

Enforcing Your Rights under Robert's Rules of Order



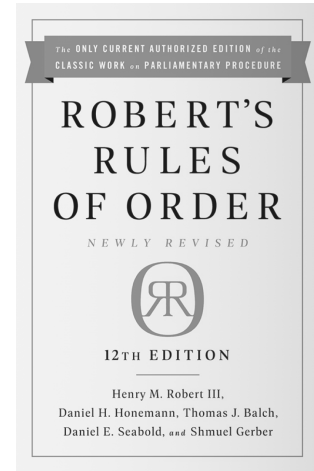
Background Information

Nomenclature

- RONR (12th ed.) 12:67
 - (all references in this document are to the 12th ed.)

Scope

- This presentation is not comprehensive.
- Bylaws trump RONR (2:12)
 - RONR only apply if invoked by bylaws
 - "Parliamentary Authority"
- Formality depends on situation (1:24, 3:9, 49:21, 50:25-26)
 - Informal Consideration (52:1-2)
 - Unanimous Consent (4:58)



Rights of Members

Majority

"Ultimately, it is the **majority** taking part in the assembly who decide the general will, but only following upon the opportunity for a deliberate process of full and free discussion. Only two thirds or more of those present and voting may deny a minority or any member the right of such discussion." (Introduction, p. xlix)

Individual

"A member of an assembly ... is a person entitled to full participation in its proceedings, that is, ... the right

- to attend meetings,
- to make motions,
- to speak in debate, and to
- vote.

No member can be individually deprived of these basic rights of membership ..." (1:4)

Rules cannot be suspended to abridge these rights (25:11)

Basic Skills: Getting Recognized

"To claim the floor, a member rises at his place when no one else has the floor (or goes to the microphone in a large hall), faces the chair and says, "Mr. President," or "Mr Chairman," or "Madam Chairman," or whatever is the chair's proper title." (3:31)

"In small boards and in committees, members generally need not rise to obtain the floor." (3:31, fn)

"The chair must recognize any member who seeks the floor while entitled to it." (3:30, 42:2, 62:3)

Basic Skills: Making Motions

- **Main vs. Secondary Motions**
- **Conditions required to make a main motion:**
 - Quorum exists
 - No other motions are pending (6:1, 6:9)
 - Must get recognized
- **When are main motions allowed?**
 - No binding order of business exists:

“If the assembly has no binding order of business, any member who obtains the floor can introduce any legitimate matter he desires (within the objects of the organization as defined in its bylaws) at any time when no business is before the assembly for consideration.” (3:16)
 - Binding order of business exists:

During New Business when chair calls “Is there any (further) new business?” (10:41-42, 21:15, 41:27, 41:33,)

After officer or committee report if a recommendation is made.
- **The form of a main motion:**
 - “I move ...”

Basic Skills: Point of Order

The Rule

“When a member thinks that the rules of the assembly are being violated, he can make a Point of Order ... thereby calling upon the chair for a ruling and an enforcement of the regular rules.” (23:1)

Standard Descriptive Characteristics

Can interrupt! No second needed!

Example:

- Member A: *... and so, we aspire and endeavor to be the best that we all know that we can and should be, and we should always strive to achieve, not only in principle ...*
- Member B: **(Interrupting) Point of Order!**
- Chair: *The member will state his point.*
- Member B: **The gentleman's time has expired.**
- Chair: *Your point is well taken. ...*

Basic Skills: Appeal

The Rule

“By one member making (or “taking”) the appeal and another seconding it, the question is **taken from the chair** and **vested in the assembly** for final decision.” (24:1)

“Members have no right to criticize a ruling of the chair unless they appeal from his decision.” (24:2)

Standard Descriptive Characteristics

No need to be recognized.

