

Why “Majority of Members” means “Majority of Members”, *not* “majority of votes cast”

By Nick Strobel

This is a defense of stated Senate positions and the 2012 Senate’s (body rep) and 2014 Academic Senate’s deliberate choice of “majority of members” meaning “majority of members” in the Constitution.

1) First, let’s dispense with the argument about state, county, city, district election processes. Recall the legal opinion we all received on March 29 just before the Senate meeting from Schools Legal that noted that state government codes about referendums are not applicable to academic senates at colleges. State government codes about elections, referendums, recalls, etc. are intended for state, county, city, or district levels, not for academic senates at colleges. It has never been the intent of the state legislature to dictate what academic senates have in their charter + procedural documents regarding referendums or other election processes. Appeal to election processes in state, county, city, or district levels is invalid. Academic Senates are perfectly free to run elections as they see fit for their particular organization—an organization that is not open to the general public, i.e., membership is exclusive/restricted.

2) Up through 2012, ALL versions of the Senate Constitution had language about quorum of votes needed for elections and then either majority or 2/3 of votes cast for Article VII (Referendum), Article VIII (Recall), Article IX (Ratification), and Article X (Amendment). In 2012 the Senate (body rep) voted to put the changes on the ballot and the language was finally ratified by the entire Academic Senate in 2014. All but the Referendum article had minor title changes but no change of intent. Only the Referendum article was changed to get rid of the quorum of votes language and it became a stronger requirement that we now have in the Constitution: a majority of the Academic Senate members. All of the other sections since 1989 have used majority or two-thirds *of votes cast* and it seems clear to me that the intent of the faculty in 2012/14 was to *change* the referendum requirement. The revisions in 2015 and 2022 did not change the referendum language. See the other supporting document [“Quorum votes in the Constitution”](#) for the comparisons and history of changes.

To revert the referendum article back to something dealing with majority of votes cast instead of majority of the members would require a Constitutional amendment and that requires the entire full-time faculty to vote, not just the Senate (body rep.). The suggested action of having today’s Senate re-interpret “majority of members” to mean “majority of votes cast” is a violation of process and the intent of the faculty in 2012/14. If one wants it to be a majority of votes cast, then one needs to use the Constitution amendment process, not a vote in a Senate meeting. The Senate can change the By-Laws with a vote but not the Constitution.

3) Robert’s Rules of Order, which according to our By-Laws is our parliamentary authority, allows majority or 2/3 votes for either votes cast or for membership—it depends on what is stated in an organization’s Constitution or By-Laws or other charter document. In the Senate Constitution case, it states a majority of the members, not a majority of the votes cast.

In fact, the default process in Robert’s Rules for motions to rescind or amend something previously adopted (closest situation to our referendum process) is either a 2/3 vote or the vote of the majority of the entire membership (see p. 61 and p. 67 of *RONR in Brief* or 44:9(b) of *RONR* 12th ed). The referendum vote did not meet either standard.

4) The other sections in the Constitution deliberately use language of “votes cast”, “majority of votes”, etc. while Article VII deliberately uses “majority of members”. The simplest interpretation of the article is that “majority of members” means “majority of members”, not “majority of votes cast” or “majority of members casting votes”. Also, the simplest assumption is that the 2012/14 faculty knew what they wanted when they changed the referendum requirement.

5) Finally, in response to the charge of disrespecting the Senate and silencing of faculty, I ask you to read the last page of my [March 29 President's Report](#) in the section titled "Disrespect of the Senate Process". Recall the 2.5 hours of work we did on March 22nd trying to create referendum procedures that would have clarified all this before we had the referendum. We would have achieved a lot more than just deciding on creating ballot statements if we didn't have the *repeated* delaying tactics from incorrect, illogical claims that we weren't allowed to create procedures. After all that work on March 22, Holmes refused to create a ballot statement for all faculty to see. There have been other procedural roadblocks used as well. THAT is disrespectful of the Senate!