

**Ombudsperson  
Final Report  
Investigation into Additional Questions as to the proper use of Robert's  
Rules of Order at the Special General Meeting held on September 29,  
2005.**

**July 16, 2006**

**Note re: Availability of Report:**

Section III, (3) of the KSA Regulations states that a report of the Ombudsperson shall be made available to all interested parties. In the case of this report, I have concluded that "all interested parties," in this case means all members of the Kwantlen University College Student Association (KSA) since it concerns an action taken at a General Meeting, a meeting that was open to all members of the society. As such, this report shall be made available to all members.

***Summary***

This final report is based upon a request for a formal investigation into whether two specific aspects of Robert's Rules of Order were correctly followed at the Special General Meeting (SGM) held by the Kwantlen University College Student Association (KSA) on Thursday, September 29, 2005.

***Important Disclaimer***

Prior to continuing, I would also like to make a disclaimer that **I am not a lawyer, and in making this report, do not purport to be practicing law.** Therefore, this report should not be considered as legal advice. I am acting in the role of Ombudsperson as laid out in the Bylaws and Regulations of the KSA.

***Allegations***

- The Chair of the meeting did not state the question as required to do so under Robert's Rules of Order.
- The Chair of the meeting did not rule the motion out of order as required to do so under Robert's Rules of Order.

***Investigation***

My investigation was conducted by way of reviewing Robert's Rules of Order Robert's Rules of Order [RONR (10<sup>th</sup> ed.)] as well as my previous report on the Special General Meeting which I issued on October 28, 2005. Regarding the two specific allegations, my findings are as follows:

**1) The Chair of the meeting did not state the question as required to do so under Robert's Rules of Order**

Here, the complainant points to part of Robert's Rules of Order [RONR (10<sup>th</sup> ed.) p.36, l. 5-12] which reads as follows:

**“THE STATING OF THE QUESTION BY THE CHAIR. When a motion that is in order has been made and seconded, the chair formally places it before the assembly by *stating the question*; that is, he states the exact motion and indicates that it is open to debate (and certain other parliamentary processes to be explained in 5 and 6) in the manner indicated below as appropriate to the case:”**

The complainant argues that during the meeting, when the motions contained in document titled “BILL RAF2K5” were made, the Chair did not state the question as required in the section of Robert's Rules of Order noted above.

From my review of the video evidence from the meeting, this is indeed true. However, I must also note that it is a violation that I have seen in other meetings where Robert's Rules of Order is being used. For example, I have seen cases of adjournment motions made where the Chair asks for a mover and seconder and then proceeds to take the vote without stating the question. Therefore, while a violation, the mere act of failing to state the question before proceeding to other action such as taking a vote should not, in and of itself be seen as always invalidating the validity of the motion passed. The particular circumstances of the individual situation should be taken into account

Nonetheless, as I noted in my report dated October 28<sup>th</sup>, 2005, other violations of Robert's Rules of Order did occur, including the failure to allow debate or amendment and the improper taking of the vote did occur. This, coupled with the obvious confusion among certain society members present at the meeting as to what was going on after the motion was moved, means that the failure to state the question added to the already improper conduct of the meeting as per Robert's Rules of order that I previously considered to have rendered the motion to adopt “Bill RAF2K5” null and void.

**2) The Chair of the meeting did not rule the motion out of order as required to do so under Robert's Rules of Order.**

Here, the complainant points to part of Robert's Rules of Order [RONR (10<sup>th</sup> ed.) p.37, l. 16-20] which reads as follows:

**“In principle, the chair must state the question on a motion immediately after it has been made and seconded, unless he is obliged to rule that the motion is out of order or unless, in his opinion, the wording is not clear.”**

The complainant argues that since proper notice was not given for the meeting held on September 29<sup>th</sup>, 2005 (a point that I have already indicated in my reported dated October 28<sup>th</sup>, 2005), the Chair was obligated to rule the motion out of order. This, I concur with. However, it has already largely been dealt with in my report dated October 28<sup>th</sup>, 2005 where I indicated that I concluded that proper notice had not been given for the meeting. As such, the entire meeting should not have been called to order as opposed to just declaring any particular motion(s) out of order. Nonetheless, for the sake of clarity, yes, it was another violation of Robert's Rules of Order in addition to the ones mentioned both in this report and in my report dated October 28<sup>th</sup>, 2005.

### **Final Conclusion**

My analysis of the two specific allegations above merely add to the list of violations of Robert's Rules of Order that I indicated occurred at the Special General Meeting on September 29<sup>th</sup>, 2005 in my report dated October 28<sup>th</sup>, 2005. Therefore, I reiterate the conclusions that I reached in my report on that date. I realize that the KSA Board of Directors voted not to accept my previous report. It is indeed true that the Board is not obligated to accept any report and/or recommendations made by the Ombudsperson as was delineated in a judicial ruling on May 12<sup>th</sup>, 2005. However, such an action by the Board does not absolve me from my responsibility to give an impartial report, on what I believe to be the correct interpretation of the matter under investigation.

Sincerely,

Paul Browning  
Ombudsperson, Kwantlen University College Student Association