

A Law Professor's Guide to Parliamentary Procedure

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In 1863, Henry Martyn Robert, a U.S. Army officer, was asked to preside over a meeting in New Bedford, Massachusetts, and realized that he did not know how.¹ He accepted the job and did his best, but he determined to learn more parliamentary law before attending another meeting.² He decided to prepare “a few rules of order” for organizations to which he and his wife belonged.³

The rest is history. Robert eventually expanded his “few rules of order” into *Robert's Rules of Order* (“*Robert's Rules*”),⁴ which turned out to be a book for the ages. To this day, nearly 150 years after its initial publication, *Robert's Rules* remains the most popular manual of parliamentary procedure used by U.S. organizations.⁵

Robert's Rules is a marvelous achievement, but it suffers from an important flaw: It's too long and complicated. Its comprehensive coverage includes arcane situations that many organizations will never face.⁶ It is so long and intimidating as to be of little use to someone who just wants to learn enough parliamentary procedure to get through a basic meeting. Such a person needs a simple guide, not a 700-page treatise.

Perhaps surprisingly, law professors are among those with a need for such a simple guide. You might think that a law school would do a good

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1 See HENRY M. ROBERT III ET AL., *ROBERT'S RULES OF ORDER, NEWLY REVISED* xxxix (12th ed. 2020) [hereinafter *Robert's Rules*].

2 *Id.*

3 *Id.* at xli.

4 A subsequent edition was called *Robert's Rules of Order, Newly Revised*, and that is the work's official title today. See *supra* note 1. Cognoscenti usually refer to the work as “RONR.” See, e.g., *The Official RONR Q&A Forums*, <https://robertsrules.forumflash.com/>. However, *Robert's Rules* is a better shorthand name for an essay addressed to nonspecialists.

5 James H. Slaughter, *Schools of Procedure Rules*, 86 A.B.A. J. 70, 70 (2000). *Robert's Rules* was first published in 1876. *Robert's Rules*, *supra* note 1, at xliii.

6 See, e.g., *Robert's Rules*, *supra* note 1, at 192 (explaining how to proceed “[w]hen the previous question is ordered on a series of pending motions”).

job of running its faculty meetings according to parliamentary procedures. Parliamentary procedures are, after all, a set of procedural rules,⁷ and if any group within a university should be knowledgeable about such rules, it would be the law faculty. Law faculties consist almost entirely of lawyers, and lawyers are skilled at learning procedural rules. Many law professors are expert in civil, criminal, or administrative procedure.

Nevertheless, most law professors are surprisingly deficient in their knowledge of parliamentary procedure.⁸ Many have no idea how to chair or even participate in a meeting at which matters are debated and decided. In a classroom or a courtroom, most law professors could confidently explain the difference between personal jurisdiction and subject matter jurisdiction, or between claim preclusion and issue preclusion. Put them in a deliberative meeting, however, and many couldn't tell a quorum from a quintet.

In this essay, I do my best to help. I explain why I learned the rudiments of parliamentary procedure and why you should too.⁹ I dispel some common myths about parliamentary procedure that are surprisingly prevalent.¹⁰ I report the results of an empirical study I conducted of faculty at law schools throughout the United States regarding the parliamentary procedures they use at their faculty meetings.¹¹

Most important, I set forth a simple guide that contains, in just a few pages, enough parliamentary procedure to get you through a typical faculty meeting or other meeting that you might attend or chair.¹² Most books on parliamentary procedure are like *Robert's Rules*—they are hundreds of pages long and intimidating to beginners.¹³ My brief guide tells you what you really need to know in just a few pages. If all faculty members could learn this much parliamentary procedure, faculty meetings would run more smoothly.

7 See, e.g., Saul Levmore, *Parliamentary Law, Majority Decision Making, and the Voting Paradox*, 75 VA. L. REV. 971, 979 (1989) (defining “parliamentary law” as “the rules of order followed at relatively formal meetings”).

8 Indeed, this is true of lawyers generally. See Slaughter, *supra* note 5, at 70 (noting that “lawyers typically have little actual exposure to parliamentary law” and that parliamentary procedure is a “blind spot in the law”). Even members of Congress, whose jobs revolve around parliamentary procedure, know less parliamentary law than they used to and instead rely on professional parliamentarians to resolve procedural questions. Jonathan S. Gould, *Law Within Congress*, 129 YALE L.J. 1946, 1964 (2020).

9 See *infra* Parts I–II.

10 See *infra* Part V.

11 See *infra* Part III. Individual findings from this study appear throughout this essay.

12 See *infra* Part IV.

13 See, e.g., *Robert's Rules*, *supra* note 1 (714 pages); AMERICAN INSTITUTE OF PARLIAMENTARIANS, STANDARD CODE OF PARLIAMENTARY PROCEDURE (2012) [hereinafter *Standard Code*] (326 pages); GEORGE DEMETER, DEMETER'S MANUAL OF PARLIAMENTARY LAW AND PROCEDURE (2001) [hereinafter *Demeter's Manual*] (374 pages).

Like any body of law, parliamentary procedure has its subtleties. To master it—to know enough to serve as a real parliamentarian—is complex. But to learn enough to get through a faculty meeting is simple; it’s fun; it’s useful; and you should do it.

Part I of this essay sets forth reasons to learn basic parliamentary procedure, and Part II recounts my own experience of doing so. Part III reports the results of a study I conducted regarding the parliamentary practices of law school faculty meetings. Part IV, the heart of the essay, sets forth “Siegel’s Simplified Guide to Parliamentary Procedure,” which contains the principles of parliamentary procedure that come up most often at faculty meetings. Finally, Part V dispels some common myths about parliamentary procedure.

I. Why Learn Basic Parliamentary Procedure?

There are several reasons law faculty members should learn at least the basic rules of parliamentary procedure.

A. Knowledge is Power

The main reason to learn at least a little parliamentary procedure is simple: Knowledge is power. If you remain ignorant of parliamentary procedure, you will be at the mercy of those who know it. At some point, you will try to accomplish something in a faculty meeting or other meeting only to encounter a parliamentary obstacle. If you know nothing of parliamentary procedure, you may be helpless. With just a little knowledge, you can avoid the frustration of being outmaneuvered.

A law professor’s needs in this regard are, to be sure, less urgent than those of a professional legislator. Faculty meetings rarely involve ruthless attempts to exploit rules of parliamentary procedure to gain an unfair advantage.¹⁴ Law professors rarely attempt to “fill the amendment tree”¹⁵ or to block a measure by filibustering.¹⁶

Still, even law faculty members are not above some procedural maneuvering. Faculty members rarely filibuster, but they might try to refer a measure to

¹⁴ See *infra* Part III (reporting survey response on unfair procedural tactics).

¹⁵ “Filling the amendment tree” is a procedural tactic in which a member or members of an assembly propose as many amendments to a pending measure as the rules of parliamentary procedure allow, thereby blocking the opportunity for other members to propose amendments. In the U.S. Senate, the right of the majority leader to be recognized in preference to other senators allows the majority leader to exploit this tactic. See *Filling the Amendment Tree in the United States Senate*, CONGRESSIONAL RESEARCH SERVICE, at 1-2 (2015), <https://crsreports.congress.gov/product/pdf/RS/RS22854>.

¹⁶ To “filibuster” is to block a vote on a measure by refusing to allow debate on the measure to come to an end. This device is famously used in the U.S. Senate, where it takes a three-fifths supermajority vote to force an end to debate on most substantive legislation. See Catherine Fisk & Erwin Chemerinsky, *The Filibuster*, 49 STAN. L. REV. 181, 182 (1997); RULES OF THE UNITED STATES SENATE, RULE XXII. But it is rare in faculty meetings. See *infra* Part III (reporting survey response on filibusters).

a committee, perhaps with the hope that it will never be heard from again. Suggesting the absence of a quorum could derail measures in many a faculty meeting. So you need to know at least enough parliamentary procedure to be able to hold your own against those who are versed in it.

B. Procedural Knowledge Protects Against Misconceptions

You may need to protect yourself not only from those who know parliamentary procedure, but from those who don't but imagine that they do. Many faculty members believe in erroneous but widely held misconceptions about parliamentary procedure. Understanding the rudiments of parliamentary procedure can enable you to protect your interests and those of your school from these misconceptions.

Consider some examples of parliamentary questions that might arise during a faculty meeting, each of which is the subject of common misunderstanding. Would you know what to do in these situations?

- While a measure is under debate, a faculty member proposes a “friendly” amendment to it. The proposer of the original measure “accepts” the amendment. Is the amendment thereby adopted? If you regarded the amendment as undesirable, could you do anything to block it?¹⁷
- Debate on a measure has gone on for a long time, and just when it looks as if you might finally get your turn to speak, an impatient colleague shouts out “Call the question!” The dean says, “Professor Bully has called the question. All those in favor of the proposal, say ‘aye’” Does the vote proceed, or do you have a right to debate further?¹⁸
- Your school’s rules require “a two-thirds vote” for a certain action, such as a faculty appointment or a tenure recommendation. Out of sixty faculty members eligible to vote on the matter, fifty attend the meeting at which it is discussed. Out of those in attendance, thirty vote in favor of the candidate, fifteen vote against, and five abstain. Exactly two-thirds of those present and voting have voted in favor of the action, but not every eligible voter is present, and not every eligible voter present has voted. Is the action successful or unsuccessful? Many faculty members wouldn’t know the answer, while others would confidently state an incorrect answer. Could you save the day if a candidate you liked (or disliked) were erroneously declared defeated (or approved)?¹⁹
- A measure you favor is being debated and Professor Bully moves that the measure be “tabled.” Professor Petty seconds the motion and observes that a motion to table is nondebatable and may be adopted by majority vote. Is

17 For the answer, *see infra* text accompanying notes 53-54, 72-73.

18 *See infra* text accompanying notes 74-75.

19 *See infra* text accompanying note 90.

that right? Can a majority “table” a pending motion without debate? And if it can, what does “tabling” something actually mean?²⁰

With just a little knowledge of parliamentary procedure, you could easily handle the above-stated scenarios, and many others. But if you, like most faculty members, choose to remain ignorant on this score, you will be vulnerable to incorrect results.

