Procedures of the House of Delegates

Revised January 10, 2004
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Preface

This Procedure Manual for The House of Delegates of The College of American Pathologists was written in response to resolution F93-4b. The charge for compiling this handbook was given to the Steering Committee of the House. Thomas P. Wood, MD, FCAP, Speaker of the House, delegated the task to Carl P. Treling, MD, FCAP, Member-at-Large of the Steering Committee. The present text was adopted by the House on September 20, 1995.


Parliamentary law serves to aid an assembly in the orderly, expeditious and equitable accomplishment of its desires. Any compulsive adherence to an inflexible set of directives may thwart rather than abet such an objective.

The majority opinion of the House in determining what it wants to do and how it wants to do it should always remain the ultimate determinant. It is the obligation of the Speaker to sense this will of the House, to preside accordingly, and to hold his rulings ever subject to challenge from and reversal by the assemblage. In consonance with this concept, the following outline of procedures is offered as a guide, subject to reasonable modification, in the hope that adherence to its principles will promote smoothness of operation by reducing confusion and misunderstanding.

Acknowledgements

Much of the material on pages two through four and the last two paragraphs of the preface is either taken directly from, or adapted from the AMA publication Procedures of the House of Delegates. Our thanks and appreciation go to Dr. Daniel H. Johnson, Jr., MD, AMA Speaker, Dr. Richard F. Corlin, MD, AMA Vice Speaker, and Mr. Neil Sutherland, AMA Director of House of Delegates Affairs, for permission to use this material.

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*With Suggested Changes December 5, 2003*

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Objectives of the College of American Pathologists

The objectives of the College, as stated in the College Constitution, are:

- To foster the highest standards in education, research, and the practice of Pathology;
- Through study, education, and improvement of the economic aspects of the practice of Pathology to advance the science of Pathology and to improve medical laboratory service to patients, to physicians, to hospitals, and to the public.
- To enhance the dignity, scientific competence, and efficient practice of the specialty of Pathology for the service of the common good.

Purpose of the House of Delegates

The following, Article II, Section 1 of the College Bylaws, states the Purpose of the CAP House of Delegates:

A House of Delegates shall act as the legislative body of the College of American Pathologists. It shall receive reports of the activities of the Board of Governors and College councils, commissions, and committees. It may initiate its own business and assume such other responsibilities as may be assigned by provisions in the Bylaws. Upon concurrence by the Board of Governors, policy determinations by the House of Delegates shall become official policy of the College. Actions of the House vetoed or modified by the Board of Governors shall be returned to the House, together with the reasons therefor, for consideration at its next meeting.

Introduction of House Business

Tradition governs a portion of each formal session of the House of Delegates. Presidential addresses, remarks by the Speaker, presentation of awards, acceptance of awards and gifts, recognition of distinguished guests, and the like are in this category. It is the prerogative of the Speaker to permit as many of these niceties as may be appropriate. In general such items are scheduled in advance in the published order of business. Unscheduled presentations may be arranged, either with the speaker, or by a request for unanimous consent of the House to hear them.

Reports

It is the duty of the House to receive, as business of the House, reports of the activities of the Board of Governors and College councils, commissions, and committees. These reports may be sent by the Speaker to reference committees for open hearings regarding their content. In most cases, the reports will be approved for filing by the House. However, the House has the right to
question or object to any or all parts of any report, in which case that report will be referred back to its originating body along with the specific objections of the House.

**Resolutions**

Business is introduced into the House through the presentation of resolutions by any delegate or member of the Board of Governors. In order to be considered as regular business, each resolution must be in written form and must be in the hands of the Speaker or submitted to the Executive Vice President of the College not later than the published deadline (which is approximately thirty days in advance of the meeting). Resolutions submitted later than that will be reviewed by the Steering Committee to determine whether they shall be presented to the House. Late items will be considered by the House only when they are accepted by two-thirds consent, of an urgent nature, or are submitted by the Board of Governors or the Residents Forum.

The essential element of a resolution is its portion expressed as one or more "Resolved" sections setting forth its specific intent. It may carry with it a prefatory statement, or preamble, explaining the rationale of the resolution. This may also be accomplished by the time-honored mechanism of a series of "whereas" statements.

It is not necessary for a resolution to have such a preamble or whereas when the full significance of the resolved portion seems apparent.

It is a general principle of the common law that an assembly in adopting a resolution formally adopts only the "Resolved" section(s). It follows that the important matter before the House is to state in a free-standing "Resolve" precisely that upon which it wishes to act. It is not necessary to amend the "whereas" portion of a resolution.

