

Parliamentary Procedure and “Discernment” Processes

The *Book of Order* requires that **“Meetings of governing bodies, commissions, and committees shall be conducted in accordance with the most recent edition of *Robert’s Rules of Order*, except in those cases where this Constitution provides otherwise.”** (G-9.0302) Since the Constitution does not provide otherwise for Presbytery meetings, presbyteries must conduct their deliberations in conformity with *Robert’s Rules of Order*. In recent years, increasing pressure is coming from the General Assembly to use special “discernment” processes. This year the GA added a “Comment” to its approval of Amendment B which states, “Presbyteries are strongly encouraged to consider this overture using a process of listening and discernment.” It is therefore likely that many presbyteries will propose a special process for consideration of Amendment B. By knowing the boundaries provided by *Robert’s Rules of Order*, presbyters are empowered to keep processes within the limits allowed.

Under the ordinary rules of debate, each member has the right to speak twice on the same question on the same day (*Robert’s Rules of Order Newly Revised* [RONR], 10th ed., p 41). If the body wishes to allow members to speak more times, it can do so by voting to have the whole group function as a committee for a portion of the meeting [RONR p 472]. There are three options for functioning as a committee. Two of them are a **“Committee of the Whole”** (over which another member, appointed by the presbytery Moderator, would preside) or a **“Quasi Committee of the Whole”** (over which the presbytery Moderator would preside). In either of these forms, **results of the work as a committee have the status of recommendations** “which the assembly is given the opportunity to consider further and which it votes on finally under its regular rules.” [RONR p 513]

A third option, which is **not appropriate for a presbytery meeting**, is to deal with the matter by **“informal consideration.”** “Informal consideration” is very different because a **final decision** is made during the “informal consideration” process. “Informal consideration” is suitable **only for small meetings** [RONR p 513]. “The ‘informal’ aspect of the consideration applies only to the number of speeches allowed in debate on the main question and its amendments; **all votes are formal, and any other motion that is made is under the regular rules of debate.**” “Informal consideration” is not appropriate for large groups. “Informal consideration” does not allow a “discernment process” that deviates from standard parliamentary procedure.

Under *Robert’s Rules*, the will of the majority prevails. In circumstances that limit minority rights (e.g. ending debate), a 2/3 vote is required. Even though the GA “strongly encouraged” presbyteries to use a special “listening and discernment” process in considering Amendment B, presbyteries are not required to do so. That decision is made by majority vote of the presbytery.

Robert’s Rules allows the presbytery (by majority vote) to move to “Quasi Committee of the Whole” (over which the presbytery Moderator would preside), or “Committee of the Whole” (over which another member, appointed by the presbytery Moderator, would preside). To incorporate a special “discernment process” that does not use parliamentary procedure, during the time in Committee of the Whole (or Quasi Committee of the Whole), it is likely that the leader would propose forming small **“breakout groups”** of about 10 members as allowed in *Robert’s Rules* under “Aids to the crystallization of opinion.” [p 525] These breakout groups would not use parliamentary procedure and would be guided through a “discernment” process. **When “breakout groups” or any other process to “aid the crystallization of opinion” is used, *Robert’s Rules* explicitly states, “Whatever method is used, in the end, the pending measure must be returned to the full assembly for final consideration under normal parliamentary procedure—**just as in the case of a referred question reported back by a committee--and the assembly must make the final decision, if whatever is to purport to be a product of the assembly is to be valid as the assembly’s act.” [RONR p 525]

When the motion on Amendment B is placed before the presbytery (regardless of whether or not it was preceded by time spent as a committee of the whole or quasi committee of the whole to use a “discernment process”), the body has a right to engage in parliamentary debate on the motion. The debate

ends only when no one else wishes to speak to the motion or when a member, who has been recognized by the Moderator, moves “the Previous Question,” that motion is seconded, and it is approved by a 2/3 vote. As long as at least 1/3 of the group wishes to continue debate, debate must be allowed to continue. Insisting on time for debate avoids substituting a small group discernment process for proper parliamentary process.

In parliamentary procedure, the Moderator (Chair) has been delegated “the authority and duty to make necessary rulings on questions of parliamentary law.” [RONR p 247]. If a member believes that procedural requirements are being violated in a way that will cause harm if allowed to stand, that member has the right, without being recognized by the Moderator, to stand, interrupt and loudly say, “Point of Order.” That person should quickly go to a microphone and explain what is wrong. The Moderator may consult with the parliamentarian or others and then will rule, either accepting what the member said and correcting the process or will determine that there is no violation. [RONR p 244 - 246] If a member believes the Moderator has ruled incorrectly, a member may, without being recognized by the Moderator, stand, interrupt, and say, “I appeal from the decision of the Chair.” A “second” is required. The Moderator then will state what is at issue, may explain the reasons for his decision, and must take a vote on the question, “Shall the decision of the Chair be sustained?” If the body votes “yes,” the Moderator’s ruling stands. If the body votes “no,” the Moderator must change to accommodate the will of the body. [RONR p 251 - 252]

NOTE: Although the above description summarizes how a “discernment process” could be used, it is important to recognize that parliamentary procedure is the best method for considering controversial business. The easily-readable booklet *Parliamentary Procedures in the Presbyterian Church (U.S.A.)* by Marianne Wolfe (www.pcusa.org/oga/publications/parliamentary_procedure.pdf) describes ways in which parliamentary procedures enable management of differences of opinion “in such a way that decisions may be made in a situation of high conflict without damaging the reconciliation to which we are committed in the preservation of unity.” The rules of decorum, including addressing all remarks to an impartial moderator who ensures a just hearing of all points of view and prevents members from attacking one another, enable the honest and vigorous debate of ideas. When vigorous debate does not occur, it allows “unspoken conflict to build to levels serious to the unity of the body.”