C. Proper Procedure Improves Meetings

Proper application of parliamentary procedure helps meetings run smoothly. Although parliamentary rules sometimes seem restrictive or even fussy, a little restrictiveness is essential to getting business done in a meeting of any substantial size. If you have ever sat through a meeting that did not observe a reasonable degree of parliamentary procedure, you can appreciate how valuable such procedure can be.

Have you ever been in a meeting in which someone proposes an amendment to a proposal, and then, after some discussion, someone else proposes a different, unrelated amendment, and discussion turns to this second amendment even though the first one has not been resolved? Or in which, when it’s time to vote, faculty members do not understand what they are voting on?²¹ Considerable frustration can result from meetings in which people do not know what is under discussion, or in which discussion wanders from one point to another without clearly resolving any of them. Basic parliamentary procedure can help keep your faculty’s meeting on track.

D. You Can’t Count on the Dean

You might expect that even if no one else at your school knows much about parliamentary procedure, at least the person chairing your school’s faculty meetings would be compelled to learn enough to get by. But if your school’s faculty meetings, like those of most law schools, are chaired by your dean, you may quickly discover that your dean is no more knowledgeable about parliamentary procedure than the average faculty member, which is to say, hardly knowledgeable at all. You can’t count on the dean to keep a meeting running smoothly.

Why is this? The main reason is that deans do not become deans because of their mastery of the rules of parliamentary procedure. In searching for a dean, schools look for visionary, entrepreneurial people²²—people who can dream

20 See *infra* text accompanying notes 77–81.

21 See Jeremy Waldron, *The Dignity of Legislation*, 54 MARY. L. REV. 633, 662 (1995) (“When discussion is exhausted, a vote may be called for, and—if my experience of law faculty meetings is any indication—someone will immediately leap to their feet and say: ‘I’m confused. What exactly are we voting on?’”).

22 See, e.g., Jack M. Weiss, *A Causerie on Selecting Law Deans in an Age of Entrepreneurial Deaning*, 70 LA. L. REV. 923, 924 (2010) (“[T]he dean’s success or failure will turn on his or her ability to function as an entrepreneur.”); Victor L. Streib, *Law Deanships: Must They Be Nasty, Brutish, and*

up exciting schemes and make them happen, people who can charm faculty, students, and alumni, and, above all, people who can persuade other people to give the school lots of money.²³ No one in the dean search process says, “What we really need is a dean who understands faculty meeting procedures.”

Indeed, not only is knowledge of the rules of meeting procedure not a requisite for the dean, but in my experience the kind of person who becomes the dean tends to view rules with a certain amount of disdain. The dean wants to get things done. Deans frequently have to look past the sticklers, naysayers, and bean counters who are always finding some reason that a proposed idea cannot be carried out.²⁴ So deans are usually not that interested in studying the niceties of meeting procedure. And besides, a dean has a thousand other things to do, most of which take priority over such study.

E. You Might be Running the Meeting

At most law schools, the dean presides over faculty meetings, so if you are not the dean, running the meeting is not your job. But you might be called upon to chair a meeting of some other organization you belong to, or at least to help that meeting follow proper meeting procedures. The other members may assume that you, as a lawyer, have some procedural expertise.²⁵ So you might wish to have enough knowledge to live up to their expectations.

F. Parliamentary Procedure is Not Hard to Learn

Finally, picking up enough parliamentary procedure to get through a basic faculty meeting is not difficult. It is true that the project might seem daunting at first. As noted above, the dominant work on the topic, which your faculty has probably adopted as its parliamentary authority, is *Robert's Rules*.²⁶ Weighing in at an intimidating 714 pages, *Robert's Rules* might easily put off anyone with a casual interest in learning the basics of parliamentary procedure.

Moreover, not only is *Robert's Rules* long, it is also formal and fussy. Possibly this is because it was first published in 1876,²⁷ and its subsequent editions have never quite shaken off its old-fashioned style. Whatever the reason, *Robert's Rules* seems to prefer stuffy, antiquated ways of doing business. For example:

Short?, 44 J. LEGAL ED. 116, 122 (1994) (“None of the roles of the law dean make much sense if the dean is not a visionary leader.”).

23 E.g., Michael K. Young, *And What Surprised You Most About Your New Job? Reflections on Becoming a Dean*, 33 U. TOL. L. REV. 275, 277 (2001) (“the faculty really wants the dean to raise money and lots of it”).

24 See, e.g., Lawrence Ponoroff, *From Water Closets to Alumni Relations: A Few Reflections on Where the Dean's Time is Most Productively Deployed*, 36 U. TOL. L. REV. 137, 146 (2004) (“our job as deans . . . is to bring the naysayers along through explicative dialogue”).

25 See Slaughter, *supra* note 5, at 70 (“[S]ince lawyers are presumed to know parliamentary law, they often are asked to preside or assist at meetings.”).

26 See *infra* Part III (reporting survey response on adoption of *Robert's Rules* by law faculties).

27 See *Robert's Rules*, *supra* note 1, at xliii.

- *Robert's Rules* recommends that after a motion is made and seconded, the chair should invite debate on the motion by asking, "Are you ready for the question?"²⁸ This head-scratching inquiry is not likely to convey to most people that they are being invited to *debate* the motion. Not until 2011 did a new edition grudgingly allow that a chair might also open debate "less formally" by asking "Is there any debate?"²⁹
- *Robert's Rules* provides that someone who wants to end debate and bring a motion to a vote should say, "I move the previous question."³⁰ This awkward, old-fashioned phrase would likely puzzle most people attending a modern meeting.
- *Robert's Rules* instructs those speaking at a meeting to avoid referring to one another by name.³¹ This practice is often followed in legislative bodies, which is why you may hear one U.S. senator call another "the senator from Arizona,"³² but do you really want to have to refer to a colleague as "the professor who teaches torts"?
- *Robert's Rules* also provides that people speaking at a meeting should address the chair, not one another, even when asking a question of someone other than the chair.³³ Combining this requirement with the previous one means that after a committee gives a report, someone who wants to ask the committee, "Did you consider how your recommendation would affect first-year students?" is really supposed to say, "Madam Chair, could the committee member who gave the report tell us whether the committee considered how its recommendation would affect first-year students?"

And on and on.³⁴ After plowing through hundreds of pages of this fussiness, a reader might be forgiven for imagining that *Robert's Rules* is designed for a meeting of gentlemen wearing frock coats and sporting mutton chop whiskers.

Prospects are slightly better if your faculty has adopted the American Institute of Parliamentarians' *Standard Code of Parliamentary Procedure* (the "*Standard Code*"), which is the leading competitor to *Robert's Rules*.³⁵ Although

28 *Id.* at 33.

29 *Id.* at 33-34, 37-38, 386.

30 *Robert's Rules*, *supra* note 1, at 187, 196.

31 *Id.* at 372.

32 *See, e.g.*, CONG. REC. S1916 (Apr. 14, 2021) (statement of Mr. Cornyn) ("I agree with the Senator from Arizona").

33 *Robert's Rules*, *supra* note 1, at 372.

34 Other examples of archaic formalities prescribed by *Robert's Rules*: (1) The maker of a motion is supposed to *yield the floor* immediately after making the motion and wait to be recognized again by the chair before speaking to the motion. *Id.* at 30, 38. (2) A member who wishes to point out a problem such as difficulty hearing speakers because there is too much noise is supposed to interrupt the proceedings and say, "I rise to a question of privilege affecting the assembly." *Id.* at 215. Imagine the expression on your colleagues' faces if you tried that.

35 *See infra* Part III. *Robert's Rules* is said to be used as the parliamentary authority by about 80%

still rather long at 336 pages, the *Standard Code* is much shorter than *Robert's Rules*, and it replaces some of the latter's archaic formalities with more modern language. For example, it refers to the motion "for the previous question" by the more intuitive name of a motion "to close debate and vote immediately." It also recommends that the chair invite discussion on a motion by asking, as one might expect, "Is there any discussion?" But the *Standard Code* has made little headway in displacing *Robert's Rules*, which is still the parliamentary authority of choice for law faculties,³⁶ and even if your school has adopted the *Standard Code*, the prospect of mastering the whole volume can still seem like a lot of work.

But it is by no means necessary to master the entirety of either of these parliamentary authorities to be able to deal with the basic situations likely to arise during a typical faculty meeting. You can pick up the knowledge that you really need in less than a day. Even assuming your faculty uses *Robert's Rules*, you can get most of what you need by reading just one chapter, namely, Chapter 4, "The Handling of a Motion."³⁷ In just twenty-four pages, this chapter takes you through the process of getting a motion adopted by a deliberative assembly, from the making of the motion, through debate, to the final vote on the motion. If you read this chapter you will know most of what you need to know, and you can dip into other parts of *Robert's Rules* at your leisure to fill in any further details that you care to learn.

Or, of course, you can read this essay. If you don't want to read any of *Robert's Rules*, the *Standard Code*, or any other parliamentary authority, that's fine; I read them for you. I selected those aspects of parliamentary procedure that you really need to know. I dispensed with fussy formalities that, as revealed by my survey and by my experience of many meetings, are rarely or never used in actual practice. With unnecessary padding deleted, I have whittled parliamentary procedure down to just six pages that anyone can understand. If you want enough knowledge to get you through a basic meeting and to protect your interests from people who think they know parliamentary procedure but don't, then *Siegel's Simplified Guide to Parliamentary Procedure* is for you.

II. Origins of the Guide: My Journey through Parliamentary Procedure

My own experience with parliamentary procedure didn't start until after I joined a law faculty and started to attend faculty meetings. Like many new faculty members, I said little at meetings during my first year but observed the proceedings keenly. Apart from my surprise that I already had a vote equal to everyone else's on faculty appointments, the thing that struck me most was

to 85% of organizations in the United States, with the *Standard Code* having a market share of about 10% to 15%, mostly consisting of societies of medical professionals. *E.g.*, Slaughter, *supra* note 5, at 70. Third-place *Demeter's Manual*, said to have a market share of about 5%, is used mostly by labor unions.

36 See *infra* Part III (reporting survey results).

37 *Robert's Rules*, *supra* note 1, at 28–51.

how frequently faculty discussion gave rise to procedural issues. For example, the faculty might not know whether a motion required a second, or it could get tangled up when there were multiple requests to amend a pending proposal.

