

## Excerpts from Robert's Rules of Order Newly Revised (12<sup>th</sup> ed.)

### Steps in a Fair Disciplinary Process

63:7 Most ordinary societies should never have to hold a formal trial, and their bylaws need not be encumbered with clauses on discipline. For the protection both of the society and of its members and officers, however, the basic steps which, in any organization, make up the elements of fair disciplinary process should be understood. Any special procedures established should be built essentially around them, and the steps must be followed in the absence of such provisions. As set forth below, these are: (1) confidential investigation by a committee; (2) report of the committee, and preferral of charges if warranted; (3) formal notification of the accused; (4) trial; and (5) the assembly's review of a trial committee's findings (if the trial has been held in a committee instead of the assembly of the society).

63:8 Confidential Investigation by Committee. A committee whose members are selected for known integrity and good judgment conducts a confidential investigation (including a reasonable attempt to interview the accused) to determine whether to recommend that further action, including the preferring of charges if necessary, is warranted.

63:9 Accordingly, if the rules of the organization do not otherwise provide for the method of charge and trial, a member may, at a time when nonmembers are not present, offer a resolution to appoint an investigating committee. This resolution is to be in a form similar to the following:

Resolved, That a committee of... [perhaps "five"] be elected by ballot to investigate allegations of neglect of duty in office by our treasurer, J.M., which, if true, cast doubt on her fitness to continue in office, and that the committee be instructed, if it concludes that the allegations are well-founded, to report resolutions covering its recommendations.

63:10 To initiate disciplinary proceedings involving a member, a suitable resolution would be:

Resolved, That a committee of... [perhaps "five"] be appointed by the chair [or "be elected by ballot"] to investigate rumors regarding the conduct of our member Mr. N, which, if true, would tend to injure the good name of this organization, and that the committee be instructed, if it concludes the allegations are well-founded, to report resolutions covering its recommendations.

63:11 For the protection of parties who may be innocent, the first resolution should avoid details as much as possible. An individual member may not prefer charges, even if that member has proof of an officer's or member's wrongdoing. If a member introduces a resolution preferring charges unsupported by an investigating committee's recommendation, the chair must rule the resolution out of order, informing the member that it would instead be in order to move the appointment of such a committee (by a resolution, as in the example above). A resolution is improper if it implies the truth of specific rumors or contains insinuations unfavorable to an officer or member, even one who is to be accused. It is out of order, for example, for a resolution to begin, "Whereas, It seems probable that the treasurer has engaged in graft,..." At the first mention of the word "graft" in such a case, the chair must instantly call to order the member attempting to move the resolution.

63:12 An investigating committee appointed as described above has no power to require the accused, or any other person, to appear before it, but it should quietly conduct a complete investigation, making an effort to learn all relevant facts. Information obtained in strict confidence may help the committee to form an opinion, but it may not be reported to the society or used in a trial—except as may be possible without bringing out the confidential particulars. Before any action is taken, fairness demands that the committee or some of its members make a reasonable attempt to meet with the accused for frank discussion and to hear his side of the story. It may be possible at this stage to point out to the accused that if he does not rectify the situation or resign, he probably will be brought to trial.