Example

- Member: ***I move that ...***
- Chair: *Your motion is out of order because ...*
- Member: ***I appeal from the decision of the chair. (Second.)***
- Chair: *The decision of the chair is appealed from. (The chair then states the reasons for his decision ... and then states the question:) Shall the decision of the chair be sustained?*
- (24:9, 62:6, paraphrased)

| | CHAIR TACTIC | Rule Violated | MEMBER DEFENSE | Procedure |
|----|--------------------------------------|---------------|---------------------------------|--------------|
| 1 | Engages in debate | 43:29 | Point of Order | 23:12 |
| 2 | Fails to call for new business | 41:27 | Point of Order | Ditto |
| 3 | Calls voice vote incorrectly | 29:1 | Division | 29:8 |
| 4 | Abuses Unanimous Consent | 4:58 | Object | 4:58 |
| 5 | Makes up rules | | Parliamentary Inquiry | 33:4 |
| 6 | Parliamentarian makes rulings | 47:46, 47:54 | Point of Order | 23:12 |
| 7 | Rules motion “Out of Order” ... | | Appeal | 24:9 |
| 8 | ... due to “dilatatory” | 39:4 | Appeal + explain not dilatory | Ditto |
| 9 | ... due to “improper” | 39:5-7 | Appeal + refer to bylaws | Ditto |
| 10 | ... due to “illegal” | 39:5 | Appeal + explain procedural | Ditto |
| 11 | ... due to “lawsuit” | | Appeal + majority decides | Ditto |
| 12 | ... due to “disciplinary procedures” | 61:2 fn | Point of Order, Appeal | Ditto, 23:12 |
| 13 | Prohibits Appeal | 24:1 | Appeal | 24:9 |
| 14 | Ignores Points of Order | 23:1 | Repeat three times & take vote. | 62:8 |
| 15 | Ignores Appeals | 24:1 | Ditto | 62:9 |

Chair Engages in Debate

Rule Violated

“If the presiding officer is a member of the society, he has – as an individual – the same *rights* in debate as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding. Normally, especially in a large body, he should have nothing to say on the merits of pending questions.” (4:31, 43:29)

Member Response

Point of Order

Example

Chair: *We need to defeat this motion because we don't have enough money in ...*

Member: **Point of order!**

Chair: *The member will state his point.*

Member: **The chair is engaging in debate.**

Chair: *Your point is well taken. Thank you.*

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Chair Fails to Call For New Business

Rule Violated

“After unfinished business and general orders have been disposed of, the chair asks, ‘**Is there any new business?**’ Members can then introduce new items of business ... as explained in 3 and 4.” (41:27)

See also 21:15 and 41:33.

Member Response

Point of Order

Example

Chair: *... That was the last item on the agenda under New Business. The chair will now entertain a motion to adjourn.*

Member: **Point of Order !**

Chair: *The member will state his point.*

Member: **Mr. Chair, I believe you failed to call for further new business.**

Chair: *Your point is well taken. Is there any further new business?*

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Chair Calls Voice Vote Incorrectly

Rule

“Whenever a member doubts the result of a voice (*viva voce*) vote or a vote by show of hands – either because the result appears close or because he doubts that a representative number of the members present have voted – he can call for a Division of the Assembly, thereby requiring the vote to be taken again by rising.” (29:1)

Member Response

Division !

Example

Chair: *The ayes (or noes) have it.*

Member: **Division!**

Chair: *A division is called for.*

(A rising vote is then taken.)

(29:8, paraphrased)

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Chair Abuses Unanimous Consent

Rule Violated

“In cases where there seems to be no opposition in routine business or on questions of little importance, time can often be saved by the procedure of unanimous consent ...” (4:58)

Member Response

I object

Example

Chair: *If there is no objection we will reimburse the Treasurer \$10 for copy expenses. [pause] Since there is no objection, we will reimburse the Treasurer \$10 for copy expenses.*

- or -

Chair: *If there is no objection, we will reimburse the Treasurer \$10 for copy expenses. [pause]*

Member: **I object!**

Chair: *The chair will entertain a motion to reimburse the Treasurer \$10 for copy expenses.*