I quickly observed our faculty's method of dealing with these issues. Only one faculty member, whom I will discreetly call "Professor X," seemed to know anything about parliamentary procedure. Whenever a procedural issue arose, everyone would look at Professor X, Professor X would make a pronouncement about how to proceed, and the faculty would do whatever Professor X had said. Professor X was not officially designated as our parliamentarian, but inasmuch as only he had any relevant knowledge, his pronouncements on parliamentary procedure were accepted without question.

It seemed to me that this method of dealing with issues of parliamentary procedure was unsatisfactory. I don't mean to suggest that Professor X ever abused his de facto authority, which he exercised with avuncular charm. Still, I didn't think it was appropriate for a single faculty member to have so much power over our proceedings. As every law professor knows, the ability to dictate the procedural rules for a proceeding can have an important impact on the substantive outcome.³⁸ Even if Professor X never led us down an incorrect procedural path through guile, he might do so through error, and such an error could affect the outcome of our meetings.

I therefore decided to take a look through *Robert's Rules*, which our faculty rules adopted as our parliamentary authority, so that there could at least be *two* faculty members who knew something about parliamentary procedure. It was not my desire to displace Professor X in his role as our faculty's informal parliamentarian. Rather, I thought that if there were two faculty members who had at least a rudimentary understanding of parliamentary procedure, we could act as checks on each other.

I soon discovered that once you get over being intimidated by the length and formality of *Robert's Rules*, parliamentary procedure is not that hard, and it's actually rather fun to learn, or, at least, a law professor might think so. Parliamentary procedure is, essentially, a body of law, and who among us has not discovered unexpected pleasure in learning a body of law? If we didn't feel that way, we wouldn't have become law professors.

I therefore read through enough of *Robert's Rules* to feel that I could also speak up when issues of parliamentary procedure arose. I began to do so, and it wasn't long before people realized that I had some understanding of parliamentary procedure. After a while, although it was never my intention to cause this to happen, Professor X quietly discontinued volunteering opinions on procedural matters, and people started looking in my direction rather than his when procedural questions arose. After several years in which I provided advice informally in this way, the dean's office asked me to serve officially as our faculty's parliamentarian.

38 See, e.g., Paul D. Carrington, *Politics and Civil Procedure Rulemaking: Reflections on Experience*, 60 DUKE L.J. 597, 617 (2010) ("Procedural rules have substantive consequences").

A further experience, in which my knowledge of parliamentary procedure also came in handy, led me to take the additional step of actually writing up my own brief guide to the rules of parliamentary procedure. I took some time off from academia to serve as the director of research and policy of the Administrative Conference of the United States (ACUS). ACUS is a federal government agency, but an unusual one: Its mission is to study the procedures used at other federal agencies and recommend improvements.³⁹ It is therefore rather like a think tank or a consulting firm, except that it is within the federal government.

ACUS recommendations require approval by the “assembly” of ACUS, which consists of the ACUS chairman, sixty “government members,” each of whom works primarily at some other federal agency, and forty “public members,” who are drawn from outside government.⁴⁰ The assembly is divided into committees. The committees hold meetings that produce proposed recommendations, and the assembly meets in plenary session twice a year for a one- or two-day session at which it considers, debates, amends, and ultimately votes on these recommendations.⁴¹ The ACUS recommendation process is therefore akin to a legislative process, in which matters are first considered in committee and then approved by the full body.

My job as director of research and policy included wrangling recommendations through both the committee and plenary session processes. Both processes required some knowledge of meeting procedure. This was particularly true for the plenary sessions. Although ACUS, as just noted, is similar to a legislative body, it is in session for at most four days a year. Hence, floor time is a very scarce resource, and good meeting procedures are particularly helpful.

Some of ACUS’s committee chairs were not versed in parliamentary procedure. They were terrific at the substance of ACUS’s work. But, like many lawyers, they did not have as much knowledge of parliamentary procedure as one might expect.

As a result, our meetings, including our plenary sessions, could be frustrating. At the plenary, when the assembly debated a proposal, a member would propose an amendment, which the assembly would debate for a while, and then another member might propose a different amendment, and discussion might shift to that amendment even though the assembly had not resolved the first one. This could leave the membership confused. When the assembly debated the precise wording of a proposed recommendation, different members might sequentially propose different wordings. The chair usually tried to achieve consensus on the wording (often successfully), but when this effort failed and the assembly had to resolve the matter by voting,

39 5 U.S.C. § 591 (2012).

40 *Id.* § 593.

41 *Id.* § 595.

it usually seemed that control over the precise wording voted on belonged to whichever member managed to speak last.

To assist our chairs with running their meetings, I therefore wrote up a brief guide to parliamentary procedure. Originally just two pages long, this guide contained only the briefest possible statement of those rules that a meeting chair absolutely had to know. Some of our chairs received this guide with considerable gratitude.⁴² Encouraged that the guide was helpful, I therefore expanded it slightly, while still attempting to keep it short enough to be easily read by a busy person who had many other, more important things to do. After returning to academia, I provided the guide to my school's deans, who, again, were excellent at their job, but who often lacked expertise in parliamentary procedure.

Eventually, since this guide was well received, I decided to publish it for the use of law faculty generally, which led me to write this essay. But first I took one more step, described in the next section: I surveyed other schools to check my instincts regarding how closely law faculties desired to follow the standard rules of parliamentary procedure.

III. An Empirical Study of Parliamentary Procedures Used in Law School Faculty Meetings

My guide to parliamentary procedure was based on my own instincts and experiences regarding how much procedural formality law faculties wanted to observe in their faculty meetings. But did my instincts and experiences reflect the preferences of law faculties generally, or were they idiosyncratic to myself and/or my school? This question could be answered only by empirical study. Accordingly, to help gauge the parliamentary procedures that law faculties use and desire to use, I conducted a survey of law faculty members throughout the United States.⁴³ The survey asked basic questions about the procedures used in faculty meetings, such as what parliamentary authority the school

42 One committee chair, upon receiving my guide, told me that it was terrific and that I should preside over the ACUS plenary sessions. I explained that that task falls by law to the chairman of ACUS, *see id.* § 595, and that, as suggested above, one does not get to be the chairman by knowing the rules of parliamentary procedure, but rather, if anything, by being somewhat disdainful of such rules.

43 Here is the methodology of the survey: I directed the survey to three groups of law faculty members. First, I sent the survey to law schools' senior associate dean for academic affairs (or, for schools for which I could not identify a person with that title, to the person with the most similar title I could find). Second, in addition to asking these associate deans to take the survey, I asked them to forward the survey to one other faculty member at their school who was knowledgeable about parliamentary procedure. Finally, I sent the survey to faculty members chosen at random from U.S. law schools. To keep the project to a manageable size, I considered only schools in the U.S. News top one hundred law schools.

I sent the survey directly to 314 respondents. I received 97 responses, for a response rate of between 23% and 31%, depending on how many associate deans fulfilled my request to forward the survey. This research on human subjects was duly approved by my university's Institutional Review Board, and if you've never run a proposal through an IRB, believe me, it's quite a process.

had adopted, who presided over the school's faculty meetings, how often meetings were held, and how long they tended to last. It then presented a series of questions designed to gauge how closely the school's faculty meetings conformed to the rules of parliamentary procedure. These questions presented scenarios that might occur at a faculty meeting and asked what would happen in each scenario.

The survey revealed that although *Robert's Rules* is the parliamentary authority of choice for law school faculty meetings, the meetings do not strictly follow the rules laid down in *Robert's Rules*. Many law faculties dispense with many procedural niceties prescribed by *Robert's Rules*. Many schools also use practices that are based on popular misconceptions about parliamentary procedure rather than actual rules of parliamentary procedure.

Here are some highlights of the survey results. Detailed survey results are provided in the Appendix.

A. Law Schools Use Robert's Rules but Don't Strictly Follow It

Of those respondents who reported that their school had adopted a parliamentary authority and who knew what it was, 100% reported that the authority was *Robert's Rules*. No respondents indicated that their school had adopted the *Standard Code*, *Demeter's Manual*, or any other authority. Respondents believed, however, that their meetings followed rules of parliamentary procedure only somewhat strictly. On a scale of 0-10, with 10 being "very strictly" and 0 being "not strictly at all," respondents' average rating for how strictly their meetings followed rules of parliamentary procedure was 5.4.

B. The Dean Presides but Has Only Fair Knowledge of the Rules

The great majority (83.5%) of respondents reported that the dean of their school presided over the school's faculty meetings. Respondents did not believe that their presiding officer was highly skilled at parliamentary procedure. On average, they rated the presiding officer's knowledge of parliamentary procedure as 5.5 on a scale of 0-10.

C. Unfair Procedural Maneuvering is Rare

The survey showed that law faculty members do not generally attempt to exploit rules of parliamentary procedure to gain an unfair or inappropriate advantage. Asked how often such use of parliamentary procedures occurred at their meetings, 44% of respondents said "never," and 47% said "rarely." Filibusters—that is, attempts to kill a measure by refusing to allow debate on it to come to an end—were even less common, with 73% of respondents reporting that they "never" occurred and 21% reporting that filibusters occurred "rarely."

D. Misconceptions about Procedure are Common

The survey showed that a majority of schools subscribe to common misconceptions concerning parliamentary procedure. For example, two-

thirds of respondents (66.7%) reported that their meetings permit a “friendly amendment” procedure in which the proposer of a motion may “accept” amendments to it. Almost 80% of respondents (78.9%) said that a debate that was not coming to an end of its own accord could be ended by someone’s shouting out “Call the question!” or by some other means besides a two-thirds vote to cut off debate.⁴⁴ As explained below, these practices are parliamentary solecisms,⁴⁵ yet the survey shows that they are widely practiced in law school faculty meetings.

