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CHAPTER XX DISCIPLINARY PROCEDURES

§61. DISCIPLINE OF MEMBERS AND GUESTS

61:1 In most societies it is understood that members are required to be of honorable character and reputation, and certain types of associations may have particular codes of ethics to enforce. Although ordinary societies seldom have occasion to discipline members, an organization or assembly has the ultimate right to make and enforce its own rules, and to require that its members refrain from conduct injurious to the organization or its purposes. No one should be allowed to remain a member if his retention will do this kind of harm.

61:2 Punishments that a society can impose generally fall under the headings of censure,¹ fine (if authorized in the bylaws), suspension, or expulsion. The extreme penalty that an organization or society can impose on a member is expulsion.

61:3 If there is an article on discipline in the bylaws (56:57), it may specify a number of offenses outside meetings for which these penalties can be imposed on a member of the organization. Frequently, such an article provides for their imposition on any member found guilty of conduct described, for example, as “tending to injure the good name of the organization, disturb its well-being, or hamper it in its work.” In any society, behavior of this nature is a serious offense properly subject to disciplinary action, whether the bylaws make mention of it or not.

61:4 Formal disciplinary procedures should generally be regarded as a drastic step reserved for serious situations or those potentially so. When it appears that such measures may become necessary, proper and tactful handling of the case is of prime importance. It is usually in the best interests of the organization first to make every effort to obtain a satisfactory solution of the matter quietly and informally.

61:5 Cases of conduct subject to disciplinary action divide themselves into: offenses occurring in a meeting; and offenses by members outside a meeting.

Dealing with Offenses in a Meeting

61:6 Principles Governing Discipline at Meetings. A society has the right to determine who may be present at its meetings and to control its hall while meetings are in progress; but all members have the right to attend except in cases where the bylaws provide for the automatic suspension of members who fall in arrears in payment of their dues, or where the society has, by vote and as a penalty imposed for a specific offense, forbidden attendance.

61:7 Nonmembers, on the other hand—or a particular nonmember or group of nonmembers—can be excluded at any time from part or all of a meeting of a society, or from all of its meetings. Such exclusion can be effected by a ruling of the chair in cases of disorder, or by the adoption of a rule on the subject, or by an appropriate motion as the need arises—a motion of the latter nature being a question of privilege (see 9:25; 9:28–29; and 19).

61:8 All persons present at a meeting have an obligation to obey the legitimate orders of the presiding officer. 2 Members, however, can appeal from the decision of the chair (24), move to suspend the rules (25), or move a reconsideration (37)—depending on the circumstances of the

chair's ruling. A member can make such an appeal or motion whether the order involved applies to him or not.

61:9 In dealing with any case of disorder in a meeting, the presiding officer should always maintain a calm, deliberate tone—although he may become increasingly firm if a situation demands it. Under no circumstances should the chair attempt to drown out a disorderly member—either by his own voice or the gavel—or permit himself to be drawn into a verbal duel. If unavoidable, however, proper disciplinary proceedings to cope with immediate necessity can be conducted while a disorderly member continues to speak.

61:10 Breaches of Order by Members in a Meeting. If a member commits only a slight breach of order—such as addressing another member instead of the chair in debate, or, in a single instance, failing to confine his remarks to the merits of the pending question—the chair simply raps lightly, points out the fault, and advises the member to avoid it. The member can then continue speaking if he commits no further breaches. More formal procedures can be used in the case of serious offenses, as follows:

61:11 Calling a member to order. If the offense is more serious than in the case above—as when a member repeatedly questions the motives of other members whom he mentions by name, or persists in speaking on completely irrelevant matters in debate—the chair normally should first warn the member; but with or without such a warning, the chair or any other member can “call the member to order.” If the chair does this, he says, “The member is out of order and will be seated.” Another member making the call rises and, without waiting to be recognized, says, “Mr. President, I call the member to order,” then resumes his seat. If the chair finds this point of order (23) well taken, he declares the offender out of order and directs him to be seated, just as above. If the offender had the floor, then (irrespective of who originated the proceeding) the chair clearly states the breach involved and puts the question to the assembly: “Shall the member be allowed to continue speaking?” This question is undebatable.

