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## PROCESS FOR DISAGREEMENT WITH THE CHAIR Nancy Sylvester, MA, PRP, CPP-T

In my book *The Guerrilla Guide to Robert's Rules*, I point out that the symbol for the chair of a meeting is a gavel, which is a symbol of justice and fairness. It is not a crown, which is a symbol of royalty! The role of the chair is that of facilitator of the meeting, not dictator of the meeting. Many times both the chair and the meeting attendees forget this. The good news is that *Robert's* did not! *Robert's* is based on the democratic process and, as we all know, that means that the people ultimately decide! Since time would not allow every decision to be made by the will of the people, the parliamentary procedure system gives the power to make rulings to the chair. But, what if you disagree with a decision made by the chair?

In parliamentary procedure the process for disagreeing with the chair involves two motions, *Point of Order*, and *Appeal from the Decision of the Chair*. It is the process of using one or both of these motions that keep the democratic process of decisions by the people alive and well. It also keeps the chair humble! Understanding the use of these two motions will assist you in appropriately handling a disagreement you might have with the ruling of the chair.

*Point of Order* is a motion that helps us remember that leadership of the meeting is not solely the responsibility of the chair. This motion is used when a member feels that proper decorum of debate is not being followed and the chair does not call the person to order. It is also used when a member disagrees with the presiding officer's decision. Some examples of its possible use are:

- ✓ During debate one member calls another member a name and the chair does nothing about it; the chair allows a motion to be made and processed that you believe is in violation of the organizations bylaws or other governing documents.
- ✓ You look around and believe that there is no longer a quorum at the meeting and the chair either has not noticed or is ignoring it.
- ✓ In the middle of a heated debate another member calls out "question" or "*Previous Question*" and the chair states "the question has been called, we will now go to the vote on the motion to . . .". You know that the *Previous Question* is a motion that is not debatable, but does require a two-thirds vote.
- ✓ During the vote you observe a non-member voting and the vote is close.

The *Point of Order* motion is classified as an Incidental Motion because it can be offered at any time when it is needed. It can be either a secondary motion (offered while a main motion is pending) or a main motion (made when no other motion is pending). It has some special rules:

- ✓ It can even interrupt the speaker. For example, if a member is questioning the motives of another member (which is a violation of the rules of decorum of debate) and the chair does not call the member out of order, then you don't have to wait until the member is finished with the tirade against the other member, you can interrupt the speaker. You simply stand and without waiting for recognition from the chair, you say *Point of Order*.
- ✓ It does not need a second, is not debatable, and no vote is taken on it.
- ✓ It is ruled by the chair.

You just stood up, called out *Point of Order*, now what? The chair needs to understand what your point is, so the chair should state: "Please state your point." You would then state your

point and explain why you believe something is out of order. It is then the responsibility of the chair to rule on your *Point of Order*, either ruling that the point is well taken or that it is not well taken.

Let's change roles and now you are in the position of the chair. A *Point of Order* has been made and you are not real clear on how to rule. You can see both sides of the issue and you believe that no matter how you rule, some of the members in the meeting will strongly disagree with you. You now have two options. You can make a decision and rule and realize that surely someone will take the next step in the disagreement process. Or, you can, I think rather wisely, allow the members to make the decision in the first place.

Here is how that would work. After the member makes the *Point of Order*, you request: "Please state your point." After the member states his or her point, instead of making a ruling, the chair simply states: "The chair is in doubt and will ask the assembly to decide whether . . . The question before you is whether . . ." The members then take a vote and the chair and members live with the decision of the members.

The *Point of Order* motion must be made in a timely manner. The motion must be made at the time the violation occurs, not later. Of course, this is parliamentary procedure, so there is an exception to the timeliness rule. If the breach is of an ongoing nature, such as a breach of the governing documents, the *Point of Order* can be raised at a later time.

On my website, you will find a script for the *Point of Order* motion. Remember it is a motion that should be used sparingly. If you are trying to decide whether or not to use this motion, the best rule of thumb is "Are any of the rights of the members being violated?" If the answer is yes, then you may want to use this motion. If the answer is no, then you want to decide another way to handle the situation. Sometimes a private conversation, after the meeting, with the chair works very well.

*Appeal from the Decision of the Chair*, also referred to as *Appeal*, is a motion that takes a decision regarding parliamentary procedure out of the hands of the chair and places the final decision in the hands of the assembly, the members. It is one of my personal favorites of all of the motions because it is a great reminder that parliamentary procedure is all about the democratic process.