E. Many Procedural Niceties are Disregarded

The survey indicated that faculty meetings typically disregard many of the finer points of parliamentary procedure prescribed by *Robert’s Rules*. For example:

- An overwhelming majority of respondents (93.8%) indicated that at their faculty meetings, faculty members refer to each other by name.
- Most respondents (85.4%) reported either that faculty members speaking at their faculty meetings do not direct their remarks to the chair (46.9%) or that some do and some don’t (38.5%).
- *Robert’s Rules* provides that after a motion is made and seconded, the chair should “state the question” on the motion before inviting discussion on it,⁴⁶ but a majority of respondents (54.2%) reported that in their meetings this occurs only “sometimes,” “rarely,” or “never.”
- *Robert’s Rules* also requires that the chair restate a question immediately before putting it to a vote, but a substantial minority (34.4%) indicated that at their meetings this occurs only “sometimes” (26.0%), “rarely” (5.2%), or “never” (3.1%).
- *Robert’s Rules* calls upon the chair to maintain a posture of neutrality,⁴⁷ but two-thirds of respondents (66.3%) indicated that the chair at least “sometimes” speaks to the merits of proposals being debated.
- A whopping zero percent of respondents reported that their chair invites discussion on a motion by asking, “Are you ready for the question?”

44 This group included 30.5% who responded that “[w]hen the chair feels that debate has gone on long enough, the chair suggests that debate should wind up, after which debate winds up quickly,” which is already something of a deviation from standard procedures, and nearly half (48.4%) who said their debates could be cut off by majority vote, by the chair’s unilateral decision, or by a member’s purporting to “call the question,” which is clearly not allowed. See *infra* text accompanying notes 74-75.

45 See *infra* Part V.

46 *Robert’s Rules*, *supra* note 1, at 33. *Robert’s Rules* sternly cautions inexperienced chairs that they “should never try to avoid this critically important duty.” *Id.* at 432.

47 *Id.* at 374; see also *Standard Code*, *supra* note 13, at 131; *Demeter’s Manual*, *supra* note 13, at 42-43.

F. Most Faculty Members Are Satisfied with the Procedures

Most respondents seemed satisfied with the level of procedure observed at their faculty meetings. Asked whether their meetings could be improved by following rules of procedure more or less strictly, 70.5% indicated that “things are about right as they are now.” A minority of 17.9% thought that meetings could improve by following rules of parliamentary procedure more strictly. Only 4.2% thought it would be better to follow the rules less strictly.

The results of the survey helped inform the guide to basic parliamentary procedure that appears in the next section. In particular, the survey results confirm my instinct that law faculties are generally content to dispense with some of the finer details of procedure prescribed by *Robert's Rules*.

IV. A Simplified Guide to Basic Parliamentary Procedure

In this section, I set forth, in just a few pages, enough parliamentary procedure to get you through most faculty meetings. This brief guide should be useful for those who wish to pick up some knowledge of parliamentary procedure without having to plow through the established authorities on the topic. However, a few caveats are in order:

1. This guide is only a quick reference to the most basic elements of parliamentary procedure. It is not a full-blown procedural manual. Mastering this guide will not qualify you to serve as a parliamentarian. It will, however, put you ahead of most of your colleagues in terms of knowledge of parliamentary procedure. It covers the bulk of situations that typically arise during a faculty meeting. If everyone could learn this much parliamentary procedure, meetings would run more smoothly.
2. Even this rudimentary advice departs from the accepted authorities, particularly *Robert's Rules*, in some minor respects. In my estimation, full application of *Robert's Rules* in all its glory would be too formal and fussy for most law faculties—to say nothing of how it might seem to a physics or art history faculty. The advice given here is based on practical experience of how much parliamentary procedure faculty members really want to observe and on the results of my survey questions on that same point. Deviations from the standard authorities are noted in the footnotes.
3. Your own faculty rules may depart from those prescribed by your parliamentary authority. In general, parliamentary rules are default rules that an organization's rules may override. For example, *Robert's Rules* provides that a “majority vote” means a majority of those who are both present and voting. Your faculty rules may, however, impose different requirements for specified kinds of votes. For example, your faculty rules might require a tenure vote to be a majority vote of all *eligible* voters; if they do, then that rule supersedes *Robert's Rules* in cases to which it applies (with the consequence that anyone who misses a tenure meeting or who attends but abstains on the tenure vote has effectively voted “no”). So if you really want to be ready to address procedural issues at a faculty meeting, then in addition to

learning some parliamentary procedure, you should read your own school's faculty rules.

With those caveats, here is:

Siegel's Simplified Guide to Parliamentary Procedure

In this guide, the faculty meeting as a whole is referred to as "the assembly," individual members of the assembly are referred to as "members," and the presiding officer is referred to as "the chair."

1. Getting Debate Started

- a. Debate on any matter is introduced by a motion.⁴⁸
- b. Most motions require a second. To second a motion, any member may call out "Second!" without waiting to be recognized. If there is no second, a motion fails. However, (1) motions to adopt a committee recommendation do not require a second, and (2) the requirement of a second is waivable. If the chair fails to ask for a second and no one objects before debate on a motion has begun, the requirement is waived.⁴⁹
- c. Once a motion is made and seconded, the chair calls for debate or discussion on the motion.

2. Amendments

- a. During the course of debate on a motion, a member may move an amendment. Such a motion requires a second. If an amendment is moved and seconded, the chair calls for debate or discussion on the amendment.
- b. Once an amendment is moved and seconded, the amendment becomes the pending business, and discussion should be limited to the amendment until it is disposed of.⁵⁰ If the amendment is voted on and fails, discussion returns to the previous motion. If the amendment is voted on and succeeds, discussion returns to the previous motion as amended. It is improper to debate the underlying motion while an amendment to it is pending or to move on to a different amendment without resolving the first one.⁵¹
- c. A member may move an amendment to an amendment, which has the same relation to the amendment as the amendment does to the original motion. However, tertiary amendments (an amendment to an amendment to an amendment) are not permitted.⁵²
- d. There is no such thing as a "friendly amendment." Once debate on a motion has started, the proposer of the motion is not specially privileged to

48 *Robert's Rules*, *supra* note 1, at 30; *Standard Code*, *supra* note 13, at 274.

49 *Robert's Rules* at 31-33.

50 *Id.* at 371, 376; *Standard Code*, *supra* note 13, at 54.

51 *Robert's Rules*, *supra* note 1, at 371, 376; *Standard Code*, *supra* note 13, at 54.

52 *Robert's Rules*, *supra* note 1, at 121; *Standard Code*, *supra* note 13, at 53.

“accept” amendments to it.⁵³ An amendment to a motion may be adopted without a vote by unanimous consent,⁵⁴ but not merely because the proposer of the original motion “accepts” the amendment.

3. Ending Debate, Voting, and Determining the Result

It is important to know how to end debate on a motion and bring it to a vote. There are two scenarios for doing so.

a. *Basic Method of Ending Debate:* When debate appears to have come to a close of its own accord, the chair says something like, “Is there any further discussion?” If no one seeks recognition, the chair says, “Hearing none, the question is on _____ [e.g., ‘adoption of the committee recommendation’].” The statement of what is being voted on may be omitted if there has been little or no debate and it is obvious what the question is,⁵⁵ but it is valuable if debate has been long, if the question is on an amendment, or if there have been any amendments (including unsuccessful ones) in the course of the debate.

b. *More Complicated Method of Ending Debate:* If debate does not come to a close of its own accord, no individual member, including the chair, has the power to end it.⁵⁶ However, a member may move to close debate.⁵⁷

A motion to close debate may be made in informal terms, as by saying, “I move that we vote,” “I call the question,” or “Call the question!” It may also be made more formally by saying, “I move the previous question.” All such formulations are treated as a motion to close debate.

A member must be recognized to move to close debate. Shouting out “Call the question!” without being recognized is improper.

53 *Robert's Rules*, *supra* note 1, at 150; *Standard Code*, *supra* note 13, at 56, 274. The proposer of a motion may accept amendments in the brief period before debate on the motion begins. *Robert's Rules*, *supra* note 1, at 36. Once debate begins, however, the motion belongs to the assembly as a whole and the proposer is not specially privileged to accept amendments. *Id.*

54 *See infra* point 4.

55 Some parliamentarians will cringe at the prospect of the chair's putting a question without stating what it is. If, however, the question has just been proposed and there has been little or no debate, calling for the vote without restating the question does no harm. The procedure is contrary to *Robert's Rules*. *Robert's Rules*, *supra* note 1, at 40. The *Standard Code* generically approves skipping steps that, under the circumstances, are unnecessary. *Standard Code*, *supra* note 13, at 34.

56 In practice, some chairs try to encourage debate to draw to a close by the tone in which they ask whether there is any further discussion or by appending “or are we ready to come to a vote?” or something similar. These efforts, if made at all, should be made with caution, as those who desire to continue to debate have a right to do so unless debate is cut off by motion.

57 *Robert's Rules* refers to this motion as a “motion for the previous question.” *Robert's Rules*, *supra* note 1, at 197. As that name is likely to be unfamiliar and possibly confusing to those not versed in parliamentary procedure, the motion is referred to herein as a “motion to close debate.” The *Standard Code* uses the name “motion to close debate and vote immediately.” *Standard Code*, *supra* note 13, at 67.

Making a motion to close debate does *not* immediately terminate debate. A motion to close debate is a motion. It requires a second, and it specially requires a two-thirds vote, as it takes a two-thirds majority to cut off the right of a minority to continue debate.⁵⁸

A motion to close debate is nondebatable, so if it is made and seconded, the chair must immediately put it to a vote, unless the assembly unanimously agrees that it is time to vote on the previously pending question. If someone moves to close debate, it is permissible (though not required) for the chair to ask whether there is any objection to closing debate. If no one objects, the motion to close debate is adopted by unanimous consent. If even one member wishes to continue debate, then the chair should ask whether there is a second to the motion to close debate and, if there is, immediately put that motion to a vote (making clear that what is being voted on is closing debate).

If the motion to close debate succeeds by a two-thirds vote, then there can be no further debate on or amendment of the motion as to which debate was closed, and the assembly then votes on that motion. If the motion to close debate fails, the assembly returns to debate on the previously pending motion.

c. *Voting*. Unless a faculty's rules prescribe the method of voting, the chair has discretion to choose the method. The chair may call for a voice vote or use some other method such as a show of hands.

