative is temporarily unable to serve.

C. Departmental Representatives shall be elected for two-year terms in the spring term of odd-numbered years and shall serve from September 1 following election. A special election shall be held to fill the balance of the term of any Departmental Representative or alternate Departmental Representative whose office falls vacant. The term of service of a replacement Departmental or alternate representative begins five days after the Secretary of the Division has been notified of the election. No Representative shall serve as both a Departmental Representative and a Committee Representative.

D. A Departmental Representative unable to attend a meeting of the Representative Assembly shall notify in advance both the Secretary of the Division and, if there is one, the first alternate Representative for that department. Any alternate representative unable to attend the meeting

when requested should inform the Secretary and, if there is one, the alternate next in priority. The office of any Departmental Representative or alternate Representative who fails to attend two consecutive meetings without making the appropriate notifications shall be declared vacant. If the office of a Departmental Representative falls vacant in this way, the first alternate (if there is one) becomes the Representative and other alternates advance a step in priority. If the office of an alternate Representative falls vacant in this way, the next alternate, if there is one, advances a step in priority. Whenever there is a vacancy, the departmental constituency shall elect a new alternate or a new Representative as appropriate to complete the balance of the term. (En. 5/6/02)

E. In September of each academic year, each standing committee of the Davis Division shall appoint one of its members to serve as a Committee Representative to the Representative Assembly. The chair of the committee shall notify the Secretary of the appointment of the Committee Representative no later than October 1. In the absence of the appointment of a member of the committee to serve as the Committee Representative, the chair of the committee shall be the Committee Representative.

F. A Committee Representative who is unable to attend a meeting of the Representative Assembly shall notify the chair of the committee in advance of the meeting. The chair of the committee shall name a substitute Committee Representative and notify the Secretary of the substitution not later than 24 hours in advance of the starting time for the meeting of the Representative Assembly.

G. The Representative Assembly shall include a non-voting Parliamentarian, appointed annually by the Committee on Committees, to advise the Chair of the Assembly on matters of Parliamentary procedure. An incumbent may be re-appointed without limit. The Parliamentarian may not otherwise be a member of the Representative Assembly.

Davis Division Bylaw 35. Responsibilities and Functions (Am. 11/17/1975)

This committee shall have the duty and is hereby empowered to act on behalf of the Davis Division in the transaction of all business not specifically delegated to other committees of the Division, except as limited below. The Representative Assembly retains the authority, by a majority vote, of reviewing any policy statement of a Divisional committee and of calling up for discussion and determination of any policy question pending before a Divisional committee. (Am. 12/15/1967)

A. Except by the consent of two-thirds of the members present, no action of the Representative Assembly shall become effective until forty-one days after the date of the meeting at which the action was taken. (Am. 10/20/97)

B. Upon petition by 50 voting members of the Division, submitted within forty days after the date of the meeting at which a specific action was taken by the Representative Assembly, a ballot of the Division members must be conducted to substantiate or refute the action in question. The ballot shall be in accordance with the procedures of Bylaws 16 and 17 (En. 10/19/71, effective 12/21/71; Am. 10/20/97; Am. 6/7/07)

Davis Division Bylaw 36. Conduct of Meetings

A. All voting members of the Academic Senate (and others, on the ruling of the Chair) shall have the privilege of attendance and the privilege of the floor at meetings of the Representative Assembly, but only members of the Representative Assembly may make or second motions or vote. However, the chair (or his or her designated representative) of a standing or special committee of the Division may move or second action on reports of this committee.

B. Provision may be made for a separate section for seating members of the Representative Assembly. (effec 12/15/1967)

Davis Division Bylaw 160. Order of Business at Regular Meetings

A. The order of business at regular meetings of the Representative Assembly of the Davis Division subsequent to the roll call of members shall be as follows:

1. Minutes
2. Announcements by the President
3. Announcements by the Vice Presidents
4. Announcements by the Chief Campus Officer.
5. Announcements by Deans, Directors, or other Executive Officers.
6. Special orders
7. Reports of special committees
8. Reports of standing committees
9. Petitions of students
10. Unfinished business
11. University and faculty welfare
12. New business

B. The regular order of business may be reordered in the published agenda by the Chair in consultation with the Secretary, or suspended at any meeting by a two-thirds vote of the voting members present. (Am. 04/25/05)

C. Items for a regular meeting of the Representative Assembly deemed non-controversial by the Chair, in consultation with the Secretary and the committee chair concerned, may be placed on the Consent Calendar and so identified in the agenda of the Call to the Meeting. At the request of any member of the Representative Assembly prior to or at the meeting, any such Consent Calendar item must be withdrawn and considered in its regular order on the agenda. (En. 10/19/71)

Meeting Calls

Davis Division Bylaw 19 states that:

