



Society Strategies

Federation of Genealogical Societies

P.O. Box 200940 Austin TX 78720-0940

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Set I Strategies for Societies

When Disciplinary Action is Required: An Outline of Procedure

by Roberta “Bobbi” King

Supplemental Page

A detailed and complete description of disciplinary action procedures when you need to remove a society member. Referenced from *Robert's Rules of Order, Newly Revised* to offer society directors confidence when confronting a difficult situation.

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When Disciplinary Action is Required: An Outline of Procedure

by Roberta "Bobbi" King

INTRODUCTION

If it has been determined, usually by more than one person on a society's board of directors, that a society or board member has offended the tenets of a society and that disciplinary actions are warranted, there is an outline of procedures which you may pursue, and feel assured that you are proceeding in the proper manner.

Many societies have in their bylaws their parliamentary authority as the current edition of *Robert's Rules of Order, Newly Revised*. Disciplinary procedures are well described in this reference. Some societies have disciplinary procedures outlined within their bylaws.... an excellent idea! Most bylaws, however, are rudimentary or completely lacking the framework for disciplinary action of society members, directors, or officers.

A society and its board have the right to make and enforce their own rules, and to require that board members refrain from conduct injurious

to the society. No one should be allowed to remain a board member of a society who violates the rules of good conduct and could possibly bring injury or harm to the good name of the society.

OFFENSES

What are examples of such bad conduct? Some would include:

- An officer or board member who demeans, speaks derogatorily, or publicly criticizes the organization;
- a board member who discredits fellow board members;
- an officer who undermines board decisions and work;
- a board member who sullies the society's name and reputation.

Offenses can generally be separated into two categories: offenses occurring during meetings, and offenses occurring outside the meetings.

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Arguments and disagreements within the board must remain within the confines of the board room. Indeed, a good board should actively discuss the pros and cons of prospective board action and the merits of activities which affect the society.

But the public face of the ruling members of the society must be one of solid support for the society.

When it appears that disciplinary measures need to be taken, tactful handling of the case is important, no matter how tempted you may be to discuss among your close friends the offensive person and the acts of alleged misconduct.

Punishments that a society may impose include: suspension from the rights of membership (such as holding office), or expulsion from the organization.

OFFENSES WITHIN A MEETING

A board has the right to determine who may attend its meetings, and has control of its meeting. A board member has the right, indeed the obligation, to attend meetings and participate in board discussions. A member, however, who has specifically been barred and forbidden to attend cannot enter a board meeting. All members in a board meeting have the obligation to obey the orders of the presiding officer. In a board meeting, a member who continues to speak when told to keep quiet, and who continues to disrupt the meeting, should be removed. A board member who speaks personally against other members of the society, by name and with clear disparagement, needs to be disciplined. A member who persists on speaking about irrelevant matters should be called to order and instructed to refrain from such statements. These troublesome members

disturb the orderly conduct of business, and generate an atmosphere of frustration and irritation on the board.

The presiding officer can instruct the secretary to record objectionable or disorderly words used by the member. The president might say: "Mr. Smith, I have warned you three times to refrain from negative comments about the Nominating committee. Three times I have ordered you to be seated, but you continue to speak out of order."

If an unruly member quiets and sits down, and offers no further argument, the matter rests.

Another member may, however, make a motion of "penalty"; he can make a motion that the impolite member issue an immediate apology, that he leave the hall at this time, or that he be censured. A formal proceeding is presently "in effect" in this meeting setting. There are witnesses present, there are members who have seconded the disciplinary motion, and the present members make up the body which determines charges and penalties. Just as any other motion, this motion requires a vote and subsequent actions implemented.

Strictly speaking, the presiding officer singularly does not have the power to remove a member from the board room, but the board, as the governing assembly, does. If a member refuses to leave the meeting, the presiding officer, with judicious appraisal of the offense, can determine the action that best suits the situation. He can ask a committee of members to escort the offender to the door. These members have the legal right, parliamentarily speaking, to use whatever force is necessary to remove the offender, but no more. This should always be the course of last resort; those individuals who applied unnecessary force could be liable for damages. A person who would refuse to leave is likely to be the type of

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person who would bring a lawsuit for damages, even with little justification.

The wise course of action would be to adjourn the meeting and pursue the matter in some other way.