For a voice vote, the chair says, "Those in favor, say aye [members say "Aye"]; opposed, say no [members say "No"]." If the result is clear, the chair says, "The ayes [or nos] have it" and/or "The motion carries [or fails]." If no one objects or calls for a division, that is that. If the result does not seem clear to the chair, or if anyone objects that the result is unclear or calls for a division, the chair retakes the vote using a method that can produce a counted vote, such as a show of hands.⁵⁹

For a show of hands, the chair asks first those in favor of and then those opposed to the motion to raise their hands and keep them raised until all the raised hands are counted. After the count is complete, the chair announces

58 *Robert's Rules*, *supra* note 1, at 200; *Standard Code*, *supra* note 13, at 69.

59 *Robert's Rules* provides for divisions to be taken by a "rising vote," i.e., having those in favor of and then those opposed to a motion rise and stand in place until counted, *Robert's Rules*, *supra* note 1, at 387, but I have never seen that method used. *Robert's Rules* somewhat disdainfully allows for voting by show of hands as "an alternative method" that is permitted "in very small assemblies if no member objects." *Id.* at 388. Even the less fussy *Standard Code*, which allows a show of hands "at the discretion of the chair" and recognizes it as "usually quicker and simpler" than a rising vote, prefers a rising vote for large assemblies as providing "greater accuracy." *Standard Code*, *supra* note 13, at 149-50. In my experience, voting by show of hands is the method actually used at faculty meetings (and all other kinds of meetings I've ever attended) when there is a question about the result of a voice vote. A rising vote might be more suitable for a meeting with 200 or 300 voting members, but for meetings the size of a law faculty, a show of hands is sufficient.

the count and states whether the motion carries or fails. Counting may be dispensed with if the vote is obviously lopsided.

If the chair chooses to hold an initial voice vote, any member is entitled to demand a division (i.e., a vote by a method that can be counted) and may do so by calling out "Division!" or something equivalent (e.g., "Can we have a division?" or "Can we have a show of hands?") without waiting to be recognized. No second is required on the demand for a division.

A counted vote should be used initially when the motion being voted on requires a two-thirds or other supermajority vote. A faculty's rules may also provide for voting by another method, such as by secret ballot or by electronic device.

Assuming the chair is a voting member of the meeting being chaired, the chair is privileged to vote. However, it is customary for the chair not to vote in a voice vote, nor in a show of hands, except to break (or create) a tie. If a vote is taken by secret ballot, it is appropriate for the chair to cast a ballot with everyone else.

d. *Determining the Result.* The basic requirement for success on any motion, which applies unless a faculty's rules or the rules of parliamentary procedure provide otherwise, is a majority vote. A successful majority vote is a vote in which the affirmative votes exceed the negative votes. A tied vote is unsuccessful.⁶⁰

Parliamentary procedure requires a two-thirds vote for some motions (such as a motion to close debate), and a faculty's rules may require a two-thirds or other supermajority vote for specified matters (such as appointments or tenure). A successful two-thirds vote is a vote in which the number of affirmative votes is at least double the number of negative votes.

Unless a faculty's rules provide otherwise, the majority or supermajority required is a majority or supermajority of those *present and voting*, with a quorum being present. A majority or supermajority of all members present or of all members eligible to vote is not required. Accordingly, in determining the result of a vote, abstentions or blank votes are disregarded and have no effect on the outcome.⁶¹

Thus, for example, suppose that a faculty has sixty members eligible to vote on a matter, fifty of whom are present at a meeting, that the faculty's rules define a quorum as a majority of eligible voters, and that the faculty's rules contain no special provision altering the usual meanings of a majority vote or a two-thirds vote. Under these circumstances, a vote of twenty-three in favor, twenty-two against, with five abstentions, would be a successful majority vote, and a vote of thirty in favor, fifteen against, with five abstentions, would be a successful two-thirds vote.

60 *Robert's Rules*, *supra* note 1, at 379, 384; *Standard Code*, *supra* note 13, at 135, 142.

61 *Robert's Rules*, *supra* note 1, at 379-80; *Standard Code*, *supra* note 13, at 139-40.

These rules may be varied by a faculty's rules. If on a specified vote (such as an appointment or tenure vote), a faculty's rules require a majority or supermajority vote of all eligible voters present, or of all eligible voters, then that rule supersedes the rules stated above.

4. Unanimous Consent

Anything that the assembly could do by motion and vote, it may also do by unanimous consent. Acting by unanimous consent may save time if an action is uncontroversial.

To seek unanimous consent to an action, the chair asks, "Is there any objection to _____?" The chair then pauses to give members an opportunity to object. If no one objects, the action is taken. For example, if during debate on a motion someone suggests a minor amendment to which no opposition is likely, it may be possible to adopt the amendment by unanimous consent without the need for a formal motion to amend.

Unanimous consent may not be used to do anything that the assembly could not do by motion and vote. Accordingly, unanimous consent does not authorize the assembly to take actions in derogation of the rights of absent members or to dispense with fundamental principles of parliamentary procedure. Thus, for example, unanimous consent may not be given to proceed without a quorum or to consider business as to which a required prior notice was not given (both of which would be unfair to absent members),⁶² or to allow nonmembers to vote (which would violate a fundamental principle of parliamentary procedure).⁶³

5. Neutrality of the Chair

Robert's Rules and other leading parliamentary authorities call for the chair to maintain a posture of neutrality and impartiality on matters presented and not to engage in debate.⁶⁴ If the chair wants to express views on a question being debated, the chair is supposed to relinquish the chair to someone else for the duration of the debate on that question, as the chair could not be perceived as a fair moderator of debate after expressing views on a question. This restriction is disregarded in faculty meetings at many schools,⁶⁵ but a chair should at least consider it and should consider that although speaking on the merits of matters may increase the likelihood that the faculty will vote for the chair's preferred outcome, some faculty members may resent it.

6. Small Committees

In meetings of small committees of up to about a dozen members, the following modifications of the above rules apply: Motions need not be

62 *Robert's Rules*, *supra* note 1, at 263-64.

63 *Id.* at 263.

64 *Id.* at 374; *Standard Code*, *supra* note 13, at 131; *Demeter's Manual*, *supra* note 13, at 42-43.

65 See *supra* Part III.E.

seconded, the chair need not maintain a posture of neutrality, and the chair can vote with everyone else on votes taken by any method.⁶⁶

7. Enforcing the Rules

A member who feels that the rules (either the rules of parliamentary procedure or the faculty's rules) are not being followed may raise a point of order by calling out "Point of order!" The member does not have to be recognized to raise the point of order and may interrupt another member who is speaking. The chair calls upon the member to state the point of order, the member does so, and the chair determines whether the point of order is correct. If it is, the chair enforces whatever rule was not being followed.

8. Quorum

Unless a faculty's rules provide a different definition, a quorum is a majority of the faculty who are eligible to vote on whatever matter is pending.⁶⁷ The chair should not permit any vote if a quorum is not present. If a vote is about to happen with no quorum present, any faculty member may suggest the absence of a quorum, and if a quorum is not present the vote may not proceed.

A faculty may tolerate commencing meetings without a quorum provided a quorum is present once any votes are taken.⁶⁸ Strictly speaking, however, *Robert's Rules* provides that the chair should not permit a meeting to start in the absence of a quorum,⁶⁹ and it provides that any action taken in the absence of a quorum is "null and void."⁷⁰ Thus, if a faculty has adopted *Robert's Rules*, any action taken in the absence of a quorum is vulnerable to subsequent challenge, even if no one raises the quorum issue at the time a vote is taken.⁷¹

V. Dispelling Common Procedural Myths

The foregoing guide already dispels some myths about parliamentary procedure that are popular in faculty meetings. If you simply follow what is stated above, you will not fall prey to these common errors. This section calls specific attention to these to these myths. Some of this section repeats what is already stated above, but these myths are sufficiently persistent that it is worthwhile noting them specifically.

66 *Robert's Rules*, *supra* note 1, at 464-65.

67 *Id.* at 329-30; *Standard Code*, *supra* note 13, at 122-23.

68 The *Standard Code* permits this practice. *Standard Code*, *supra* note 13, at 122.

69 *Robert's Rules*, *supra* note 1, at 331.

70 *Id.* at 330.

71 See *infra* Part V; see also, e.g., *Anderson County v. Preston*, 804 S.E. 2d 282, 296 (S.C. App. 2017); *Park Meadow Townhouse Ass'n v. Foley*, 1988 WL 109817 (Tex. App. 1988). The *Standard Code* provides that the lack of a quorum cannot be raised after a vote is taken. *Standard Code*, *supra* note 13, at 125.

Myth: The proposer of a motion may accept a “friendly amendment” to the motion.

Reality: Once debate on a motion has begun, there is no such thing as a friendly amendment.

Comment: In faculty meetings, someone offering an amendment to a motion may suggest that it is or might be a “friendly amendment.” In many faculties, the proposer of the original motion may then “accept” the proposed amendment. If this happens, the amendment is treated as made without the necessity for a vote. The theory behind this practice appears to be that the proposer could have included the friendly amendment when proposing the motion originally, and so she should be able to “accept” the amendment and have her motion treated as though it had included the amendment from the start.

This “friendly amendment” procedure is common. Two-thirds of my survey respondents reported that this procedure is used at their faculty meetings. Hence, popular belief in this procedure has a basis in common meeting practice.

In fact, however, the leading parliamentary authorities all provide that once a motion has been made and seconded and debate on the motion has begun, the motion belongs to the assembly as a whole and only the assembly can amend it. The original proposer of the motion has no special privilege to “accept” amendments to it.⁷² Even my own guide, which is somewhat more relaxed than the leading authorities, takes this same view. The reason for it is that the original proposer of a motion already has considerable power to shape the motion by giving it its original form. To allow the proposer, during subsequent debate, to “accept” any proposed amendment to it would give the original proposer too much power.

If someone proposes what appears to be an uncontroversial amendment to a pending motion, it may be possible to adopt the amendment without a vote, but the proper procedure is to seek the assembly’s unanimous consent to the amendment. An amendment can be made by unanimous consent, but not merely because the proposer of the original motion “accepts” the amendment.⁷³

72 *Robert’s Rules*, *supra* note 1, at 150; *Standard Code*, *supra* note 13, at 56, 274; *Demeter’s Manual*, *supra* note 13, at 70.

