

# Senate By-Laws

N.B.: For continuity of ease and reference, certain specific provisions within The University of Western Ontario Act (1988) are cited at the beginning of the particular Articles of these By-Laws to which they are relevant.

## **I. OFFICERS**

Note: The UWO Act (1988), Section 24(3) provides that:

"The Vice-Chancellor shall be the Chair of the Senate, and a vice-chair shall be elected from among its members in such a manner as the Senate may establish."

1. The duties of the Chair shall be to preside at meetings and carry out such other duties as the Senate may from time to time prescribe.
2.
  - a) The Vice-Chair of Senate shall be elected annually at the first regular meeting of Senate held after the first day of April.
  - b) In the absence of or at the request of the Chair, the Vice-Chair shall preside at meetings or fulfill any other duties of the Chair.
  - c) The Vice-Chair shall be a member of the Operations/Agenda Committee, ex officio.
3. In the case of the absence of the Chair and the Vice-Chair the Senate may appoint one of its members to act as Chair for the time being and the member so appointed shall act and have all the powers of the Chair.
4.
  - a) The Secretary of the Senate, as the executive officer of Senate, shall be responsible for ensuring that the day-to-day business affairs of the Senate are conducted in an orderly and efficient manner, for the recording and dissemination of the work of the Senate and its Committees, for the provision of advice on the proper interpretation and application of the By-Laws, Rules, Policies, Procedures and Academic Regulations of the Senate, and such other duties as the Senate may from time to time prescribe. (See also By-Law X.)
  - b) The Secretary shall maintain a Minute Book, a copy of the Senate By-Laws and Rules of Order, and any other public documents of the Senate, which shall be open for the inspection of any person at reasonable times.
5. In the absence of the Secretary of the Senate, the Associate Secretary of Senate shall fulfil the duties of the Secretary.

## **II. MEMBERS: RIGHTS AND RESPONSIBILITIES**

1. Unless otherwise provided in the University Act, Senate By-Laws, Rules, or Policies, all members of Senate are entitled to participate fully in meetings of the Senate, speak, propose motions, vote on all questions, and sit on committees of Senate.
2. Pursuant to subsection 1, those ex officio members of Senate designated in the Act as non-voting shall enjoy all other privileges of Senate membership.
3.
  - (a) No member of Senate may appoint or send a designate or proxy to act or vote on his/her behalf in the Senate.
  - (b) Notwithstanding the provisions of 3(a), for the May and June meetings of Senate, if a student Senator is unable to attend, a Senator-elect in the same constituency will be invited by the Secretary of Senate to assume the vacant seat. In the case of undergraduate constituencies wherein there is more than one Senator-elect, the invitations will be extended to candidates in an order determined by their plurality in that election.
4. Pursuant to section 26.(3) of the UWO Act (1982), where within any membership year (July 1 - June 30) a member of the Senate, other than an ex officio member, who has not been granted leave of absence attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant.

[Note: Senators who find they have a schedule conflict with Senate meetings may apply for a Leave of Absence from Senate for the period of the conflict, in which case an Alternate will be appointed in accordance with the Senate policy for filling vacancies [see Senate Election Procedures for "Appointment of Alternates" and "Filling of Vacancies"].

- a) The Secretary of Senate shall remind a member of the attendance requirement after the member has failed to attend three regular meetings.
  - b) Once a member has failed to attend 50% of the regular meetings, the Operations/Agenda Committee will recommend to Senate that the member's seat be declared vacant, provided that the member shall first be given the opportunity to resign or to request leniency for reasons detailed in writing to the Operations/Agenda Committee.
  - c) Subject to b), the Operations/Agenda Committee will determine whether to recommend to Senate that the member's seat be declared vacant.
  - d) Notwithstanding b) and c), the Operations/Agenda Committee will advise Senate that a member's seat is to be declared vacant once the member has failed to attend 75% of the regular meetings in a membership year except that the member will be given the opportunity to resign.
5. a) Senate may establish Observerships, as deemed necessary, to provide for communication of Senate business to and from pertinent areas.
  - b) Observers so appointed may participate in discussion but shall neither move/second motions nor vote.

