112718 Kent URFA Rules of Order

- **Introduction of myself, and SFL**

Hello, my name is Kent Peterson. I’m the Strategic Advisor for the Saskatchewan Federation of Labour. If you’re wondering exactly what a ‘Strategic Advisor’ does... join the club. Primarily I work in the areas of communications, campaigns, and political action.

As folks likely know, the SFL is a provincial labour organization representing nearly 100,000 members across the province including URFA and its members.

As members you are always invited to participate in our many conferences, union schools, and other events. To learn more about those, visit [www.sfl.sk.ca](http://www.sfl.sk.ca).

I do want to say that we are in the process of re-appointing the many SFL committees that the SFL has. We are looking for nominations form unions. If you are interested in serving on one of our committees, ask your union to nominate you. Many of the committees have funded spots, so it doesn’t cost you or your union anything. Some committees, though, are affiliate-funded.

**Our committees are:**
- Indigenous Workers;
- Apprenticeship;
- Education;
- OH&S;
- Pensions;
- Solidarity and Pride;
- Women’s;
- Workers of Colour, and;
- Young Workers.

With that PSA done, moving on.

- **Review of why I’m here**
I was asked to come do a short presentation on some additional tips on rules of order, particularly as it relates to countering some strong deans at your faculty council meetings.

- **Examples I was provided**

When I asked for a little more information about faculty councils, I was provided a description of what that is, and that some use different rules of order – Bourinot’s or Robert’s, and so on. The examples of “strong deans” I was given include:

- Faculty of Arts (uses Bourinot’s Rules of Oder): Dean changing decisions made in Council by sending an email out the next day announcing the change. Another example, the Dean ruling on their own rulings;
- Faculty of Engineering: core issue is most committees do not have terms of reference. Example, in the Admission & Studies committee the associate Dean wanted to be the Chair of the committee. A request faculty have refused since March of 2017 last year, yet, the committee’s terms of reference has been delayed and the Associate Dean is chairing until the terms of reference is approved (which they refuse to schedule for a vote). Another example is a motion passed Feb 2017 required the Dean’s office to list all motions passed by the faculty. Nothing happened. A faculty member personal requested an update; the Dean’s office, in the Faculty council, said the process of posting the carried motions was quite complex. A faculty member offered one of their students to help. That assistance was declined and it was indicated they are working on it. Now one and half years passed, there is nothing.

- **Preface that the solution to these problems may not lie in rules of order**

I want to say that based on these examples, the solutions to your problems may not lie in the rules of order. The solutions may lie in the administrative system or thr governance structure of these faculty councils.

That said, I think there are a few strategies that could certainly include a little rules of order footwork.
• Explanation of what rules of order are meant to do (encourage participation and decision-making, not prevent participation or block decision-making)

Before getting into the weeds of parliamentary procedure, it’s important to remember why rules of order exist in the first place. Rules of order — whether they are in-house parliamentary procedure, or Bourinot’s or Robert’s — exist to help people participate in meetings and ensure their voice is heard and to facilitate decision-making.

They do not exist to exclude people, confuse participants, stifle discussion, advance a personal agenda, filibuster, or intimidate.

If you see rules of order being used for those latter nefarious purposes, then that is an inappropriate use of rules of order. What can you do about it? You can unsheathe your various tip sheets, and duel for rules of order supremacy. Truly a battle of good versus evil — so long as it is duly moved, seconded, and carried.

• Some advanced techniques that may be useful

I initially tried to boil Robert’s and Bourinot’s Rules of Order down to 20 or 30 minutes to fit within this timeslot. That task was indeed impossible, as both rules of order are so vast. What I thought I would do instead, is encourage folks to look up a variety of tip sheets that exist for both Bourinot’s and Robert’s and read them. You folks are the ones at the meetings, so you have a better idea of what might be most useful.

What I landed on doing, was cherry-picking a few rules or examples and going through them in hopes you might find it valuable.

Before I start, I just want to comment briefly on the difference between Bourinot’s and Robert’s. Robert’s Rules is quite firm and static in comparison to Bourinot’s. Robert’s rules are certainly a form of parliamentary procedure, but they are used more like rule book of how to run meetings used by organizations. Bourinot’s isn’t exactly the same. It’s a bit more flexible, and has evolved overtime. The reason is Bourinot’s has its roots in recording the practices and
usages of the House of Commons in Canada and on the Procedure at Public Assemblies. Bourinot’s is Canadian parliamentary procedure. As such, it changes according to conventions and commonly adopted practices.