73 Both the *Standard Code* and *Demeter’s Manual* attempt to satisfy the popular desire for a “friendly amendment” procedure by encouraging the seeking of unanimous consent. The *Standard Code* provides that if the proposer of a motion “accepts” any proposed amendment, the chair *should* inquire whether there is any objection to the amendment, and, if there is no objection, treat the amendment as made by unanimous consent. *Standard Code*, *supra* note 13, at 56. *Demeter’s Manual* goes one step further and provides that if the proposer of the original motion “accepts” an amendment and no one objects, the amendment is deemed to have been adopted by unanimous consent. *Demeter’s Manual*, *supra* note 13, at 70. *Demeter’s Manual* thus comes closest of the three authorities to recognizing the “friendly amendment” procedure, but even it recognizes that a single member may block a purportedly friendly amendment by objecting. *Id.* The *Demeter’s Manual* procedure relies on members of the assembly to be aware of their right to object to a friendly amendment. In my view, this goes too far and creates the danger that an amendment will be adopted because faculty members do not understand

Myth: After a reasonable period of debate on a motion, any faculty member may “call the question,” either when recognized or by shouting out “Call the question” without being recognized, and doing so has the effect of ending the debate and compelling the assembly to vote on the pending motion.

Reality: Cutting off debate requires a two-thirds vote on a motion to close or limit debate, and a member must be recognized to make such a motion.

Comment: Parliamentary law requires a balance between the right of the majority of an assembly to have its way and the right of a minority to try to persuade the majority by debate.⁷⁴ Deliberative assemblies work best when the majority prevails but the minority believes it has had a fair chance to make its arguments.⁷⁵ To provide this balance and to give a minority its fair chance at debate, the leading authorities provide that debate on any question may continue as long as any member wishes to be heard, unless debate is cut off by a successful motion to close debate.⁷⁶ Such a motion is not debatable, but it requires a two-thirds vote. To make such a motion, a member must first be recognized; the motion does not fall within the category of things a member may simply shout out.

Theoretically, the two-thirds vote requirement means that a substantial minority of faculty members could prevent a faculty from approving a measure by “filibustering” it—i.e., by keeping debate going indefinitely and never allowing the measure to come to a vote. In practice, there is little danger of a filibuster at a faculty meeting. My faculty loves long debates, and I have sat through many meetings at which we spent an hour or two debating meeting procedure before we could even get to whatever substantive matter we needed to consider, but I have never observed anyone try to prevent us from voting by filibustering. More than 90% of my survey respondents reported that filibusters occurred “rarely” or “never” in their faculty meetings.

Faculties should, therefore, follow the traditional rule laid down by the leading parliamentary authorities and respect the right of faculty members to continue to debate unless debate is cut off by a two-thirds vote. The theoretical danger of a filibuster is far outweighed by the value of allowing opponents of a proposal to feel that they have had a fair opportunity to argue against it.

Myth: A member who desires to kill a pending motion or postpone its consideration to a subsequent meeting may move to “table” it. Moreover, such a motion is undebatable and requires only a majority vote. Thus, a majority may kill any business without debate.

their right to object.

74 This point is emphasized in all the leading parliamentary authorities. *Robert's Rules*, *supra* note 1, at xlix; *Standard Code*, *supra* note 13, at 8-9; *Demeter's Manual*, *supra* note 13, at 6.

75 *Robert's Rules*, *supra* note 1, at xlvi.

76 Debate can also be cut off by a motion to *limit* debate, for example by requiring debate to end at a specified time, but such a motion also requires a two-thirds vote. *Id.* at 179-81.

Reality: Assuming your faculty meetings are governed by *Robert's Rules*, the correct use of the motion to “table” is limited. In most cases, a member who moves to table a motion really wants to do something else.

Comment: Many faculty members have an incorrect understanding of the motion to “table” a matter. *Robert's Rules* does recognize the motion to table (known formally as a motion “to lay [another motion] on the table”). But the purpose of this motion is to allow the assembly to set a matter aside temporarily so that it may consider something urgent. If this motion is adopted, the pending matter is “laid on the table.” The assembly can then consider the urgent matter, after which a member would move that the previously pending matter be “taken from the table” so that its consideration may continue. A motion to lay a matter on the table is out of order when there is evidently no other matter that requires urgent attention.⁷⁷ It is a misuse of the motion to use it to try to kill another motion without debate.⁷⁸

In most cases in which a faculty member moves to “table” a pending motion, the faculty member has some other goal besides setting the pending matter aside temporarily while some urgent matter is considered. The best thing to do depends on what the faculty member’s real goal is. If the faculty member’s goal is simply to defeat the pending motion, then the faculty member should allow the motion to come to a vote and vote against it. If the faculty member is tired of debating the pending motion and wants it defeated immediately, the faculty member should move to close debate. As detailed above, the motion to close debate is itself nondebatable, and if it carries by two-thirds vote, then the faculty will vote on the pending motion without further debate.

More often, a faculty member who moves to “table” the pending motion wants to make the pending motion go away without voting on it, either because voting either affirmatively or negatively on the pending motion would be awkward or embarrassing, or because debate on the pending motion is taking up too much time. To get rid of a pending motion without voting on it, a faculty member may move to refer the pending motion to a committee, to postpone it to a definite time (such as the next meeting) or to postpone it indefinitely.⁷⁹ The last option most closely corresponds with what my survey respondents report faculty members who move to “table” something really desire. Moving that the pending motion be “postponed indefinitely” amounts to saying, “Let’s make the pending motion go away for the rest of this meeting. I don’t care whether or not it comes back at a later meeting, but let’s not discuss it any more today.” Adoption of a motion to postpone the pending motion indefinitely kills the pending motion for the remainder of the meeting, after which it may, but need not, be reintroduced at a later meeting.

77 *Id.* at 204.

78 *Id.*

79 *Id.* at 116-19, 157-79.

Any of the motions mentioned in the prior paragraph (moving to refer the pending motion to a committee, to postpone it to a definite time, or to postpone it indefinitely) would itself be debatable. If a faculty member wishes to get rid of a pending motion without voting on it and without debate, the faculty member should move one of the motions in the prior paragraph and then immediately move to close debate on that motion.⁸⁰ As usual, a two-thirds vote would be required on the motion to close debate.

Insistence on these procedures may seem fussy, but an important reason underlies all of these niceties. A motion to “table” a matter is not debatable and requires only a majority vote for its adoption. Hence, if it could be used to kill another motion permanently, a simple majority could kill a motion without debate, in violation of the basic parliamentary principle that it takes a two-thirds majority to cut off the right of a minority to debate a question. Requiring the use of a motion to refer or to postpone preserves the right of the minority to make its arguments.⁸¹

Myth: A faculty meeting may start without a quorum present, and a vote may even be taken on a business matter without a quorum present, provided no one calls attention to the absence of a quorum.

Reality: *Robert's Rules* provides that the chair may not start a meeting unless a quorum is present.⁸² It also provides that action taken at a meeting in the absence of a quorum is “null and void.”⁸³

Comment: It may be difficult to obtain a quorum at a faculty meeting. The myth that a meeting may proceed without one provided no one raises the quorum issue therefore comes in handy. However, for a faculty that has adopted *Robert's Rules*, reliance on this myth is dangerous, as the quorum rules actually set forth in *Robert's Rules* have nuances not captured by the myth.

There is this much truth to the quorum myth: *Robert's Rules* does provide that “When the chair has called a meeting to order *after finding that a quorum is present*, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present.”⁸⁴ *Robert's Rules* also provides that the chair has a duty to determine that a quorum is present before calling the

80 *Id.* at 204-05.

81 Bowing to popular usage, the *Standard Code* provides that a motion to “table” another motion is a nondebatable motion that, if adopted, has the effect of killing the tabled motion for the current meeting, although it may come back at a subsequent meeting. *Standard Code, supra* note 13, at 70-72. However, the *Standard Code* provides that the motion to table requires a two-thirds vote. *Id.* at 71-72. Thus, although the *Standard Code* is more favorably disposed toward motions to table than is *Robert's Rules*, even the *Standard Code* agrees that a simple majority may not terminate debate on a motion by “tabling” it.

82 *Robert's Rules, supra* note 1, at 331.

83 *Id.* at 330.

84 *Id.* at 331 (emphasis added).

meeting to order,⁸⁵ so if the chair fulfills this duty, a presumption arises that the meeting continues to have a quorum. However, the presumption is only a presumption. If the chair observes that a quorum is in fact no longer present, the chair has a duty to so announce and may not put any matter to a vote.⁸⁶ Also, any member who notices that a quorum is no longer present may raise the absence of a quorum as a point of order.⁸⁷

Moreover, even if a vote takes place before anyone calls attention to the loss of a quorum, the vote is not necessarily safe. Because it may be impossible to tell exactly when a quorum was lost, calling attention to the loss of a quorum does not normally undermine the validity of any vote that had already occurred.⁸⁸ However, “upon clear and convincing proof” that there was no quorum at the time of a vote, the vote may be voided “retrospectively.”⁸⁹ Thus, under *Robert’s Rules*, votes taken in the absence of a quorum are vulnerable to subsequent invalidation even if no one calls attention to the absence of a quorum at the time of the vote.

Myth: When voting, success requires a majority (or, if applicable, a supermajority) of those voting *plus* those abstaining, and so an abstention is equivalent to a negative vote.

Reality: Abstentions are disregarded and do not count in the numerator or the denominator when determining whether a vote is successful.

Comment: It is important to know how to determine the result of a vote. An error on this point can turn a successful vote into a defeat or vice versa. *Robert’s Rules* clearly states that the basic requirement for a successful vote is a majority of votes cast, a quorum being present.⁹⁰

This principle might be varied by a faculty’s rules. If, for example, a faculty’s rules provide that a successful tenure vote must be by a majority of all *eligible voters*, then such a majority must be obtained, and a faculty member who abstains (or who is absent from the meeting) has effectively voted no. But assuming no such special rule is in effect, abstentions are disregarded.

Some people also imagine that when a two-thirds vote is required, a successful vote must *exceed* two-thirds. This is incorrect. A vote of thirty in favor, fifteen against, is a successful two-thirds vote.

* * * * *

85 *Id.*

86 *Id.*

87 *Id.*

88 *Id.* at 332.

89 *Id.*

90 *Id.* at 379–80.

