

Point of Order

At its October meeting (2016) the Senate voted on a “Resolution of Non-Confidence Vote for Faculty Regent” [sic] which misstated the duties of a Faculty Regent under state law and was based on other false claims, half-truths, and erroneous assumptions.

Under Senate rules, the Chair must declare that Resolution to be out of order, null, and void. Further, I request that all mention of the Resolution in question be removed from the October 2016 Minutes of the Senate.

Rationale

1. The Rules of Order of the Faculty Senate establishes that Robert’s Rules of Order Newly Revised (11th edition) “shall govern conduct of meetings of the Senate.”
2. Robert’s Rules of Order Newly Revised (11th edition) establishes (@ #47) that “No motion is in order that conflicts with the laws of the...state...and if such a motion is adopted, even by a unanimous vote, it is null and void.”
3. State law at KRS 164.350 (2) establishes the duty of the members of the ECU Board of Regents to “conform to the strategic agenda” of the university and “evaluate the institution's progress in implementing its missions, goals, and objectives.” The law also lists a number of administrative duties including
 - (a) Receiving and expending grants of money for the benefit of the university;
 - (b) Adopting rules, and regulations for the government of its employees, and enforce obedience to such rules;
 - (c) Require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time;
 - (d) Determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the university ...
 - (e) and ...confer degrees upon the recommendation of the president and faculty.
4. Further, the ECU Faculty Handbook reinforces the executive function of the Board of Regents stating that “The Board of Regents governs the University.”
5. Nowhere in state law, or in the Faculty Handbook, is the role of the Faculty Regent reduced to any degree or distinguished in any way from any other member of the Board, except that the Chair has additional responsibilities.

Under Senate rules, it is therefore, the duty of the Chair of the Faculty Senate to declare the Resolution in question to be out of order, null, and void, and accordingly, all mention of the Resolution should be removed from the October 2016 Minutes of the Senate.