The call for all meetings of the Representative Assembly shall be issued through the Secretary who, at least five days before a regular or special meeting, shall *send the agenda and all documents pertaining to the agenda for the meeting*, to each member of the Representative Assembly, to Department Chairs of all academic units, to the President and Vice President of the Academic Senate, to the executive officers of the other Divisions, to the Secretary/Parliamentarian of the Academic Senate, and to each member of the Academic Senate Committee on Rules and Jurisdiction. The call and all documents pertaining to the agenda shall be posted at least five days before a regular or special meeting on a World Wide Web site. The Secretary, at least five days before a regular or special meeting, shall send the meeting agenda to each member of the Division. The meeting agenda shall include a notice that the call is available on a World Wide Web site, and it shall clearly indicate its address. The meeting calls shall remain posted on the Web page for eighteen months. (Am. 11/1/96; 10/20/97)

Time Allotted

The allotment of time for any issue to be discussed at meetings of the Representative Assembly is determined by the Chair of the Division. Discussion may be either limited or extended by a two-thirds vote of the members present.

Special Meetings of the Representative Assembly

(see CERJ advice: <http://academicsenate.ucdavis.edu/cerj/advice/2011-2012/Special-RA-Meeting.pdf>)

Davis Division Bylaw 165. Order of Business at Special Meetings

The order of business at special meetings of the Representative Assembly of the Davis Division shall be as follows:

- A. Minutes. The reading of the minutes at any special meeting may be dispensed with by a two-thirds vote of the voting members present.
- B. The special business for which the meeting was called.
- C. Any other business that the Representative Assembly may, by the unanimous consent of the voting members present, decide to take up.

Part VIII. Legislation and Amendments

Davis Division Bylaw 175. Definitions

A. In these Bylaws the term "legislation" shall comprise only Bylaws and Regulations of the Academic Senate and of the agencies of the Academic Senate.

B. In all legislation the term "day" shall mean days of instruction unless otherwise specified.

C. The term "memorial" shall designate a declaration or petition addressed to the President for transmission to The Regents; the term "resolution" shall designate a declaration or petition addressed to the President but not intended for transmission to The Regents.

Davis Division Bylaw 180. Notice of Pending Legislation

The Representative Assembly may add to, amend, or repeal legislation, provided that no final action shall be taken during the meeting at which such proposals are first made, unless notice thereof shall be sent to all members of the Division at least five days before the meeting. The notice shall be consistent with the provisions of Bylaw 19. Notice shall include a statement of the purposes of the legislation consistent with Bylaw 195. The notice requirement shall not be interpreted to prevent amendments from the floor which do not exceed the scope of the previous notice. (Am. 12/15/1967)

Davis Division Bylaw 185. Amendment of Bylaws by the Representative Assembly

Bylaws of the Davis Division may be added to, amended, or repealed by a two-thirds vote of all the voting members of the Representative Assembly present at a meeting, provided written notice shall have been sent to all members as prescribed in Bylaw 180. (effec 12/15/1967)

Davis Division Bylaw 190. Amendment of Regulations by the Representative Assembly

Regulations of the Davis Division may be added to, amended, or repealed by a majority vote of the voting members of the Representative Assembly present at a meeting, provided written notice shall have been sent to all members as prescribed in Bylaw 180. (effec 12/15/1967)

Davis Division Bylaw 193. Legislation Requiring a Simple Majority

Business other than enactment, amendment or repeal of Bylaws or Regulations requires a simple majority of the votes cast at a Representative Assembly meeting or by ballot conducted in accordance with Bylaws 16 and 17. (En. 12/15/1967, Am. 6/7/2007)

Davis Division Bylaw 195. Format of Legislation

A. All new legislation proposed to the Davis Division for adoption shall be submitted in one or more of the following forms.

1. Repeal of Bylaw (or Regulation) X of the Davis Division is hereby recommended.
2. The following amendment of Bylaw (or Regulation) X of the Davis Division is hereby recommended.

3. A new Bylaw (or Regulation) X of the Davis Division is hereby proposed for adoption reading as follows:

B. All such legislation proposed for adoption shall be accompanied by an informal statement concerning its purpose and concerning the important changes, which it would make in the existing legislation.

Davis Division Bylaw 200. Effective Date of Legislation

All modifications of existing legislation and all newly enacted legislation shall become effective on the first day of September following approval, unless another effective date is accepted by a majority vote of the members present.

Robert's Rules of Order

Davis Division Bylaw 170.

The rules contained in Robert's Rules of Order shall govern the Division in all cases to which they are applicable.

Speaking from the Floor/Privilege of the Floor

All voting members of the Academic Senate (and others, on the ruling of the Chair shall have the privilege of attendance and the privilege of the floor at meetings of the Representative Assembly, but only members of the Representative Assembly may make or second motions or vote. However, the chair (or his or her designated representative) of a standing or special committee of the Division may move or second action on reports of this committee.

Resolutions

Resolutions may be moved or seconded only by members of the Assembly, according to Bylaw 36(A). Standard rules governing the passage of resolutions apply after unanimous consent has been given to take them up, and such resolutions do not require unanimous consent to be passed.