I’m simplifying it, but that’s the main difference.

First, an overview of the different types of motions that exist no matter the rules of order.

There are five types of motions:

- **Main Motions**: Introduce a unique, substantive proposal. For example, a motion that the assembly purchase a new property is a main motion. Sometimes, a motion elsewhere defined in *Robert’s Rules* can be made as a stand-alone motion, such as a motion to limit debate, while no other motion is being considered. In such cases, that is called an **Incidental Main Motion**. A main motion which is not described in *Robert’s Rules* is called an **Original Main Motion**.
- **Subsidiary Motions**: Assist the assembly in handling some other motion. For example, a motion to amend the current motion is a subsidiary motion. Ex: postpone indefinitely, refer, etc.
- **Privileged Motions**: Deal with immediately pressing questions that are not directly relevant to the motion being considered. For example, the motion to take a recess is a privileged motion. Ex: call for orders of the day, adjourn, etc.
- **Incidental Motions**: Affect how the assembly considers the current motion, usually by enforcing or changing the rules of order. For example, the motion to suspend a rule is an incidental motion. Ex: point of order, suspend the rules, division of a question, point of information, etc.
- **Restorative Motions**: Allow the assembly to reverse or reconsider the decision previously made on some other motion. For example, the motion to reconsider a main motion is a restorative motion. Ex: rescind, reconsider, discharge a committee.

*If you want to get something on the agenda*
Submit it ahead of time, if that’s required. Alternatively, at the start of the meeting when the chair calls for a motion to adopt the agenda, once it has been moved and seconded, you can move a motion to amend the agenda.

“I move an amendment to the agenda to add ‘Committee Appointments’”. If you want to make sure it gets dealt with early on, indicate as such in your motion. It has to be seconded and carried by a majority of participants.

Do note: if you aren’t paying attention, and the agenda gets moved, seconded, and carried before you’ve even noticed and then you ask to amend it, that now becomes a motion to reconsider or amend previously adopted (depending on the language used) – as it’s a decision that has already been made – and any amendment would require a 2/3s majority.

*If the chair is not following the order of the agenda, or adding items without approval*

Call for the orders of the day, and assert your view that the chair is not following the agenda. This motion is used to keep the meeting on schedule with the meeting’s agenda. This is required on demand of a single member. A two-thirds vote is required to reject this call.

*If there is a set time of adjournment, and the chair or a participant is filibustering to avoid an item*

A few ways of dealing with this, either a motion to reconsider the time of adjournment. Needs 2/3s. Or you could move to postpone or move to table decisions and discussions as they arise in the orders of the day, clearing those conversations out of the way in hopes of getting to your desired order of business. Those are just majority votes. You could move a motion to limit debate, usually requires 2/3s. You could move a motion to refer whatever business is at hand to another committee or body. Majority vote. You can always move that the question be called on the business at hand to force a vote, and move on. Calling the question requires a majority vote.

*If a lengthy proposal is up for consideration, but you want to consider it in smaller sections*
Move a motion to divide the questions. This motion is used to separate one motion into two or more motions to be considered separately. It can only be applied to main motions or amendments. Requires a majority. Alternatively, you can move a motion to consider by paragraph. This motion is used to separate a lengthy motion into parts for debate and vote on each piece separately before a vote on the whole. Requires a majority.

*If the chair made a ruling you do not agree with (calling a vote, on a rule of order, and so on)*

You can challenge the chair, or appeal the chair. Members vote on whether to sustain the ruling of the chair. A majority vote is required to sustain the ruling.

*If the chair is taking advantage of an informal meeting to bend the rules of order*

It’s true that smaller, more dialogue-based meetings the rules of order can be applied in a more flexible way. This is in contrast to, say, a large public assembly like a convention or annual general meeting. In the case of the latter, it’s clear why a chair would quite strictly apply the rules of order. Sometimes, however, the informality of a smaller meeting can lead to the chair or another participant taking advantage of the other members or misrepresent the will of the participants.

For example, in smaller spaces the chair often does not clarify exactly what is being voted on – or the precise phrasing of a motion. This creates room for the intent to be altered (intentionally or otherwise) later on, or while being recorded in the minutes.