### III. **ELECTION PROCEDURES** [See also, UWO Act (1988), Sections 24(4), 25, 26, 27]

Pursuant to The University of Western Ontario Act, procedures for the election of Senate members, appointment of Alternates, and filling of Vacancies, shall be as established by Senate from time to time and as set forth in Senate Election Procedures.

### IV. **MEETINGS**

Note: The UWO Act (1988), Section 28, provides that:

- (1) The Senate shall meet at least four times in each academic year and at such other times as the Senate from time to time may prescribe.
- (2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened within 15 days thereafter, to consider the matter or matters set out in the notice.

and Section 31 provides that:

- (1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by By-Law shall respectfully determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held in camera.
  - (2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held in camera unless such individual requests that such part of the meeting be open to the public
1. A Notice of Meeting, accompanied by the Agenda, shall be mailed to each member of Senate, and upon request, to members of the news media, at least seventy-two hours prior to the time fixed for the meeting. A Notice of Meeting shall be published in Western News in the edition preceding each scheduled meeting of Senate.

2. The Agenda shall be prepared by the Operations/Agenda Committee. The business of the Meeting shall be confined to the Agenda unless the Senate otherwise decides.
3. A quorum shall be one-half the voting members of Senate except in the months of June, July and August when a quorum shall be twenty-five voting members of Senate.
4. Each voting member of the Senate, including the Chair, shall have one vote.
5. Procedure at Senate Meetings shall follow the rules as determined by Senate from time to time and set forth in the **Rules of Order**.
6. Normally, only Senators or official Senate Observers may speak at Senate. However, the Operations/Agenda Committee may invite to Senate meetings special guests, or other persons to serve as a resource or to provide information on any Senate matter. In exceptional circumstances, Senate may also, by a two-thirds majority vote, elect to permit a guest to be heard at Senate.

#### **V. MINUTES**

The Minutes of Senate shall contain a record of the resolutions dealt with by Senate and such other matters as the Senate from time to time may decide.

#### **VI. COMMITTEES, COUNCILS, BOARDS [See also, UWO Act Section 29(a)]**

Note: In these By-Laws, Committees, Councils, Boards shall be deemed to refer only to those bodies subject to the sole authority of Senate and, for the purpose of these By-Laws, are not inclusive of the Councils of the various Faculties and Schools.

1. The Senate shall establish a Nominating Committee, an Operations/Agenda Committee, and such other Committees, Councils or Boards, either standing or ad hoc, as from time to time it may deem advisable.
2. Unless otherwise provided by Senate, all Committees, Councils and Boards shall report only to Senate.
3. Unless otherwise provided by Senate, all Senate Committees, Councils and Boards may establish subcommittees, either standing or *ad hoc*.

The Terms of Reference of any subcommittee so established shall not be inconsistent with those of the parent Committee, Council or Board.

4.
  - a) The Chair of Senate shall be a member, ex officio, of Senate Committees and Councils.
  - b) The Provost and other Vice-Presidents shall be members, ex officio, of Senate Committees and Councils as shall be determined by Senate.
  - c) The Secretary of Senate shall be a member, ex officio, of Senate Committees, Councils and Boards, but shall be non-voting unless otherwise specified by Senate in the Composition of a particular Committee, Council or Board.
5. Either the Chair or the Vice-Chair of all Standing Committees shall be selected from those members of the Committee who are members of Senate.
6. The Chair of a Senate Committee, Council or Board shall be an ex officio member of its subcommittees.
7. Unless otherwise specified, all ex officio members of Senate Committees, Subcommittees, Councils and Boards shall be voting members.
8.
  - a) An ex officio member of a Senate Committee, Subcommittee, Council or Board may designate a person to act on his/her behalf.

- b) An appointed or elected member of a Senate Committee, Subcommittee, Council or Board may not designate a person to act on his/her behalf unless previously determined by the respective Committee, Subcommittee, Council or Board.
  - c) Notwithstanding the provisions of 8(b), for the May and June meetings of a Senate Committee, Subcommittee, Council or Board, if a student Senator is unable to attend, the member-elect will be invited by the Secretary of Senate to assume the vacant seat.
9. An Observer member of a Senate Committee, Subcommittee, Council or Board may participate in the discussion but shall neither move/second motions nor vote.

An Observer may designate a person to act on his/her behalf.

