Date: 10 May 2017

To: Christine Miller, Chair

From: Adam Swenson, Parliamentarian

Re: Options for taking back a commendation

Here are three options for ‘taking back’ a commendation which the Senate has previously approved.

## Option 1: Rescind the commendation

Procedural features:

* Debatable
* Amendable

Required vote(s):

* With prior notice: [see below for requirement]
  + Majority (of votes)
* Without notice:
  + 2/3 (of votes); or,
  + Majority (of entire membership)
* Caveat
  + I'm not clear on what constitutes a 'substantive motion' in the bylaws; that's not a distinction RONR makes. Thus I am not clear on exactly which motions require two readings. I don't see any reason for thinking that a first and second reading on a motion to rescind would be incoherent. So the issue of whether this requires two readings or motion to waive the rules would have to be resolved in the way we normally decide which motions require two readings. I don't know what that is, but it seems appropriate for exec to decide it with a vote.

Effect:

* 'Takes back' the previous commendation. That is, it returns the senate to the state it was in prior to passing the commendation. In some official sense, the senate will never have commended the person.

Expressive power

* None, at least not intrinsically. Since an approved motion to rescind simply undoes the earlier action, it does not express condemnation the earlier commendation or the person previously commended. In principle, a body could rescind a commendation so that they can issue a new one which is even more laudatory. If a body did that and then forgot to issue the new one, there would be no way to tell the difference from looking at the type of motion.

## Option 2: Original resolution of condemnation

Procedural features

* The senate considers a resolution condemning the previously praised person.
* Debatable
* Amendable

Required votes:

* Waive first reading
  + 3/4 (of those present)
* Resolution
  + Majority (of votes)

Expressive power

* Depends on what the motion says since any condemnation must be explicit in the motion. The original motion stays on the books. Thus after such a vote, the Senate is on record as at one time praising the person and then later condemning them. Given that the later resolution explains the change of attitude, this is not incoherent.

## Option 3: Rescind + original resolution of condemnation

Procedural features:

* These are two separate actions.
* First, the senate votes on whether to rescind the commendation as described above.
* Second, the senate considers a new resolution condemning the previously praised person. This resolution would normally explain why the senate rescinded the commendation.

Required votes:

* Rescind: As above
* Waive first reading on resolution: As above
* Resolution: As above

Expressive power

* This has the expressive features of both options above.

## Option 4: Rescind and Expunge from the Minutes

Procedural features:

* Debatable
* Amendable

Required vote:

* Majority (of entire membership!!!!!!)

Expressive power

* From RONR: "On extremely rare occasions when it is desired not only to rescind action but also to express the strongest disapproval, a member may move to Rescind and Expunge from the Minutes (or the Record)." [310]
* This motion is so intrinsically expressive that it requires pageantry: "If such a motion is adopted, the secretary, in the presence of the assembly, draws a single line through or around the offending words....and writes across them the words, "Rescinded and Ordered Expunged" with the date and his signature." [ibid]

## What constitutes giving previous notice

According to RONR, this is

"notice of intent to make the motion [to rescind], stating the complete substance of the proposed changed, has been given at the previous meeting with a quarterly time interval or in the call of the present meeting."[306]

The question for us is what constitutes 'the call of the present meeting'. I can think of two (non-exclusive) possibilities:

First, when the agenda is circulated (alternatively, the travel order letters), notification of the intent to introduce a motion to reconsider would be included in the email. The notification would not be included in the agenda, though the actual action item might be (i.e., there would be an agenda item which says ‘Rescinding the commendation….’)

Second, RONR says

"Instead of being given at a meeting, a notice can also be sent to every member with the call of the meeting at which the matter is to come up for action, except where the rules of the organization provide otherwise. In such a case, the member...writes to the secretary alone, requesting that the notice be sent with the call of the next meeting; and the secretary should then do this at the expense of the organization." [124]

It looks like what matters here is that the notice be disseminated to every member in advance of the meeting. If that's right, it looks plausible that Catherine's email proposing that we take back the commendation counts as having already given notice.