Just like *Point of Order*, *Appeal from the Decision of the Chair* is an Incidental Motion that may be offered at any time when it is needed. It can be either a secondary motion (offered while a main motion is pending) or a main motion (made when no other motion is pending). It also has some special rules:

- ✓ This motion needs a second
- ✓ It is debatable, unless: 1. It is made when an undebatable motion is pending, 2. It relates to indecorum or a transgression of the rules of speaking, 3. It relates to the priority of business. Even when it is not debatable, the chair can give the reasons for his/her decision when stating the motion.
- ✓ The debate rules are unique: No member is allowed to speak more than one time, except the chair. The chair may speak two times and does not have to leave the chair while

speaking. The first time the chair speaks, he/she is entitled to be the first person to speak. The second time the chair speaks is at the close of the debate.

- ✓ This motion is not amendable.
- ✓ The motion is worded differently. The wording used is “The question is: Shall the decision of the chair be sustained?”
- ✓ A majority or a tie vote sustains the decision of the chair on the principle that the chair's decision stands until reversed by a majority. If the presiding officer is a member of the assembly, he can vote to create a tie and thus sustain his decision.

Just like the motion *Point of Order*, the *Appeal* motion must meet the standard of timeliness. *Robert's* requires that the appeal must be made at the time of the ruling made by the chair. The principle is that if the ruling of the chair is incorrect, it is incorrect when it is made and a member cannot wait until after some more debate has occurred to make the motion to *Appeal*.

An appeal can be applied to a ruling made by the chair, but only in situations where there can possibly be two reasonable opinions. Otherwise the appeal is considered dilatory and is not allowed. For example, if the bylaws require previous notice in order to make a motion to amend the bylaws, and no previous notice was given, and a member makes a motion to *Amend* the bylaws. The chair would rule that motion to *Amend* the bylaws out of order. If a member appealed that decision of the chair, that *Appeal* would not be in order because there is no other way to interpret the bylaws.

This motion is used any time a member disagrees with the ruling of the chair. Therefore, it is most frequently used when an issue is not black or white, but gray. When there are two reasonable ways at looking at the same thing. It is used when the bylaws are vague on a particular issue or when there is more than one way to interpret a specific motion.

On my website, you will find a script for the *Appeal from the Decision of the Chair* motion. Remember, this motion works best when the approach from both the person who is making the motion and the chair is not confrontational. In situations when both parties see it simply as a difference of opinion, *Appeal* is used most effectively. That means that the person making the motion realizes that the issue is one of perception and the chair perceives the issue differently than he/she does. In that situation, the motion to *Appeal* is a method of finding out if the rest of the assembly perceives the situation as the maker of the motion does or as the chair does. When the motion is approached in this manner, the chair should not see the *Appeal* motion as an altercation with the chair. Nor should the chair feel that he/she is not effective in serving as chair. It usually is a simple perception issue!

***Script: Motion to Appeal from the Decision of the Chair***

Member: I *Appeal from the Decision of the Chair*.

Chair: Is there a second to the motion? [This statement is eliminated if a member calls out "second."]

2<sup>nd</sup> Member: I second the motion.

Chair: It is moved and seconded to *Appeal the Decision of the Chair* that . . .

The question is: Shall the decision of the chair be sustained?

[If the *Appeal* is debatable]

The debate rules on this motion are a little different, let the chair explain. First, the chair has the opportunity to explain the decision of the chair that is being appealed. Then members may speak, but each member is limited to one chance to speak on this motion, not two. At the end of discussion, the chair is again allowed to explain. Then the motion will be put to a vote.

The reason for the chair's decision is that [el].

Is there any discussion? [Pause]

[If the *Appeal* is undebatable]

This motion is not debatable.

We will now vote on the motion to *Appeal from the Decision of the Chair*. This motion needs a majority vote.

Those in favor of sustaining the chair's decision, please say *aye*. [Pause] Those opposed to sustaining this decision, say *no*. [A tie vote sustains the decision of the chair.]

The affirmative has it. The motion to sustain the decision of the chair passes. You have agreed with the decision of the chair, and that decision will now go into effect.

*or*

The negative has it. The motion to sustain the decision of the chair fails. You have not agreed with the decision of the chair, and that decision has been overturned. We will now continue with . . .