Consent Calendar

The consent calendar can be a useful tool for disposing of a large number of routine or noncontroversial items of business. The items listed on the consent calendar are taken up in order, unless objected to, in which case they are restored to the ordinary process by which they are placed in line for consideration on the regular agenda. The special rule of order establishing a consent calendar may provide that, when the matters on the calendar are called up, they may be considered all at once without debate or amendment. Otherwise, they are considered under the rules just as any other business, in which case the "consent" relates only to permitting the matter to be on the calendar for consideration without conforming to the usual, more onerous, rules for reaching measures in the body.

Changing the Order of Business

The Senate Chair should ask whether there is any objection to changing the order of business. If there is an objection, then a 2/3 vote is required.

How a Motion Is Brought Before the Assembly

The three steps by which a motion is normally brought before the assembly are as follows:

1. A member *makes* the motion. A person is said to “make a motion,” but he/she uses the word “move” when he/she does so.

Making a Motion

To make a main motion, a member must obtain the floor, when no other question is pending and when business of the kind represented by the motion is in order. The member then makes his motion by saying, “I move that...” For more important or complex questions, or when greater formality is desired, he/she presents the motion in the form of a *resolution*.

2. Another member *seconds* the motion.

Seconding a motion

After a motion has been made, another member who wishes it to be considered says, “I second the motion,” or “I second it,” or “Second” without obtaining the floor.

3. The Chair *states the question* on the motion. (The step of stating the question on the motion should not be confused with *putting the question*, which takes place later and means putting the motion to a vote.)

Stating the Question

When a motion that is in order has been made and seconded, the chair formally places it before the assembly by stating the question; that is, he states the exact motion and indicates that it is open to debate. The basic form used by the chair in stating the question on an ordinary motion is, “It is moved and seconded that... [repeat the motion].” The Chair then normally turns toward the maker of the motion to see if he/she wishes to be assigned the floor.

Neither the making nor the seconding of a motion places it before the assembly; only the Chair can do that, by the third step above (stating the question). When the Chair has stated the question, the motion is *pending*, that is, “on the floor.” It is then open to debate.

Debate on a Motion

Until a matter has been brought before the assembly in the form of a motion proposing a specific action, it cannot be debated. Once a motion has been brought before the assembly, debate takes place. Robert’s Rules of Order allows the following procedures:

- A time-limit on debate or the previous question (“calling the question”) may be moved and seconded by members of the Assembly, and if approved by a two-thirds majority shall limit or end debate on a motion, respectively.
- Voting by ballot (“secret ballot”) may be moved and seconded by members of the Assembly, and if approved by a majority, voting shall be by ballot.

Voting

The Davis Division Representative Assembly uses voting cards to count votes during the meeting. Each member is given a voting card when he/she signs in before entering the meeting room. The Chair will call for the vote by saying “*Those in favor of the motion raise your voters’ cards.*” The voting cards will then be counted by Academic Senate Office staff and recorded. “*Those opposed; raise your voters’ cards.*” The voting cards will then be counted by the Academic Senate Office staff and recorded. “*Those abstained; raise your voters’ cards.*” The voting cards will then be counted by the Academic Senate Office staff and recorded.

- **Majority Vote (also known as Simple Majority)**
The basic requirement for approval of an action by the assembly, except where a rule provides otherwise, is a *majority vote* of more than half of the vote cast by members entitled to vote.
- **Two-Thirds Vote**
Davis Division Bylaws may be added to, amended, or repealed by a two-thirds vote of all the voting members of the Representative Assembly present at a meeting.
- **Secret Ballot**
Voting by ballot (slips of paper on which the voter marks his/her vote) is used when secrecy of the members’ votes is desired. A secret ballot can be ordered by a majority vote of the members entitled to vote. A secret ballot can consist of a small slip of paper on which the voter writes his/her choice in a manner directed by the Chair.

Interruption of a Member Assigned the Floor

When a member has been assigned to the floor and has begun to speak—unless he/she begins to discuss a subject when no motion is pending or speaks longer in debate than the rules of the assembly and/or Chair allow—he/she cannot be interrupted by another member or the Chair except for one of the following purposes, and then only when the urgency of the situation justifies it:

- a. When the Order of Business is not being conformed to
- b. The raising of a question of privilege
- c. The Chair’s calling the member’s attention to the fact that he/she is failing to observe the rules of speaking
- d. A call for a separate vote on one or more of a set of resolutions that have been offered by a single motion
- e. A request or inquiry that requires an immediate response

- f. An objection to the consideration of a question

If an interruption occurs for any of the reasons listed above, the member who had the floor does not lose it, although he/she takes a seat while the interrupting matter is attended to. As soon as the interruption has been cleared up, the Chair directs the member to proceed.

Disciplinary Procedures

Formal disciplinary procedures should generally be regarded as a drastic step reserved for serious situations. The Academic Senate has the right to determine who may be present at its meetings and to control the room while the meeting is in progress, but all members have the right to attend. Nonmembers, or a particular nonmember or group of nonmembers can be excluded at any time from part or all of a meeting. Such exclusion would include a ruling of the Chair in cases of disorder, or by an appropriate motion as the need arises. A motion to exclude all nonmembers is often referred to as a motion to “go into executive session.”