My survey results suggest that many law faculties subscribe to the myths debunked above. In some cases, following the mythical procedure does no great harm. For example, if a chair allows an uncontroversial amendment to a motion to be adopted as a “friendly amendment,” no harm is done if the meeting would have adopted the amendment by unanimous consent had such consent been sought. In other cases, however, the myth can lead to an incorrect or unfair result. By arming yourself with the correct information, you can prevent harm to your interests and those of your school.

Conclusion

Many law professors seem to imagine that parliamentary procedure is an arcane body of specialized knowledge accessible only to experts. But parliamentary procedures are just a set of procedural rules that any lawyer, and certainly any law professor, can learn. While attaining full mastery of them would be arduous, learning enough to get you through a typical faculty meeting is easy and enjoyable. *Siegel's Simplified Guide to Parliamentary Procedure* should be a serviceable, trusty companion that will enable you to protect your interests and those of your school in faculty meetings.

Appendix: Survey Results

Here are the detailed results of my survey of U.S. law faculty regarding procedures used at their faculty meetings. See footnote 43 in the essay above for an explanation of the survey methodology.

I received ninety-seven survey responses in total. In the tables below, column “R” includes respondents selected at random from a list of U.S. law faculty (fifty-six responses), column “D” includes respondents who are a school’s senior associate dean for academic affairs or have a similar title (twenty-five responses), and column “K” includes respondents chosen by a decanal respondent who was asked to forward the survey to a faculty member knowledgeable in parliamentary procedure (sixteen responses).

What parliamentary authority, if any, has your faculty adopted to govern its faculty meetings?

	All	R	D	K
Robert’s Rules of Order (or Robert’s Rules of Order, Newly Revised)	56 (57.7%)	33 (58.9%)	15 (60.0%)	8 (50.0%)
American Institute of Parliamentarians, Standard Code of Parliamentary Procedure	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Demeter’s Manual of Parliamentary Law and Procedure	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
The faculty has not adopted any parliamentary authority to govern its meetings	10 (10.3%)	4 (7.1%)	3 (12.0%)	3 (18.8%)
I don’t know	20 (20.6%)	15 (26.8%)	4 (16.0%)	1 (6.3%)
Other	11 (11.3%)	4 (7.1%)	3 (12.0%)	4 (25.0%)

On a scale of 0 to 10, how strictly would you say your school's faculty meetings follow rules of parliamentary procedure?

	All	R	D	K
0 (Not strictly at all)	4 (4.1%)	4 (7.1%)	0 (0.0%)	0 (0.0%)
1	3 (3.1%)	3 (5.4%)	0 (0.0%)	0 (0.0%)
2	8 (8.2%)	2 (3.6%)	2 (8.0%)	4 (25.0%)
3	12 (12.4%)	7 (12.5%)	2 (8.0%)	3 (18.8%)
4	6 (6.2%)	1 (1.8%)	4 (16.0%)	1 (6.3%)
5	13 (13.4%)	8 (14.3%)	4 (16.0%)	1 (6.3%)
6	7 (7.2%)	5 (8.9%)	2 (8.0%)	0 (0.0%)
7	24 (24.7%)	12 (21.4%)	6 (24.0%)	6 (37.5%)
8	14 (14.4%)	11 (19.6%)	2 (8.0%)	1 (6.3%)
9	4 (4.1%)	2 (3.6%)	2 (8.0%)	0 (0.0%)
10 (Very strictly)	2 (2.1%)	1 (1.8%)	1 (4.0%)	0 (0.0%)
Average	5.4	5.4	5.8	4.8

Do you think your faculty meetings could be improved by changing how strictly they follow rules of parliamentary procedure?

	All	R	D	K
Yes, by following such rules more strictly.	17 (17.9%)	10 (18.5%)	4 (16.0%)	3 (18.80%)
Yes, by following such rules less strictly.	4 (4.2%)	2 (3.7%)	2 (8.0%)	0 (0.0%)
No, things are about right as they are now.	67 (70.5%)	38 (70.4%)	17 (68.0%)	12 (75.0%)
Other	7 (7.4%)	4 (7.4%)	2 (8.0%)	1 (6.3%)

Who presides over your faculty meetings?

	All	R	D	K
The dean	81 (83.5%)	48 (85.7%)	20 (80.0%)	13 (81.3%)
The senior associate academic dean (or a person with a similar title)	5 (5.2%)	2 (3.6%)	2 (8.0%)	1 (6.3%)
Another person chosen by the dean	1 (1.0%)	0 (0.0%)	1 (4.0%)	0 (0.0%)
Another person chosen by the faculty	4 (4.1%)	0 (0.0%)	2 (8.0%)	2 (12.5%)
Other	6 (6.2%)	6 (10.7%)	0 (0.0%)	0 (0.0%)

On a scale of 0 to 10, how knowledgeable, in your opinion, is the person who presides over your faculty meetings about rules of parliamentary procedure?

	All	R	D	K
0 (Not knowledgeable at all)	4 (4.1%)	4 (7.1%)	0 (0.0%)	0 (0.0%)
1	3 (3.1%)	3 (5.4%)	0 (0.0%)	0 (0.0%)
2	8 (8.2%)	4 (7.1%)	1 (4.0%)	3 (18.8%)
3	12 (12.4%)	6 (10.7%)	3 (12.0%)	3 (18.8%)
4	3 (3.1%)	2 (3.6%)	1 (4.0%)	0 (0.0%)
5	12 (12.4%)	6 (10.7%)	2 (8.0%)	4 (25.0%)
6	13 (13.4%)	6 (10.7%)	6 (24.0%)	1 (6.3%)
7	14 (14.4%)	9 (16.1%)	4 (16.0%)	1 (6.3%)
8	17 (17.5%)	9 (16.1%)	5 (20.0%)	3 (18.8%)
9	5 (5.2%)	3 (5.4%)	2 (8.0%)	0 (0.0%)
10 (Very knowledgeable)	4 (4.1%)	3 (5.4%)	1 (4.0%)	0 (0.0%)
Average	5.5	5.4	6.3	4.8

Does anyone officially serve as Parliamentarian for your faculty meetings?

	All	R	D	K
Yes	5 (5.2%)	3 (5.5%)	1 (4.0%)	1 (6.3%)
No, but one or more persons unofficially fulfill that role	45 (46.9%)	28 (50.9%)	11 (44.0%)	6 (37.5%)
No	41 (42.7%)	20 (36.4%)	13 (52.0%)	8 (50.0%)
Other	5 (5.2%)	4 (7.3%)	0 (0.0%)	1 (6.3%)

In your opinion, does your school lean toward a “strong dean” model of governance or a “strong faculty governance” model? Please rate the answer on a scale of 0 to 10:

	All	R	D	K
0 (Strong dean)	2 (2.1%)	2 (3.6%)	0 (0.0%)	0 (0.0%)
1	5 (5.2%)	3 (5.4%)	2 (8.0%)	0 (0.0%)
2	7 (7.2%)	3 (5.4%)	0 (8.0%)	4 (25.0%)
3	6 (6.2%)	3 (5.4%)	0 (0.0%)	3 (18.8%)
4	7 (7.2%)	5 (8.9%)	2 (8.0%)	0 (0.0%)
5	16 (16.5%)	7 (12.5%)	8 (32.0%)	1 (6.3%)
6	6 (6.2%)	2 (3.6%)	2 (8.0%)	2 (12.5%)
7	17 (17.5%)	9 (16.1%)	6 (24.0%)	2 (12.5%)
8	18 (18.6%)	13 (23.2%)	2 (8.0%)	3 (18.8%)
9	11 (11.3%)	8 (14.3%)	2 (8.0%)	1 (6.3%)
10 (Strong faculty governance)	2 (2.1%)	1 (1.8%)	1 (4.0%)	0 (0.0%)
Average	5.8	6.0	5.9	5.1

During the academic year, how often does your school hold faculty meetings?

	All	R	D	K
Once per academic year	1 (1.0%)	1 (1.8%)	0 (0.0%)	0 (0.0%)
Once every two months	3 (3.1%)	3 (5.5%)	0 (0.0%)	0 (0.0%)
Monthly	61 (63.5%)	32 (58.2%)	18 (72.0%)	11 (68.8%)
More than once a month, but not as often as twice a month	18 (18.8%)	9 (16.4%)	5 (20.0%)	4 (25%)
Twice a month	12 (12.5%)	9 (16.4%)	2 (8.0%)	1 (6.3%)
More than twice a month	1 (1.0%)	1 (1.8%)	0 (0.0%)	0 (0.0%)

What would you estimate is the average length of your faculty meetings?

	All	R	D	K
Less than 30 minutes	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
30 - 59 minutes	12 (12.5%)	8 (14.5%)	3 (12.0%)	1 (6.3%)
1 hour - 1 hour 29 minutes	55 (57.3%)	33 (60.0%)	14 (56.0%)	8 (50.0%)
1 hour 30 minutes - 1 hour 59 minutes	22 (22.9%)	11 (20.0%)	6 (24.0%)	5 (31.3%)
2 hours - 2 hours 29 minutes	7 (7.3%)	3 (5.5%)	2 (8.0%)	2 (12.5%)
2 hours 30 minutes - 3 hours	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
More than 3 hours	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)

In your faculty meetings, how often do you feel that faculty members attempt to exploit rules of parliamentary procedure to gain what you regard as an unfair or inappropriate advantage?

	All	R	D	K
Frequently	1 (1.0%)	1 (1.8%)	0 (0.0%)	0 (0.0%)
Sometimes	8 (8.3%)	6 (10.9%)	1 (4.0%)	1 (6.3%)
Rarely	45 (46.9%)	21 (38.2%)	15 (60.0%)	9 (56.3%)
Never	42 (43.8%)	27 (49.1%)	9 (36.0%)	6 (37.5%)

In your faculty meetings, how often do you feel that faculty members try to block a measure by “filibustering,” i.e., by refusing to allow debate on the measure to come to an end?

	All	R	D	K
Frequently	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Sometimes	6 (6.3%)	4 (7.3%)	2 (8.0%)	0 (0.0%)
Rarely	20 (20.8%)	13 (23.6%)	3 (12.0%)	4 (25.0%)
Never	70 (72.9%)	28 (69.1%)	20 (80.0%)	12 (75.0%)

How often do you believe your faculty takes action at a faculty meeting even though a quorum is not present?