10. a) The terms of office for elected members of Senate Committees, Subcommittees, Councils and Boards, unless otherwise specified, shall be: students - one year, renewable; faculty/others - two years, renewable.
- The membership terms shall be so staggered that approximately even proportions of the faculty/others members retire each year.
- b) The terms of office for members appointed by one committee to another, for the purpose of reporting back to the appointing committee, shall be one year, renewable.
11. a) Unless otherwise specified, the quorum for Standing Committees of Senate shall be one-half of the voting members, including at least one-half of the elected or appointed members, during September to May, and one-third of the voting members, including one-third of the elected or appointed members, during June, July and August.
- b) Unless otherwise specified, the quorum for all other Senate Committees, Subcommittees, Councils and Boards shall be one-half of all voting members during September to May, and one-third of all voting members during June, July and August.
12. Unless otherwise specified, where membership on Senate is an eligibility requirement for certain of the members of a Senate Committee or Subcommittee, the term of office and classification of any such member shall not be affected should the membership term on Senate expire before that on the Committee or Subcommittee.

If a member of a Committee or Subcommittee is not a member of Senate at the time of election or appointment but should become a member of Senate subsequently, his/her classification will then become that of a member of Senate.

13. a) A member elected by the Senate to a Senate Committee, Subcommittee, Council or Board may apply to the Operations/Agenda Committee for Leave of Absence from two or more consecutive regular meetings of the body to which he/she was elected. Upon the granting of the Leave of Absence, the Nominating Committee shall appoint a temporary replacement and report its actions to the Senate, except that in the case of the Nominating Committee, the Operations/Agenda Committee shall appoint the temporary replacement and report its action to Senate.
- b) A member appointed or elected by a body other than the Senate to a Senate Committee, Subcommittee, Council or Board may apply for Leave of Absence to the appointing body. The appointing body shall appoint a temporary replacement, the action to be reported to the Secretary of Senate for report to Senate.
14. The seat of an appointed or elected member of a Senate Committee, Subcommittee, Council or Board may be declared vacant if the member during a membership year is absent from three regular meetings of that Committee, Subcommittee, Council or Board, without having been granted Leave of Absence.
15. The [Rules of Order of Senate](#) shall apply *mutatis mutandis* to all Senate Committees, Subcommittees, Councils, and Boards.

**VII. PUBLIC DOCUMENTS** [See also UWO Act (1988), Section 31, Subsections (3) and (4)]

The following shall be regarded as public documents:

- a) approved Minutes of Senate meetings
- b) By-Laws of Senate
- c) reports to Senate received at open meetings of Senate
- d) any other matter declared to be public by a motion passed by Senate

**VIII. CONFIDENTIALITY**

Note: The word "Committee" used hereafter includes Committees, Subcommittees, Councils and Boards of Senate.

1. The question of confidentiality, in the first instance, is a matter of the common sense, discretion and good judgment of the individual concerned. If there is any doubt as to the confidential nature of the information in question, it is the responsibility of the individual to seek a ruling from the Chair of the Committee.
2. Unless otherwise provided by Senate, meetings of Senate Committees are open only to members, designated Observers and Resource personnel, and others upon explicit invitation by the Chair of the Committee.
3. Unless otherwise provided by Senate, both oral and written reports of Senate Committees shall be confidential and shall not be made available to the University or general community until such time as they are:
  - a) distributed to Senators,
  - b) received by the Secretary of Senate where it is not the intent for the report to go further, or
  - c) received by a Committee of Senate where it is not the intent for the report to go further
4. Breaches of confidentiality, with respect to Committee reports, minutes, or discussions, or the unauthorized release of Senate information, may result in the suspension or dismissal of the member from the Committee upon the recommendation of the Committee to Senate.

**IX. PARLIAMENTARY AUTHORITY**

The Standard Code of Parliamentary Procedure by Alice Sturgis (Current Edition) shall govern the Senate in all parliamentary situations not provided for in the UWO Act, Senate By-Laws, or Senate [Rules of Order](#).

**X. INTERPRETATION OF BY-LAWS, RULES, POLICIES, PROCEDURES**

In any instance where a substantive question arises concerning the meaning or intent of a Senate By-law, Rule, Policy or Procedure, the Secretary of Senate shall render an interpretation which shall be reported to Senate for information through the Operations/Agenda Committee.

In reaching a decision, the Secretary may first seek the advice of the Operations/Agenda Committee or other appropriate body or person.