61:12 “Naming” an offender. In cases of obstinate or grave breach of order by a member, the chair can, after repeated warnings, “name” the offender, which amounts to preferring charges and should be resorted to only in extreme circumstances. Before taking such action, when it begins to appear that it may become necessary, the chair directs the secretary to take down objectionable or disorderly words used by the member. This direction by the chair, and the words taken down pursuant to it, are entered in the minutes only if the chair finds it necessary to name the offender.

61:13 Although the chair has no authority to impose a penalty or to order the offending member removed from the hall, the assembly has that power. It should be noted in this connection that in any case of an offense against the assembly occurring in a meeting, there is no need for a formal trial provided that any penalty is imposed promptly after the breach (cf. 23:5), since the witnesses are all present and make up the body that is to determine the penalty.

61:14 The declaration made by the chair in naming a member is addressed to the offender by name and in the second person, and is entered in the minutes. An example of such a declaration is as follows: CHAIR: Mr. J! The chair has repeatedly directed you to refrain from offensive personal references when speaking in this meeting. Three times the chair has ordered you to be seated, and you have nevertheless attempted to continue speaking.

61:15 If the member obeys at this point, the matter can be dropped or not, as the assembly chooses. The case may be sufficiently resolved by an apology or a withdrawal of objectionable

statements or remarks by the offender; but if not, any member can move to order a penalty, or the chair can first ask, "What penalty shall be imposed on the member?" A motion offered in a case of this kind can propose, for example, that the offender be required to make an apology, that he be censured, that he be required to leave the hall during the remainder of the meeting or until he is prepared to apologize, that his rights of membership be suspended for a time, or that he be expelled from the organization.

61:16 The offending member can be required to leave the hall during the consideration of his penalty, but he must be allowed to present his defense briefly first. A motion to require the member's departure during consideration of the penalty—which may be assumed by the chair if he thinks it appropriate—is undebatable, is unamendable, and requires a majority vote.

61:17 If the member denies having said anything improper, the words recorded by the secretary can be read to him and, if necessary, the assembly can decide by vote whether he was heard to say them. On the demand of a single member—other than the named offender, who is not considered to be a voting member while his case is pending—the vote on imposing a penalty must be taken by ballot, unless the penalty proposed is only that the offender be required to leave the hall for all or part of the remainder of the meeting. Expulsion from membership requires a two-thirds vote.

61:18 If the assembly orders an offending member to leave the hall during a meeting as described above and he refuses to do so, the considerations stated below regarding the removal of offenders apply; but such a member exposes himself to the possibility of more severe disciplinary action by the society.

61:19 Protection from Annoyance by Nonmembers in a Meeting; Removal of an Offender from the Hall. Any nonmembers allowed in the hall during a meeting, as guests of the organization, have no rights with reference to the proceedings (61:6–8). An assembly has the right to protect itself from annoyance by nonmembers, and its full authority in this regard—as distinguished from cases involving disorderly members—can be exercised by the chair acting alone. The chair has the power to require nonmembers to leave the hall, or to order their removal, at any time during the meeting; and the nonmembers have no right of appeal from such an order of the presiding officer. However, such an order may be appealed by a member. That appeal is undebatable (see 24:3(5)(a)). At a mass meeting (53), any person who attempts to disrupt the proceedings in a manner obviously hostile to the announced purpose of the meeting can be treated as a nonmember under the provisions of this paragraph.

61:20 If a person—whether a member of the assembly or not—refuses to obey the order of proper authority to leave the hall during a meeting, the chair should take necessary measures to see that the order is enforced, but should be guided by a judicious appraisal of the situation. The chair can appoint a committee to escort the offender to the door, or the sergeant-at-arms—if there is one—can be asked to do this. If those who are assigned that task are unable to persuade the offender to leave, it is usually preferable that he be removed by police—who may, however, be reluctant to intervene unless representatives of the organization are prepared to press charges.

61:21 The sergeant-at-arms or the members of the appointed committee themselves may attempt to remove the offender from the hall, using the minimum force necessary. Such a step should generally be taken only as a last resort, since there may be adverse legal consequences; and a person who would refuse to leave upon legitimate request may be the

type most likely to bring suit, even if with little justification. In cases where possibly serious annoyance by hostile persons is anticipated—in some mass meetings, for example—it may be advisable to arrange in advance for the presence of police or guards from a security service agency.