When preparing resolutions, close attention should be given to the following:

1. The title of the resolution should appropriately reflect the action for which it calls.
2. Information contained in the resolution should be checked for accuracy. Inflammatory statements or other language that reflect poorly upon the College will not be permitted.
3. The Resolves should stand alone and not refer back to the prefatory statement (such as - Resolved that the CAP support such programs or policies) since the House adopts only the Resolves and the whereass do not appear in the minutes.

A resolution may be withdrawn without vote at any time before it is considered by the House or a reference committee, if this is desired by the delegate or Board of Governors member who submitted it. Withdrawal of a resolution at a later time requires agreement by a majority of the House.
Reference Committees

Reference Committees are composed of groups of five delegates selected by the Speaker to conduct open hearings on matters of business of the College. One of the five delegates will be appointed as chair. Having heard discussion on the matters before it, the committee draws up a report with recommendations to the House for disposition of its items of business.

Reference Committee hearings are open to all members of the College, guests, official observers, interested outsiders, and the press. Any member of the College is privileged to speak on the resolution or report under consideration. Non-member physicians, guests or interested outsiders may, upon recognition by the chair, be permitted to speak. The chair is privileged to call upon anyone attending the hearing if, in his/her opinion, the individual called upon may have information which would be helpful to the committee.

Equitable hearings are the responsibility of the committee chair, and the committee may establish its own rules on the presentation of testimony with respect to limitations of time, repetitive statements, and the like. It is recommended that reference committee chairs not permit a "straw vote" on any matter under consideration. The committee members may ask questions to be sure that they understand the opinions being expressed, or may answer questions if a member seeks clarification; however, the committee members should not enter into arguments with speakers or express opinions during the hearings. It is the responsibility of the committee to listen carefully and evaluate all the opinions presented so that it may provide the voting body with a carefully considered recommendation.

Following its open hearings, a reference committee may go into executive session for deliberation and construction of its report. It may call into such executive session anyone whom it may wish to hear or question.

Minority reports from reference committees are in order.

Reference Committee Reports

When Reference Committees are utilized, these reports comprise the bulk of the official business of the House of Delegates. They shall be in writing, and shall be made available to all Delegates at a reasonable time in advance of the second session.

Reference committees have wide latitude in their efforts to facilitate expression of the will of the majority on the matters before them and to give credence to the testimony they hear. They may amend resolutions, consolidate kindred resolutions by constructing substitutes, and they may recommend the usual parliamentary procedure for disposition of the business before them, such as adoption, rejection, amendment, referral and the like.

If a reference committee has amended a resolution, the amended resolution will be the business before the House. It will be considered a main motion and may have amendments of the first and
second rank applied to it. Such procedure is clear and orderly and does not preclude the possibility that someone may wish to restore the matter to its original unamended form. This may be accomplished quite simply with a motion to amend the reference committee version by restoring the original language.

If a reference committee has consolidated kindred resolutions by construction of a substitute, that substitute resolution will be the business before the House. It will be considered a main motion and may have amendments of the first and second rank applied to it. If the reference committee’s version is not adopted, the entire group of proposals has been rejected, but it is in order for any delegate to then move to reconsider any one of the original resolutions.

Any recommendation of a reference committee, whether to file, adopt, reject, refer, or the like opens that matter for discussion by the full House. The House is not required to follow the recommendation of the reference committee on any matter.

When calling for a vote on any resolution or report heard by a reference committee, the Speaker shall state the recommendation of the reference committee.

**Consent Calendar**

Items of business before the House of Delegates may be considered as a whole on a "Consent Calendar". If Reference Committees are not being used, the speaker may choose to list all reports and resolutions on a consent calendar that will be distributed to all delegates prior to the meeting. When the House begins to consider its business, the Speaker will ask for extractions from the report. Any delegate who would like to discuss an item of business may at that time request that it be extracted. Extraction of an item requires no second. When no further extractions are forthcoming, the Speaker will call for a vote on the remaining (non-extracted) items on the consent calendar. Once the consent calendar is passed by the House, the action called for on the consent calendar becomes official House policy. No item may be extracted from the report after it has been accepted by the House. (A motion to reconsider would then be required.)

If reference committees are utilized, the report of each reference committee may be considered as a whole on a consent calendar. After each reference committee chair has presented the introductory statement for that committee, the Speaker will ask for extractions from the report. The procedure for dealing with the consent calendar will then be as described above.

Items extracted from a consent calendar will be dealt with sequentially or as directed by the Speaker. The main motion before the House is the extracted item in the form presented (either the original action item, the original resolution, or an amended or substitute resolution). When a reference committee recommends referral of an item of business, referral is the main motion and the Speaker shall provide for debate of that item prior to House action on the motion to refer.
Membership Forum

The College Bylaws, Article II, Section 4, allow use of the floor of the House as a membership forum, as follows:

Any group of twenty-five (25) Fellows may petition the House of Delegates in writing for the use of the floor of the House as a forum to discuss issues of interest. The Speaker shall designate the agenda time.