Another example: when taking votes in smaller, more informal meetings sometimes the chair will ask “that’s good with everyone?” and move on. While consensus-based decision-making is certainly a model that can be used, that’s not how it works. Or the chair will ask those in favour, and declare the motion passed without asking for those against.

Assertive or forceful chairs or participants can also try influence the decision of meetings – or misrepresent the intent of the other participants – by engaging in
discussion about the topic at hand without a motion on the table. This can cause the conversation to delude the intended purpose, or take a winding path down a difference path, and then a motion is made once the free-flowing, aimless conversation has taken place. Insist that prattle conversation not take place, and that all discussion come about as the result of duly moved and seconded motion.

There are many other examples of these possibilities, but I would caution on demanding strict adherence to rules of order if a more flexible, informal model is indeed working and being used well.

- **Encourage to look outside rules of order to get results**

Now there may be other strategies that go beyond the scope of rules of order to deal with these, and other problems.

Who is responsible for ensuring the decisions of faculty councils are accurately carried out, and done so in a timely way? Are they university bodies? Is there a way to negotiate some accountability within your own collective agreement?

You may have explored these avenues already. I offer them just as an external set of observations.

If decisions that were made at faculty council are not being followed through on, or are maybe being misrepresented or communicated inaccurately, request to add an agenda item to talk about those things. Continue to put pressure on the chair/dean to honour the decisions and discussions at faculty council meetings. Explore what a next step might be if nothing changes.
Meeting Myths

Some rules are made to be broken—especially when they aren’t really rules in the first place.

The same errors are often made by different chairs, at different meetings, in different associations. Such mistakes are often the result of “meeting myths” that have taken on a life of their own. Things are done a certain way either because “they’ve always been done that way” or because they are “supposed” to be done that way. Unfortunately, as the Porgy & Bess song says: “It ain’t necessarily so.”

What follows are “meeting myths” that need to be put to rest. If you can eliminate one improper practice a month over the next year, your meetings will be faster, fairer and more effective.

**MYTH: “WE DON’T USE PARLIAMENTARY PROCEDURE.”**

Whether you are aware of it or not, both your board meetings and annual meetings follow parliamentary procedure. Courts have held that all organizations are subject to the principles and rules of common parliamentary law. In other words, boards, committees, assemblies, and annual meetings must all observe proper rules when meeting to transact business.

Many associations also adopt a rule that they will follow a particular procedural book, such as Robert’s Rules of Order, during meetings. Members who act contrary to the rules they have adopted can be held liable for their actions. As a result, ignoring or incorrectly applying parliamentary procedure can lead to embarrassment and lawsuits.

**MYTH: PARLIAMENTARY PROCEDURE AND ROBERT’S RULES OF ORDER ARE THE SAME THING.**

Parliamentary procedure includes all the rules that govern the transaction of business in meetings. Parliamentary procedure is not identical to Robert’s Rules of Order. Instead, Robert’s Rules of Order Newly Revised (11th Edition)(“RONR”) is the most popular of several parliamentary books. Another well-known parliamentary authority is The Standard Code of Parliamentary Procedure (4th Edition)(often referred to simply as “Sturgis”). For the novice, Sturgis can be an easier book from which to learn procedure.

The fact that RONR is the most used parliamentary book and the easiest to locate argues in its favor as a parliamentary authority. RONR is also an excellent resource and includes sections on presiding, the duties of officers, taking minutes, running elections, writing and amending bylaws, and holding board and committee meetings.

RONR is fairly easy to find—just be sure to buy the right book. There are numerous “clones” and earlier editions that are easy to buy by mistake. RONR is available in both hardcover and soft cover and can be identified by its gold cover.

**MYTH: RULES ARE THE SAME FOR ALL MEETINGS.**

Board meetings and membership meetings should be conducted differently. Put simply, the level of procedure usually varies by the size of the assembly. Large annual meetings must be fairly formal. Informal discussion of matters is impractical due to the number of members present. Limits on debate must be observed to keep the meeting on time. Formal votes help avoid legal challenges.
In contrast, smaller boards and committees can be less formal. Formality can actually hinder business in a meeting of fewer than about a dozen. As a result, RONR recommends that in smaller boards and committees:

- Members are not required to obtain the floor and can make motions or speak while seated.
- Motions need not be seconded.
- There is no limit to the number of times a member can speak to a question, and motions to close or limit debate are generally not used.
- The chair usually can make motions and vote on all questions.
- Some smaller boards dislike the informality suggested by RONR and follow a more formal procedure at all meetings. Even informal boards should be more formal on matters of sufficient importance or controversy.