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Chair Makes Up Rules

Rule

“A *parliamentary inquiry* is a question directed to the presiding officer to obtain information on a matter of parliamentary law or the rules of the organization bearing on the business at hand. It is the chair’s duty to answer such questions when it may assist a member to make an appropriate motion, raise a proper point of order, or understand the parliamentary situation or the effect of a motion.” (33:3)

Member Response

Parliamentary Inquiry

Example

Chair: *Your speech is limited to a maximum of 3 minutes.*

Member: **A parliamentary inquiry, please.**

Chair: *The member will state the inquiry.*

Member: **Which rule in our bylaws, standing rules, or our parliamentary authority requires that speeches be limited to three minutes?**

Parliamentarian Makes Rulings

Rule Violated

“The parliamentarian’s role during a meeting is purely an advisory and consultative one – since parliamentary law gives to the chair alone the power to rule on questions of order or to answer parliamentary inquiries.” (47:46)

Member Response

Point of Order!

Example

Chair: *The parliamentarian has ruled the motion out of order.*

Member: **Point of Order!**

Chair: *The member will state his point.*

Member: **Parliamentarians cannot make rulings. See RONR 12th Ed. Paragraph 47:46.**

Chair: *Your point is well taken. The question is on the motion to ...*

Chair Rules Motion Out of Order

Member Response

In general, respond with an Appeal. In the ensuing debate, you have the right to speak first. At that time, explain the reason for your appeal. Providing RONR page and line number references is extremely effective.

Example

Member: **I move that ...**

Chair: *Your motion is out of order because ...*

Member: **I appeal from the decision of the chair. (Second.)**

Chair: *The decision of the chair is appealed from. The chair states the reasons for his decision ... then states the question on the appeal as follows:*

Shall the decision of the chair be sustained?

Debate and vote follows. (24:10, paraphrased)

Chair Rules Motion Out of Order - “Dilatory”

Rule Violated

“A motion is *dilatory* if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation.” (39:1)

“It is the duty of the presiding officer to prevent members from misusing the legitimate forms of motions merely to obstruct business. ... he should either not recognize these members or he should rule that such motions are out of order – but he should never adopt such a course merely to *speed up* business ...” (39:4)

Member Response

Respond with Appeal, and in the ensuing debate explain why your motion is not dilatory.

Chair Rules Motion Out of Order - “Improper”

Rule Violated

Motions that **conflict** with the corporate charter, constitution, or bylaws of a society, ... are out of order, and if any motions of this kind is adopted, it is null and void. (39:5)

A main motion that proposes action **outside the scope** of the organization’s object as defined in the bylaws or corporate charter is out of order unless the assembly by a two-thirds vote authorizes its introduction. (10:26 (2))

Member Response

Respond with Appeal, refer to bylaws, charter, etc, in the subsequent debate.

Chair Rules Motion Out of Order - “Illegal”

Rule Violated

Motions that conflict with ... procedural rules prescribed by national, state, or local laws, are out of order, and if any motions of this kind is adopted, it is null and void. (39:5)

Member Response

Respond with Appeal. In the subsequent debate, distinguish between “procedural” rules, and substantive law.

Chair Rules Motion Out of Order - “Lawsuit”

Chair: *Your motion is out of order because it may subject our organization to a lawsuit.*

Rule Violated

(There is no rule in RONR that stipulates that motions that may subject the body to a lawsuit are out of order.)

Member Response

Respond with Appeal. In the subsequent debate note that:

- Under RONR, the majority, not the chair, rules
- The majority has the right to accept such a risk

Chair Rules Motion Out Of Order - “Disciplinary Proceedings”

Rule Violated

“It is also possible to adopt a motion of censure without formal disciplinary procedures.” (61:2, footnote)

Member Response

Appeal!

Example

Member: *I move to censure Mr. Graham. (second)*

Chair: *Your motion is out of order; disciplinary proceedings have not been conducted.*

Member: *I appeal from the decision of the chair.*

Chair: *The decision of the chair has been appealed from. ... Shall the decision of the chair be sustained?*

Member: (During debate, cite **RONR 12th Ed. 61:2 footnote**: “It is also possible to adopt a motion of censure without formal disciplinary procedures.”)

