

Anyone else permitted to be present is honor-bound not to divulge anything that occurred. Reading and approval of the minutes of an executive session must take place only in executive session, unless that which would be reported in the minutes is not secret. When the minutes of an executive session must be considered for approval at an executive session held solely for that purpose, the brief minutes of the latter meeting are, or are assumed to be, approved by that meeting. (For additional rules regarding access to minutes and other records, including those kept by boards and committees, that are protected by the secrecy of an executive session, see 47:36 and 49:17–19.)

### Public Session

9:28 A deliberative assembly or committee is normally entitled to determine whether nonmembers may attend or be excluded from its meetings (even when not in executive session). Many public and semipublic bodies, however, are governed by sunshine laws—that is, their meetings must be open to the public. Normally, such laws have no application to private, nongovernmental bodies.

9:29 In meetings of many public bodies, such as school boards, the public may attend. Similarly, in some private organizations such as church councils, parishioners may be permitted to attend. These attendees are not members of the meeting body and ordinarily have no right to participate. Some bodies, especially public ones, may invite nonmembers to express their views, but this is done under the control of the presiding officer subject to any relevant rules adopted by the body and subject to appeal by a member. Often, by rule or practice, time limits are placed on speakers and relevance is closely monitored.

### Electronic Meetings

9:30 Extension of Parliamentary Law to Electronic Meetings. Except as authorized *in the bylaws*, the business of an organization or

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.<sup>2</sup> 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.

<sup>2</sup> See, however, *Remedies for Abuse of Authority by the Chair in a Meeting*, 62:2ff.

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.

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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.

#### Offenses Elsewhere Than in a Meeting; Trials

61:22 If improper conduct by a member of a society occurs elsewhere than at a meeting, the members generally have no first-hand knowledge of the case. Therefore, if disciplinary action is to be taken, charges must be preferred and a formal trial held before the assembly of the society, or before a committee—standing or special—which is then required