

Question

TO: Senate

QUESTION FROM: Senators Henrique Mecabô, Madeline Wilson, Sebastien Duckett and Nikulas Dworek

RESPONSE FROM: Edyta Rogowska, Secretary-General

SUBJECT: Question Regarding the Rights of Senators and the Role of the Chair

MEETING DATE: January 15, 2020

PREAMBLE: The intention of this question is to clarify Senators' rights and responsibilities, specifically when speaking at Senate meetings, and the role of the chair during these meetings, considering the Statutes of McGill University, the McGill Senate Rules of Procedure and, more generally, *Robert's Rules of Order*. Of course, if these rules have gaps, these gaps are to be filled by the chair's interpretations of the rules when establishing common practice at Senate meetings.

The Senate Rules of Procedure seem to outline only one condition that would warrant an obstruction or interruption of a senator's speech: the chair deeming that a senator is disrupting the order of the meeting "by disorderly words or disorderly conduct."¹

Additionally, the Statutes of McGill University and the McGill Senate Rules of Procedure do not clearly differentiate the role of the Principal as an ex officio member of Senate and as the chair of Senate meetings. There are, however, indications that neutrality of the chair is a requirement for the meetings. First, as outlined in the Statutes of McGill University, a Principal only gets to vote in their role as chair in "the event of a tie vote."² Additionally, according to the Senate Rules of Procedure, a Principal is to step down from the role of chair while answering questions regarding the position of Principal, having the Secretary-General assume the chair of Senate for the duration of the question and its reply, and any supplementary questions and their replies.³

A Principal's input and opinion are enormously valuable as they might well be the individual who best understand the functioning of McGill as an institution. However, based on the aforementioned procedures and their indication of neutrality of the chair as a requirement, it can be inferred

¹ McGill Senate Rules of Procedure, Article XIX.B, available at <https://www.mcgill.ca/senate/standingrules/parts16-20>.

² Statutes of McGill University, Article 3.7, available at https://www.mcgill.ca/secretariat/files/secretariat/statutes_of_mcgill_university.pdf.

³ McGill Senate Rules of Procedure, Article VIII, available at <https://www.mcgill.ca/senate/standingrules/parts6-10>.

that a Principal could only express their opinions when addressing the McGill Senate as a regular senator, not while occupying the neutral and moderating role of chair, regardless of how well-informed or well-intentioned an opinion might be.

QUESTION:

Under what circumstances, if any, beyond a disruption of order, can a senator have his or her speech obstructed or interrupted by other senators or by the chair?

What, if anything, differentiates the role of the Principal as a senator and as the chair of McGill Senate meetings?

Under what circumstances, beyond addressing a question regarding the position of Principal, would a Principal have to temporarily step down from the role of chair in order to address the Senate? Given that the rules indicate that the neutrality of the chair is required, would expressions of personal opinion or expressions of opinion related to the role of Principal be included in these special circumstances?

If a Principal wants to address Senate to express their opinion or provide additional information related to the topic being discussed, would they, as chair, simply allow themselves to speak,⁴ or would they first request that another person assume the position of chair and then wait to be recognized by this new chair before speaking?

RESPONSE:

1. Under what circumstances, if any, beyond a disruption of order, can a senator have his or her speech obstructed or interrupted by other senators or by the chair?

To ensure that it can conduct its business efficiently and effectively, Senate normally follows the University Statutes, Standing Rules of Procedure Governing the Proceedings of the Senate of McGill University and Robert's Rules of Order⁵.

It is the Chair's responsibility to maintain order at Senate meetings. In doing so, the Chair must exercise discretion and use his or her judgement to ensure that the rights of Senate and Senators are protected. To that end, the Chair recognizes Senators who wish to exercise their right to speak, while not allowing members to dominate the discussion. Furthermore, it is usual for the Chair to use his or her privilege to refocus a discussion that has wandered off point, highlight key points made during a discussion or clarify any misunderstandings that could occur in the context of a discussion. In the context of their participation at meetings,

⁴ For an example, see the official recording of the McGill Senate November Meeting, at 39:04, accessed on November 23rd, 2019 at <https://youtu.be/e3VNBw6hmY?list=PLFmfjIhLOASWZnd7sXV5QIIQcmqge3dE&t=2344>.