	All	R	D	K
Frequently	3 (3.1%)	2 (3.6%)	1 (4.0%)	0 (0.0%)
Sometimes	6 (6.3%)	6 (10.9%)	0 (0.0%)	0 (0.0%)
Rarely	27 (28.1%)	10 (18.2%)	12 (48%)	5 (31.3%)
Never	59 (61.5%)	36 (65.5%)	12 (48%)	11 (68.8%)
Other	1 (1.0%)	1 (0.9%)	0 (0.0%)	0 (0.0%)

Would the following actions require faculty approval at your school?⁹¹

	All		
	Yes	No	I Don't Know
Hiring full-time faculty	96 (99.0%)	1 (1.0%)	0 (0.0%)
Hiring adjunct faculty	24 (24.7%)	71 (73.2%)	2 (2.1%)
Recommending faculty for tenure	97 (100%)	0 (0.0%)	0 (0.0%)
Hiring non-faculty associate deans	8 (8.2%)	78 (80.4%)	11 (11.3%)
Hiring library staff	7 (7.4%)	83 (87.4%)	5 (5.3%)
Approving a new course	70 (72.9%)	26 (27.1%)	0 (0.0%)
Approving a new degree program	89 (91.8%)	2 (2.1%)	6 (6.2%)
Changing the grading curve	93 (94.9%)	0 (0.0%)	5 (5.1%)
Changing the academic calendar (e.g., the number of weeks in a term)	50 (51.0%)	29 (29.6%)	19 (19.4%)
Changing admissions policy (e.g., the target size of the class)	9 (9.1%)	75 (75.8%)	15 (15.2%)
Creating a new student journal	57 (59.4%)	21 (21.9%)	18 (18.8%)
Changing the school email system (e.g., from Gmail to Outlook)	0 (0.0%)	80 (81.6%)	18 (18.4%)
Assigning faculty offices	3 (3.1%)	89 (90.8%)	6 (6.1%)

91 To save space, only the overall results for this question are included.

Before the next question, respondents were told: “The remaining questions are designed to gauge how strictly or loosely your faculty follows the rules of parliamentary procedure. The goal of these questions is *not* to test your knowledge of those rules. Accordingly, for each question, please select the choice that most closely describes what you think would *actually happen* in your faculty meetings under the circumstances described, regardless of what you believe to be the proper result under rules of parliamentary procedure.”

A motion is being debated at a faculty meeting. Someone proposes an amendment to the motion and suggests that the amendment might be a “friendly amendment.” What happens?

	All	R	D	K
The chair asks if the original proposer of the motion accepts the amendment, and if so, the amendment is adopted without a vote	64 (66.7%)	35 (63.6%)	19 (76.0%)	10 (62.5%)
The chair asks if there is unanimous consent to the amendment and, if so, the amendment is adopted without a vote	7 (7.3%)	4 (7.3%)	2 (8.0%)	1 (6.3%)
There is no way that the amendment can be adopted without a vote	14 (14.6%)	10 (18.2%)	3 (12.0%)	1 (6.3%)
Other	11 (11.5%)	6 (10.9%)	1 (4.0%)	4 (25.0%)

A proposal is being debated at a faculty meeting. Debate on the proposal is dragging on and people are getting impatient. What happens?

	All	R	D	K
Debate continues until it naturally comes to an end or a motion to end debate passes by 2/3 vote.	4 (4.2%)	2 (3.6%)	1 (4.0%)	1 (6.7%)
Debate continues until it naturally comes to an end or a motion to end debate passes by majority vote.	17 (17.9%)	9 (16.4%)	4 (16.0%)	4 (26.7%)
When the chair feels that debate has gone on long enough, the chair puts the proposal to a vote.	9 (9.5%)	6 (10.9%)	3 (12.0%)	0 (0.0%)
When the chair feels that debate has gone on long enough, the chair suggests that debate should wind up, after which debate winds up quickly.	29 (30.5%)	16 (29.1%)	10 (40.0%)	3 (20.0%)
Someone shouts out "call the question," and the chair puts the proposal to a vote.	20 (21.1%)	11 (20%)	5 (20.0%)	4 (26.7%)
Our faculty rules provide a time limit on debates, so debate ends when the time limit is reached.	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
We don't have this problem.	8 (8.4%)	7 (12.7%)	1 (4.0%)	0 (0.0%)
Other	8 (8.4%)	4 (7.3%)	1 (4.0%)	3 (20.0%)

A faculty member moves to “table” the pending business. If the motion is successful, what happens to the pending business?

	All	R	D	K
It is temporarily set aside while some other, urgent matter is considered, after which it is taken up again.	6 (6.3%)	3 (5.6%)	2 (8.0%)	1 (6.3%)
It is permanently killed and cannot come back before the faculty.	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
It is killed for the remainder of the current faculty meeting but can come back to the faculty at a later meeting.	46 (48.4%)	26 (48.1%)	13 (52.0%)	7 (43.8%)
It is committed (or recommitted) to a committee and might or might not come back to the faculty, depending on what that committee does.	18 (18.9%)	9 (16.7%)	5 (20.0%)	4 (25.0%)
This doesn't happen at our meetings.	17 (17.9%)	11 (20.4%)	4 (16.0%)	2 (12.5%)
Other	8 (8.4%)	5 (9.3%)	1 (4.0%)	2 (12.5%)

A proposal is being debated. Someone moves an amendment to the proposal. While the amendment is being debated, someone proposes an entirely different, unrelated amendment. What happens?

	All	R	D	K
Debate sometimes turns to the new amendment even though the first one is not resolved.	39 (41.1%)	22 (40.7%)	8 (32.0%)	9 (56.3%)
Debate cannot begin on the new amendment until the first one is resolved.	50 (52.6%)	28 (51.9%)	15 (60.0%)	7 (43.8%)
Other	6 (6.3%)	4 (7.4%)	2 (8.0%)	0 (0.0%)

Your faculty's rules require a two-thirds vote for some action. At the meeting at which the action is discussed, a quorum of the faculty is present, but some faculty members are absent. Of those faculty members who are present and voting, the number voting in favor of the action is exactly double the number who vote against. One or more faculty members who are present abstain from voting. (Example: Of sixty faculty members eligible to vote, fifty are present. Of the fifty who are present, thirty vote in favor, fifteen vote against, and five abstain.) Is the vote successful or unsuccessful?

	All	R	D	K
Successful	33 (34.4%)	20 (36.4%)	6 (24.0%)	7 (43.8%)
Unsuccessful	30 (31.3%)	16 (29.1%)	10 (40.0%)	4 (25.0%)
I don't know	19 (19.8%)	11 (20.0%)	6 (24.0%)	2 (12.5%)
Other	14 (14.6%)	8 (14.5%)	3 (12.0%)	3 (18.8%)

After a motion is made and seconded, does your chair "state the question" before inviting discussion? (Example: If a motion to adopt changes to your grading rules were made and seconded, would the chair say something like, "it is moved and seconded to adopt the proposed changes to the grading rules"?)

	All	R	D	K
Always	7 (7.3%)	6 (10.9%)	1 (4.0%)	0 (0.0%)
Usually	37 (38.5%)	20 (36.4%)	11 (44.0%)	6 (37.5%)
Sometimes	22 (22.9%)	12 (21.8%)	6 (24.0%)	4 (25.0%)
Rarely	22 (22.9%)	12 (21.8%)	5 (20.0%)	5 (31.3%)
Never	8 (8.3%)	5 (9.1%)	2 (8.0%)	1 (6.3%)

After a motion is made and seconded, what phrase does the chair use to invite discussion on the motion?

	All	R	D	K
“Are you ready for the question?”	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
“Discussion?”, “Is there any discussion?”, “Is there debate?”, or something similar	79 (82.3%)	44 (80%)	24 (96.0%)	11 (68.8%)
None; discussion simply begins	12 (12.5%)	7 (12.7%)	0 (0.0%)	5 (31.3%)
There is no discussion on motions, only a vote	1 (1.0%)	1 (1.8%)	0 (0.0%)	0 (0.0%)
Other	4 (4.2%)	3 (5.5%)	1 (4.0%)	0 (0.0%)

After discussion on a proposal has concluded, but before putting the proposal to a vote, does your chair restate the question to be voted on?

	All	R	D	K
Always	18 (18.8%)	12 (21.8%)	4 (16.0%)	2 (12.5%)
Usually	45 (46.9%)	24 (43.6%)	14 (56.0%)	7 (43.8%)
Sometimes	25 (26.0%)	17 (30.9%)	5 (20.0%)	3 (18.8%)
Rarely	5 (5.2%)	0 (0.0%)	2 (8.0%)	3 (18.8%)
Never	3 (3.1%)	2 (3.6%)	0 (0.0%)	1 (6.3%)

During debate, does your chair speak to the merits of the proposals being debated?

	All	R	D	K
Yes	10 (10.5%)	8 (14.5%)	1 (4.0%)	1 (6.7%)
Sometimes	53 (55.8%)	33 (60.0%)	12 (48.0%)	8 (53.3%)
No, the chair remains neutral	27 (28.4%)	13 (23.6%)	10 (40.0%)	4 (26.7%)
Other	5 (5.3%)	1 (1.8%)	2 (8.0%)	2 (13.3%)

During debate, do faculty members refer to one another by name?

	All	R	D	K
Yes	90 (93.8%)	52 (94.5%)	23 (92.0%)	15 (93.8%)
No	1 (1.0%)	1 (1.8%)	0 (0.0%)	0 (0.0%)
Other	5 (5.2%)	2 (3.6%)	2 (8.0%)	1 (6.3%)

During debate, do faculty members address their remarks to the chair?

	All	R	D	K
Yes	9 (9.4%)	6 (10.9%)	2 (8.0%)	1 (6.3%)
No	45 (46.9%)	26 (47.3%)	10 (40.0%)	9 (56.3%)
Some do and some don't	37 (38.5%)	20 (36.4%)	11 (44.0%)	6 (37.5%)
I don't know	3 (3.1%)	2 (3.6%)	1 (4.0%)	0 (0.0%)
Other	2 (2.1%)	1 (1.8%)	1 (4.0%)	0 (0.0%)