**XI. AMENDMENTS TO BY-LAWS**

1. Any proposed amendment to these By-laws shall first be submitted in writing to the Operations/Agenda Committee for review.
2. Notice of the proposed amendment, together with any recommendation of the Operations/Agenda Committee related thereto, shall be given at a meeting of the Senate at least 14 days prior to the meeting at which approval will be sought.
3. Approval of the amendment shall require a majority of those voting on the resolution in a regularly-constituted meeting of the Senate following the required Notice.

## RULES OF ORDER

1. If a quorum is present when the Chair calls the meeting to order, the quorum is presumed to continue until adjournment unless, in the course of the meeting, it is challenged and it is ascertained that a quorum is no longer present.
2. After the Chair has called the meeting to order, only one person may speak at a time, and only after being recognized by the Chair, except as provided below.
3. The Chair shall recommend an agenda at the beginning of each meeting, which shall become the order of business unless a motion to amend it is made and adopted. Discussion will be in order on each subject as it comes up on the agenda, and may be on any aspect of each subject as a whole until a specific motion is introduced.
4. When any member wishes a definite decision on a topic that is not included on the Agenda, he/she may secure recognition from the Chair and make a motion specifying what it is proposed that the Senate decide. Such a motion will be a Notice of Motion that will be referred to the Operations/Agenda Committee or to another appropriate Committee. The Committee will consider the Notice of Motion and report to the next meeting of Senate. If the Committee does not include the motion as a matter of business at the next Senate meeting, the motion will be debated at that meeting if it is duly moved and seconded.

The Chair may request motions when he/she believes motions will aid the discussion.

When a motion properly made is seconded and stated by the Chair, it becomes the business on the floor, and all discussion must apply to it until it is disposed of, except as provided below.

5.
  - a) When a motion has been made and seconded, the Chair shall state it and call for discussion on it. When every member who wishes to speak has done so, the Chair shall call for a vote. Approval by a majority of those voting or by consent without objection shall be the necessary vote to adopt a motion, unless otherwise specified in these Rules or the By-Laws or the Act. A tie vote shall defeat the pending motion.
  - b) Voting shall be by show of hands unless some other method is decided upon by motion, except that in elections, voting shall be by secret ballot wherever there are more candidates than offices. Votes shall be counted whenever the Chair is in doubt as to the result or any member requests a count through a point of order.
  - c) Substantive motions may be considered a second time at the same meeting only through a motion to reconsider, which may be made at any time when no other motion is on the floor. If a motion to reconsider is adopted the original vote on the subject is inoperative and the question is reopened for discussion and decision.
6. The Chair may summarize discussions and present alternatives for consideration when no motion is pending, but may state his/her own opinion only (a) during general discussion when no other member requests the floor, (b) by relinquishing the Chair, (c) in deciding a point of order, or (d) if the pending question is an appeal from a ruling on a point of order.
7. The principal forms of motions, their order of precedence, and their essential governing rules shall be as presented in the tabular summary on the following page. In addition the following rules shall be applicable.
  - a) Amendments, substitutes and motions to reconsider amendments and substitutes to motions which are still pending may be considered one at a time as presented. Amendments to amendments (amendments in the second degree) may be made, but not amendments in the third degree.

**PRINCIPAL RULES GOVERNING MOTIONS**

Order of Precedence	Can interrupt?	Requires second?	Debat-able?	Amend-able?	Vote required?	Applies to what other motions?	Can have what other motions apply to it (in addition to withdraw)?
<b>PRIVILEGED MOTIONS</b>							
1. Adjourn	no	yes	no	no	majority	none	none
2. Recess	no	yes	yes <sup>R</sup>	yes <sup>R</sup>	majority	none	amend <sup>R</sup>
3. Question of privilege	yes	no	no	no	none	none	none
<b>SUBSIDIARY MOTIONS</b>							
4. Postpone temporarily (Table)	no	yes	no	no	majority*	main motion	none
5. Close debate	no	yes	no	no	2/3	debatable motions	none
6. Limit debate	no	yes	yes <sup>R</sup>	yes <sup>R</sup>	2/3	debatable motions	amend <sup>R</sup>
7. Postpone definitely	no	yes	yes <sup>R</sup>	yes <sup>R</sup>	majority	main motion	amend <sup>R</sup> , close debate, limit debate
8. Refer to committee	no	yes	yes <sup>R</sup>	yes <sup>R</sup>	majority	main motion	amend <sup>R</sup> , close debate, limit debate
9. Amend	no	yes	yes	yes	majority	rewordable motions	close debate, limit debate
<b>MAIN MOTIONS</b>							
10. a. The main motion	no	yes	yes	yes	majority	none	specific main., subsidiary
b. Specific main motions							
Reconsider	yes	yes	yes <sup>R</sup>	no	majority	main motion	close debate, limit debate
Rescind	no	yes	yes	no	majority	main motion	close debate, limit debate
Resume consideration	no	yes	no	no	majority	main motion	none