To avoid confusion as to what procedures to follow, many organizations adopt specific rules governing meetings. Such rules can be lengthy and may even describe what motions can be used during meetings. On the other hand, some organizations simply adopt a rule or two on such matters as recognition and the length of speeches. At a minimum, a rule should be adopted that a particular book will serve as the parliamentary authority.

**MYTH: THE ABSENCE OF A QUORUM IS OKAY IF NOBODY BRINGS IT UP.**

One of the quickest paths to serious trouble is to ignore quorum requirements. A “quorum” is the number of voting members who must be present to have a valid meeting. This number is typically established by statute or the governing documents.

There is a belief that the lack of a quorum can be ignored if no one raises the issue. Not true! The general rule is that any business transacted without a quorum (except for a few procedural motions) is null and void, regardless of whether or not any member raises the issue. While some state laws allow for a meeting to start with a quorum and to continue if a quorum leaves, this is very different from not having a quorum in the first place.

**MYTH: DISCUSSION FIRST, MOTION LATER.**

For groups following formal procedure, no discussion should occur without being preceded by a “motion” to take action. A motion is a formal proposal for consideration and action. In formal meetings, all items of business—whether a proposal to construct a new building or to take a five minute break—are initiated by proposing a motion.

**MYTH: SECONDS ARE REALLY IMPORTANT.**

A second merely implies that at least one other person wants to discuss a motion. In smaller boards, seconds aren’t even required. Even in more formal annual meetings, seconds should not be overemphasized. The presence of a second determines whether or not an issue will go forward into discussion. If there is no second, there should be no further action on the proposal. However, most parliamentary books provide that after any debate on an issue, the lack of a second is irrelevant. The fact that a motion was never seconded can also be ignored after a vote.

Under RONR a seconder does not need to be recognized or even entered in the minutes. If a recommendation is from a committee, no second from the floor is needed.

**MYTH: VOTE ON ALL REPORTS.**
Committee reports are often for information only. In such instances, no motion is necessary following the report. A motion “to adopt” or “to accept” a report is seldom wise except when the report is to be published in the name of the organization. On the other hand, the reporting member should end by making a motion if the committee has a specific recommendation for action.

For example, the Budget Committee may have studied hiring a new management company. In her report, the committee chair might thank the members of the committee for their hard work and explain in detail the committee’s position and reasoning. At the end of her report, the committee chair would close by saying, “On behalf of the committee, I move that the association retain ABC management pursuant to the terms of the proposed contract.”

In contrast to common practice, treasurers’ reports seldom require action. When a treasurer is simply reporting the cash on hand or receipts minus disbursements, no action is necessary. Such a report should simply be filed for reference.

Treasurers often make more detailed yearly financial reports. Such reports should always be audited (either externally by an accountant or by an internal audit committee, depending on the association’s size and resources). The auditor’s report is then considered and adopted. Approval of the auditor’s report typically relieves the treasurer of responsibility for the period of the report, except in cases of fraud.

**MYTH: A MOTION IS ALWAYS NECESSARY.**
Many matters can be resolved through “general consent” or “unanimous consent.” Under this method, the presiding officer asks, “Is there any objection to ... ?” For example, “Is there any objection to ending debate?” If no one objects, debate is closed. If a member objects, the matter should be resolved with a motion and vote.

Unanimous consent allows an assembly to move quickly through non-controversial issues, so that more time can be spent on controversial issues. Reports and motions can be adopted, minutes can be approved, and debate can be ended with general consent.

A similar concept is the “consent agenda,” which is often on the agenda near the start of the meeting. The consent agenda (such as the adoption of the minutes) should include all non-controversial items. Any member can request that an item be removed from the consent agenda and transferred to the regular agenda for consideration and vote. The remaining consent agenda items are then unanimously approved as a unit without discussion.

**MYTH: THE MAKER OF A MOTION GETS TO SPEAK FIRST AND LAST.**
The maker of a motion has the right to speak first to a proposal. After that, the maker has no more rights than anyone else with regard to the motion.

**MYTH: ANYBODY CAN SPEAK AT OUR MEETINGS.**
Meetings are for members. Unless there is a rule to the contrary, only members of the particular body are allowed to speak, make motions, or vote. Only board members have a right to participate in board meetings. Only association members have a right to participate in membership meetings. While an assembly can permit anyone to speak, no one but members can demand that right.