APPENDIX: It is strongly suggested that someone in each presbytery’s group working to oppose Amendment B purchase the latest edition of *Robert’s Rules* (readily available in bookstores and on-line, e.g. Amazon.com):

Robert’s Rules of Order Newly Revised, 10th ed, 2000, Da Capo Press

The index is easy to use and there is no need to read the whole book in order to be able to understand the basics shown below and to look up answers to other questions. In the following excerpts from *Roberts’ Rules*, **bold type** and *italics* are shown as they appear in the book. Items are underlined to add emphasis that pertains to our situation.

52. COMMITTEE OF THE WHOLE AND ITS ALTERNATE FORMS [p 512 - 514]

The *committee of the whole* and its two alternate forms, the *quasi committee of the whole* (or *consideration as if in committee of the whole*) and *informal consideration*, are devices that enable the full assembly to give detailed consideration to a matter under conditions of freedom approximating those of a committee. Under each of these three procedures, any member can speak in debate on the main question . . . as often as he is able to get the floor. As under the regular rules of debate, however, he cannot speak another time on the same question so long as a member who has not spoken is seeking the floor. . .

- In a *committee of the whole*, which is suited to *large assemblies*, the results of votes taken are not final decisions of the assembly, but have the status of recommendations which the assembly is given the opportunity to consider further and which it votes on finally under its regular rules. Also, a chairman of the committee of the whole is appointed and the regular presiding officer leaves the chair, so that, by being disengaged from any

difficulties that may arise in the committee, he may be in a better position to preside effectively during the final consideration by the assembly.

- In the *quasi committee of the whole*, which is convenient in *meetings of medium size* (about 50 to 100 members), the results of votes taken are reported to the assembly for final consideration under the regular rules, just as with a committee of the whole. But in this case the presiding officer of the assembly remains in the chair and presides.

- *Informal consideration*, which is suited to *small meetings of ordinary societies*, simply removes the normal limitations on the number of times members can speak in debate. . . The regular presiding officer remains in the chair; and the results of votes taken during informal consideration are decisions of the assembly, which are not voted on again.

Informal Consideration

As explained above, if a question is considered in either a real committee of the whole or in quasi committee of the whole, the recommendations of the committee or quasi committee must be reported to the assembly and then the assembly must take action on these recommendations. In ordinary societies whose meetings are not large, a much simpler method is to consider the question informally, which in effect only suspends the rule limiting the number of times a member can speak in debate on the main question and any amendments to it. [p 523] . . . The “informal” aspect of the consideration applies only to the number of speeches allowed in debate on the main question and its amendments; all votes are formal, and any other motion that is made is under the regular rules of debate. . . [p 524]

Aids to the Crystallization of Opinion [p 524 - 525]

The more traditional aids to the crystallization of opinion in societies have been, simply, to take a Recess or to refer the matter to a committee--often a large committee composed of members representing differing views in the society, such as a committee of the whole or one of its alternate forms. In more recent years, a practice has developed of establishing breakout groups with every member in attendance being urged to participate in a group. Each breakout group, of which there may be many, is usually kept small--frequently ten or twelve persons--and a moderator is appointed for each group. Often, the groups meet during a recess or adjournment of the assembly. Sometimes, the conclusions reached by the various breakout groups are conveyed to a committee that assembles them and attempts to report a consolidated response to the assembly. At other times, the breakout groups report through their moderators directly to the assembly after it has been reconvened and the matter under consideration is again pending. These reports are in the nature of debate. Whatever method is used, in the end the pending measure must be returned to the full assembly for final consideration under normal parliamentary procedure--just as in the case of a referred question reported back by a committee--and the assembly must make the final decision, if whatever is to purport to be a product of the assembly is to be valid as the assembly's act.

43. RULES GOVERNING DEBATE

Debate, rightly understood, is an essential element in the making of rational decisions of consequence by intelligent people. In a deliberative assembly, this term applies to discussion on the merits of a pending question--that is, whether the proposal under consideration should, or should not, be agreed to. That the right of debate is inherent in such an assembly is implied by the word *deliberative* . . .

While the amount of debate on a motion in actual practice will depend on such factors as its importance, how strongly it is contested, etc., every member of the assembly has the right to speak to every debatable motion before it is finally acted upon; and subject only to general limitations on debate established by parliamentary law or the rules of the body as explained below, this right cannot be interfered with except by a two-thirds vote [p 373]

16. PREVIOUS QUESTION (Immediately to close debate) [p 189 - 194]

The *Previous Question* is the motion used to bring the assembly to an immediate vote on one or more pending questions [p 189]. . . A motion such as “I call for [or ‘call’] the question” or “I move we vote now” is simply a motion for the Previous Question made in nonstandard form, and it is subject to all of the rules in this section. [p 193 - 194]

. . . It is out of order when another has the floor. . . Must be seconded. . . Is not debatable. . . Requires a two-thirds vote. [p 191 - 192]

The forms used in making this motion include: “I move the previous question” . . . Calls of “Question!” by members from their seats are not motions for the *Previous Question* and are disorderly if another member is speaking or seeking recognition. [p 199]