⁵ This response has been drafted based on information provided in the Statutes, the Senate Rules of Procedure and Robert's Rules of Order, 10th edition, published in 2000 and cited as the parliamentary reference point for Senate in the Senate Rules of Procedure. As a new edition (11th edition, published in 2011) has replaced the 2000 edition, the latter is no longer the official edition of Robert's Rules. The question of updating the reference to the most current edition of Robert's Rules or another parliamentary procedure will be addressed in the context of the current review of Senate's Rules of Procedure.

members of Senate could also bring up certain procedural matters. For example, a Senator noticing that the agenda of the meeting is not being followed could interrupt another speaker to raise this point and ask that Senate conform to the order of the agenda.

2. What, if anything, differentiates the role of the Principal as a senator and as the chair of McGill Senate meetings?

Based on section 3.7 of the University Statutes⁶, the Principal is a member of Senate “with all the privileges attached thereto”. The Principal has the additional responsibility of being the Chair of Senate and, as such, in accordance with section 3.7 of the Statutes, the Principal:

“shall preside over its meetings; and in the event of a tie vote shall have an additional or casting vote; the Principal may call special meetings of the Senate upon giving, in writing, notice as prescribed by Article 6.4.2 of [the] Statutes.”

As Chair, the Principal is responsible for keeping order at the meeting.⁷ It is, amongst other things, the duty of the Chair, as the presiding officer of the meeting, to announce the business that comes before the Senate, to enforce the rules relating to debate⁸ as well as those relating to order and decorum, to expedite business and to decide on questions of order.⁹ The Chair may also be asked to respond to “inquiries of members relating to parliamentary procedure or factual information bearing on the business of the assembly.”¹⁰

3. Under what circumstances, beyond addressing a question regarding the position of Principal, would a Principal have to temporarily step down from the role of chair in order to address the Senate?

The Principal would normally relinquish the chair to another member of Senate in order to participate in debate, as a member of Senate, on a particular matter. In such a circumstance, another member of Senate would take the chair on a temporary basis for the purpose of presiding over the discussion. The Principal would resume the role of Chair after the discussion.

⁶ *Statutes of McGill University*, Board of Governors, McGill University, enacted 1 May 1972 (last amended 25 May 2017) (hereinafter referred to as “Statutes”) online: https://www.mcgill.ca/secretariat/files/secretariat/statutes_of_mcgill_university.pdf, section 3.7.

⁷ *Standing Rules of Procedure, Governing the Proceedings of the Senate of McGill University*, Senate, McGill University, enacted 26 September 1977 (last amended 10 January 2010) online: <https://mcgill.ca/senate/standingrules> (hereinafter referred to as “Rules of Procedure”).

⁸ ROBERT III, Henry, EVANS, William J., HONEMANN, Daniel H. and BALCH Thomas J., editors. *Robert’s Rules of Order Newly Revised*, 10th ed., Cambridge: Perseus Publishing, 2000, section 47, p. 434.

⁹ *Ibid*, section 47, p. 434.

¹⁰ *Supra*, note 4, section 47, p. 434.

In addition, the Principal would normally step down from the role of Chair in order to address a question, which is submitted to Senate for consideration during “Question Periods”¹¹. The Secretary would normally assume the role of Chair for the duration of the question and its reply, and any supplementary questions and replies.

4. Given that the rules indicate that the neutrality of the chair is required, would expressions of personal opinion or expressions of opinion related to the role of Principal be included in these special circumstances?

The Chair’s role is to conduct the meeting in a manner that allows Senate to carry out its functions in a timely and orderly fashion. Chairing a meeting is a matter of judgement and common sense and relies on the Chair to strike an acceptable balance between the need for discussion on points of relevance to Senate’s business and the objective of decision making and completing the business of the agenda. It is also the Chair’s prerogative to respect rules of order and procedure and to allow for the expression of a variety of points of views so as to support Senate in the discharge of its duties and responsibilities.

5. If a Principal wants to address Senate to express their opinion or provide additional information related to the topic being discussed, would they, as chair, simply allow themselves to speak, or would they first request that another person assume the position of chair and then wait to be recognized by this new chair before speaking?

It is normal practice for the Chair to make brief remarks or comments to ensure the proper conduct of meetings, or to facilitate discussion. As mentioned above, should the Chair wish to participate more fully in discussion or debate as a member of Senate, the Chair would normally relinquish, on a temporary basis, the role of Chair to another member.

¹¹ Rules of Procedure, section VIII.