Chair Prohibits Appeal

Rule Violated

“when the chair rules on a question about which there cannot possibly be two reasonable opinions, an appeal would be dilatory and is not allowed.” (24:3 (2) (b))

Member Response

Appeal !

Example

Chair: This motion is out of order ... and because there cannot possibly be two reasonable opinions ... blah blah blah ... **there can be no appeal from this decision.**

Member: **I appeal from the decision of the chair. (Second)**

Chair: Your appeal is out of order.

Member: **Mr Chairman, there are clearly two differing opinions on this matter,** and each one is held by a substantial number of members present. One opinion is ..., and the other is It is not your place to declare either of these opinions as 'not reasonable.' According to RONR, with this appeal, “the question is taken from the chair and vested in the assembly for final decision.” (24:1)

Chair Ignores Point of Order

Rule

“If the chair ignores a point of order that is not dilatory, the member can repeat the point of order a second and third time and if the chair still ignores it, the member, standing in his place, can immediately put the point of order to a vote without debate. The question may be put as, “Is the point of order that ... well taken?” (62:8)

Member Response

Repeat three times!

Example

Chair: ... and we must absolutely look forward, *forward!* I say, ...

Member: **Point of Order – the chair’s time is expired!**

Chair: ... not backwards, as we build strong bridges, yes, bridges ...

Member: **Point of Order – the chair’s time is expired!**

Chair: ... to the future, to opportunity, not to the past, no, not a bridge to ...

Member: **Point of Order – the chair’s time is expired!**

Chair: ... the past, for if not now, when? And if not now, why, I ask

Member: **IS THE POINT OF ORDER THAT THE CHAIR’S TIME IS EXPIRED WELL TAKEN? ALL IN FAVOR SAY AYE ...**

Chair Ignores Appeal

Rule

Likewise, if the chair ignores an appeal appropriately made and seconded, a member can repeat the appeal and if, despite its being seconded, the chair ignores it again, the member can repeat it a third time and if it is again seconded but still ignored by the chair, the member can immediately, standing in his place, put the appeal to a vote without debate. The question may be put as: “Shall the decision of the chair be sustained?” (62:9)

Member Response

Repeat three times. Requires a second *each time*.

Example

Chair: Your motion is out of order. The next item on the agenda is ...

Member: **I appeal from the decision of the chair! (second)**

Chair: ... to consider the resolution on using plastic utensils in the cafeteria...

Member: **I appeal from the decision of the chair! (second)**

Chair: ... cafeteria. Is there any discussion on the resolution that we ...

Member: **I appeal from the decision of the chair! (second)**

Chair: ... switch to plastic ...

Member: **SHALL THE DECISION OF THE CHAIR BE SUSTAINED? ALL IN FAVOR SAY AYE ...**

Other Chair Tactics

Tactic: Roach Coach maneuver

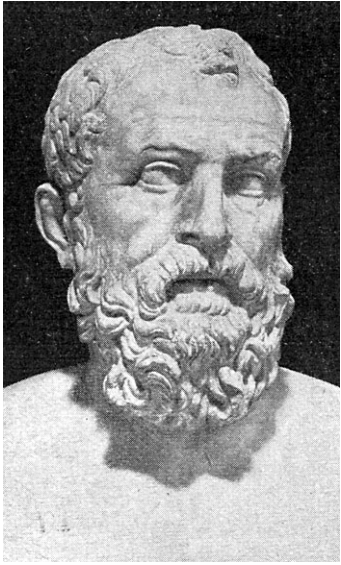
Response: Designate monitor, Bring telephones & food

Tactic: Refuses to follow rules

Response: Video record

NAP Ethics Complaint

Go public



"... the Athenian lawmaker Solon decreed it a crime for any citizen to shrink from controversy."

John F. Kennedy,
1961 April 27

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