**MYTH: A “FRIENDLY AMENDMENT” IS OKAY.**
Some associations have a practice that any two members can amend a motion on the floor. This occurs when a member asks if the change is “friendly” to the original maker of the motion. If so, the change is made. Such a procedure is unfair and violates parliamentary law.

Once a motion is stated by the presiding officer, it belongs to the assembly. After that point, the maker has no more right than any other member to change the motion. Instead of using “friendly amendments,” the proper practice would be to use unanimous consent (“If there is no objection to this change, . . .”) or to require that the amendment be made formally.

MYTH: “OLD BUSINESS.”
There is no parliamentary concept of “old” business. The term suggests a time that any old thing ever discussed can be revisited.

What is sometimes misnamed “old business” is actually “unfinished business.” Unfinished business refers to questions carried over from the previous meeting and includes:

- any matter that was pending when the previous meeting adjourned;
- any matter on the previous meeting’s agenda that was not reached; or
- any matter that was postponed to the present meeting.

The presiding officer will know if there are items of unfinished business. As a result, the presiding officer does not need to ask, “Is there any unfinished business?” Instead, the presiding officer simply states the question on the first item. If there is no unfinished business, this category of business can be skipped. Annual meetings typically have no unfinished business.

MYTH: THERE ARE TOO MANY MOTIONS IN PARLIAMENTARY PROCEDURE.
Granted, there are a lot of different motions. (RONR lists over 84 variations!) However, most business in meetings is accomplished through the use of about a dozen motions.

The Main Motion brings business before the assembly and is permitted only when no other motion is pending. Many issues can be resolved with this one motion. If you like the proposal, speak in favor of and vote for the main motion. If you dislike the proposal, speak against and vote against the main motion.

Other motions regularly used in meetings include:

- Amendment – allows changes to another motion by adding, deleting, or changing words.
- Refer – allows a matter to be sent to a committee to consider and report back.
- Postpone – delays consideration of a matter to a specific time or date.
- Limit Debate – places a limit on the time or number of speakers.
- Previous Question – ends debate immediately.
- Recess – permits a short break.
- Adjourn – ends the meeting.
- Point of Order – calls attention to an error in procedure.
- Point of Information – allows a member to ask a question.
- Division of the Assembly – demands a rising (but not counted) vote after a voice vote.
MYTH: CALLING “QUESTION!” STOPS ALL BUSINESS.
The Previous Question (or motion to close debate) is regularly handled improperly. In some groups, a person simply yelling “Question!” from the audience results in action. In other groups, the making of the motion automatically ends debate. Both procedures are wrong.

The motion to close debate is just another motion. A person wanting to close debate must be recognized by the chair. The Previous Question requires a second. While the motion to close debate is not debatable, a two-thirds vote is required. Only the assembly decides when to end debate.

MYTH: “LAY ON THE TABLE” GETS RID OF STICKY ISSUES.
The purpose of the motion to Lay on the Table is to temporarily delay a matter when something else of urgency arises. Once the urgent matter is over, the group can then resume the matter that was tabled. Because the motion to Table is not debatable and only requires a majority vote, it should not be used to get rid of a matter. In fact, RONR provides that the motion to Lay on the Table should be ruled out of order if the evident intent is to kill or avoid dealing with a measure.

MYTH: THE CHAIR RUNS THE MEETINGS.
The chair is the servant of the assembly, not its master. Put another way, the chair can only get away with what the assembly allows.

During a meeting any member can raise a “Point of Order” if it is believed that the rules of the assembly are being violated. This motion can interrupt a speaker and does not require a second. For example:

Member:       Point of Order!
Chairman:    What is your Point of Order?
Member:      We are about to move to a new topic, but we haven’t voted on the last motion.
The Chair must now rule on the Point of Order. If the Chair doesn’t know how to rule, the question can be submitted to the assembly for a vote.

If a member is not happy with the Chair’s ruling, any two members can Appeal from the decision of the chair. By one member making and another members seconding the Appeal, any question of parliamentary law can be taken from the chair and given to the assembly for decision. The assembly is the ultimate decider of procedural questions during a meeting.

CONCLUSION
Proper procedure alone won’t solve all meeting problems. Even so, why encumber your board and annual meeting with practices that shouldn’t be followed at all? Eliminating these myths will bring your meetings more in line with proper procedure and can result in shorter, more effective meetings.