**INCIDENTAL MOTIONS**

No order of precedence	Can interrupt?	Requires second?	Debat-able?	Amend-able?	Vote required?	Applies to what other motions?	Can have what other motions apply to it (in addition to withdraw)?
<b>Motions</b>							
Appeal	yes	yes	yes	no	majority	decision of chair	Close debate, limit debate
Suspend rules	no	yes	no	no	2/3	none	none
Consider informally	no	yes	no	no	majority	main motion	none
<b>Requests</b>							
Point of order	yes	no	no	no	none	any error	none
Parliament inquiry	yes	no	no	no	none	all motions	none
Withdraw a motion	yes	no	no	no	none	all motions	none
Division of question	no	no	no	no	none	main motion	none
Division of assembly	yes	no	no	no	none	indecisive role	none

\* = requires two-thirds vote when it would suppress a motion without debate.

R = restricted

Five motions are open to restricted debate: to recess, to postpone definitely, to refer to a committee, to limit debate, and to reconsider. Restricted debate means brief discussion confined to a few specific points, relative to the purpose of the motion itself.

- Debate on the motion to recess is restricted to brief discussion of the advisability of the recess and its length.
- Debate on the motion to postpone definitely is restricted to discussion of the advisability of postponing, and of the time to which the matter would be postponed.
- Debate on the motion to refer to a committee is restricted to the advisability of referral, and to the selection, membership, and duties of the committee, or instructions to it.
- Debate on the motion to limit debate is restricted to the need for limitation and the type and time of limitation.
- Debate on the motion to reconsider is restricted to the reasons for reconsidering.

None of the motions subject to restricted debate opens the main motion to debate.

From Sturgis Standard Code of Parliamentary Procedure by Alice Sturgis (Current Edition).

- b) Motions which are noted as not subject to debate or amendment may be debated and amended by unanimous consent or at the discretion of the Chair.
- 8.
- a) Any member wishing information on a point under discussion when no one else has the floor may call out "point of information", in which case the Chair shall recognize the member for a brief question, and either give an answer or recognize someone to do so. Points of information may also be raised while a member is speaking, unless he has asked not to be interrupted, and such questions will be directed by the Chair to the speaker
  - b) A member who believes that the Rules are being violated or that action is needed to handle an emergency, or who wishes a count on a vote may call out "point of order" at any time, in which case he shall be recognized for the sole purpose of stating briefly what he believes to be the correct procedures.
- 9.
- The Chair shall decide all points of order, but such decisions may be appealed by any member who calls out, "I appeal the ruling of the Chair". In that case the Chair and the member making the appeal shall state briefly the reasons for their views, after which an immediate vote shall be taken, a majority of those voting being sufficient to uphold or overrule the ruling of the Chair. It shall be the duty of the Chair to rule out of order all dilatory motions and tactics and any undignified behavior or remarks, but the Chair must recognize all appeals even if he believes them dilatory unless he has already been upheld at the same meeting on an appeal by the same individual or on the same or a similar issue.
- 10.
- a) The Chair or any member may recommend that any substantive problem be considered by alternatives.
  - b) Consideration by alternatives means that all the solutions to a problem suggested by the members will be listed and discussed together, after which a vote will be taken on each. Voting may be among the alternatives or for and against each, according to whether the nature of the problem allows more than one solution to be used.
  - c) Whenever a request for this procedure is made, the Chair shall explain its meaning after which an immediate vote shall be taken, a majority of those voting determining whether the method shall be used in the case concerned.

Revised: November 14, 2008

### **Adopted Policies and Procedures of Senate**