OFFENSES OUTSIDE THE MEETING

Society bylaws should contain an article specifying the offenses outside of the meetings for which penalties may be imposed; a statement such as: “any member found guilty of conduct tending to injure the good name of the organization, disturb its well-being, or hamper in its work” would provide a basis for disciplinary action. However, behavior of this nature is such a serious offense that it is definitely subject to disciplinary action, whether the bylaws mention of it or not.

Since a society has the right to describe its standards for membership, the board has a right to investigate matters which might be in violation of these standards. The information gained during the investigative process must not be made public for confidentiality reasons; if it does become common knowledge in the membership of the society, it certainly must not go beyond the members.

After the investigative process is complete, the board has the right to state that a member no longer has a position on the board, The society does not have the right to make public the specific charge which led to the expulsion, nor to reveal the details of the matter. To make any of the facts public, could constitute grounds for libel. A “trial” and “investigation” does not have the legality of a court of law; it can only establish the guilt of an accused and fitness for membership on the board.

A board member has the right to expect that allegations made against him must be brought

on reasonable ground. If a member is charged with a punishable offense, then he has the right to be informed of the charge, given time to prepare a defense, to appear and defend himself, and to be fairly and respectfully treated.

A member who is charged with an offense, in the face of numerous other members who are in agreement with the charges, may realize that submitting his resignation to the board may be a wise course of action, rather than trying to fight the charge. It behooves the investigating committee to encourage the offending member, for the good of the society and all concerned to offer his resignation quietly, before charges are preferred. However, the board has no obligation to suggest, or even accept such a resignation at any stage of the case, even if it is submitted on the initiative of the offender.

STEPS IN THE PROCESS OF FAIR DISCIPLINARY ACTION

A committee composed of board or society members, recognized for their attributes of fairness and evenhanded temperament, should conduct the confidential investigation. The inquiry should include an interview with the accused to determine if further action is warranted, including the advancement of charges. The investigative committee has no authority to require the accused, nor any other society member, to submit to an interview. The investigation should quietly pursue the gathering of relevant facts.

After investigation, the committee should prepare its report either exonerating the accused member or, if no other course of action seems possible, recommend the adoption of resolutions that would call the member to task. The resolution should state that a meeting has been set in which the accused member may show cause why he should not be assessed penalties.

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The resolution would specify the misconduct, and specify the date and place for a meeting to take place. Thirty days is generally an appropriate time to allow the member to prepare a defense.

The charges should state the offense: the act or misconduct that brings about the possibility of penalty; and the specific action which demonstrates the offense. A registered letter must be sent to the accused, and a copy retained by the society secretary. At the time of notification, the member's rights are suspended (except those as relate to the special meeting and his defense.)

The presiding officer of the special meeting should refrain from a prosecutorial tone of the meeting. His role is to see that fairness prevails and that a just outcome is the consequence of the preceding investigation. If the accused member fails to appear at the designated meeting, the meeting takes place without him. This meeting is in executive session: there is an obligation of secrecy upon the participants.

The meeting is called to order by the chair, who directs the secretary to read the charges (the offenses and acts of misconduct). The chair asks the accused if he is "guilty" or "not guilty" of the charges. If the accused agrees to guilt, then the meeting proceeds to a brief description of the facts, and then immediately on to assessment of the penalty. If the member states a "not guilty" claim, then the chair directs the proceedings in this general order:

- opening statements from both sides representing the matter;
- statements from witnesses of both sides;
- closing arguments.

When closing arguments are complete, the accused must leave the room, and deliberations ensue. If the member is found guilty, the chair introduces the question of penalty,

which is decided at this time (in the form of recommendations to the society.) After these decisions are reached, the member is called back into the room and informed of the result.

The committee's report should be signed by all members of the committee and submitted in writing, to the society, in executive session. The report would include the results of the committee vote, along with a confidential summary of the basis for the committee's findings, and the penalty recommended for the society to impose. The accused should be given the opportunity to write his statements about his case. When the society is ready to vote upon the recommendations, the accused leaves the room. The society can vote to impose the recommended punishment, to decrease the penalty, or to decline to impose the penalty, but it cannot increase the penalty. If the committee recommendation was to exonerate the accused member, the society cannot impose any penalty.

Most of the time, society boards will meet and conduct their business with little or no disruption. Occasionally, disciplinary problems arise. It is a challenging situation when it becomes necessary to enact disciplinary measures against a board member, but a society must assure that order will prevail so as to maintain a strong and effective organization.

About the Author: Bobbi King serves as parliamentarian for the Federation.

Reference: *Robert's Rules of Order, Newly Revised*. 10th edition (Cambridge: Perseus Publishing).