Run-Off Elections

Article V, Section 3 of the College Bylaws requires the House of Delegates to conduct run-off elections in certain circumstances:

A. Election of Officers and Governors shall be by majority vote.

B. In the event no candidate for a position achieves a majority, the House of Delegates shall elect by secret ballot from that number of candidates, in decreasing order of plurality, which exceeds by one the position(s) to be filled.

C. In a run-off election, each ballot, to be valid, shall include one vote for each position to be filled.

Rules of the House of Delegates

The CAP House of Delegates has adopted a set of House Rules. A copy of these rules is sent to each Delegate and Alternate Delegate in advance of each meeting as a part of the House agenda book.

Quorum

Representation at the meeting by a majority of current delegations shall constitute a quorum.

Parliamentary Procedure in the House

The College of American Pathologists' parliamentary authority is Alice Sturgis' Standard Code of Parliamentary Procedure. The following rules and observations are derived from that book (hereafter "Sturgis"). For more specific information about any of the following concepts, the reader is referred to Sturgis.

The reason that we recognize and adhere to parliamentary procedure is to have a commonly understood set of rules by which the House can conduct its business. Absent such rules, no group of our size could easily attain its goals.
Under any parliamentary authority, including Sturgis, there are two basic rules:

1. Only one motion may be considered at one time.

2. Motions have a fixed order of precedence, such that a motion of higher precedence must be dealt with before a motion of lower precedence can be considered.

Sturgis presents six principles which are at the heart of parliamentary law. They are as follows:

1. All members have equal rights, privileges, and obligations.

2. The majority vote decides. (In rare cases, a 2/3 majority vote is required. This will be discussed later.)

3. The rights of the minority must be protected.

4. Full and free discussion of every proposition presented for discussion is an established right of members.

5. Every member has the right to know the meaning of the question before the assembly and what its effect will be.

6. All meetings must be characterized by fairness and good faith.¹

Sturgis discusses each of the above principles at some length. The most important of these is the protection of the rights of the minority. All members must have the right to speak, whether for or against a proposal, and must have the right to make motions, however unpopular.

The usual method for an item of business to be brought before the House is for a member to rise and present a MOTION for consideration. Most motions must be seconded by another member. It is customary for the Speaker to repeat the motion, so that all members understand it. If there is any question about the meaning of a motion, members have the right to ask the speaker to state the effect of the motion before it is brought to a vote.

Reference:
A Discussion of Various Types of Motions

Main Motions

The Main Motion is the motion most often used in our House of Delegates. Resolutions become main motions after being heard by Reference Committees. Note that if a Reference Committee has changed the wording of a resolution, the changed resolution comes to the House as a main motion. Main motions are used to bring some action item before the members for debate and decision. Main motions may be made from the House floor. Main motions made from the floor must be seconded. We refer to these types of main motions as THE main motion, since Sturgis recognizes three other main motions called "specific main motions."

Specific main motions are Motions to Reconsider, Rescind, and Resume Consideration. They are infrequently used in our proceedings. The Motion to Rescind, if passed by the delegates, revokes a main motion passed at an earlier meeting. The Motion to Reconsider serves, if passed, to re-open a matter already voted on at the same meeting, and allows for new debate on the matter, and a new vote. The Motion to Resume Consideration refers only to motions which were postponed temporarily (tabled), and, if passed, re-opens that tabled motion for discussion and voting.

Subsidiary Motions

Another group of motions are referred to by Sturgis as "Subsidiary Motions." They are so called because they are generally applied to the main motion, and are thereby subsidiary to it. Some subsidiary motions may at times be applied to certain other motions. Most subsidiary motions are commonly used in our House proceedings. The subsidiary motions are Amend, Refer, Postpone Definitely, Limit Debate, Close Debate, and Postpone Temporarily.

The Motion to Amend is used to change another motion already under consideration. The amendment may add to the original motion, delete from it, add and delete, or substitute totally different wording. The amendment must be relevant to the matter under consideration. The amendment may be adverse; however, an amendment which simply changes a positive statement of a motion to a negative statement of the same motion (or vice versa) will be ruled out of order.

Amendments may be amended. The original amendment is referred to as an amendment of the first rank. An amendment to an amendment is called an amendment of the second rank. Amendments of the third rank are not allowed, and will be ruled out of order. Amendments are dealt with in reverse order. Thus, an amendment of the second rank is discussed and voted on first, then the amendment of the first rank. When all amendments have been voted on, the matter before the House is the original (or amended) motion to which the amendments were applied.

The Motion to Refer is used to cause a motion under discussion to be sent (referred) to a committee. If passed, the matter is referred in its entirety to the committee specified in the motion to refer. For our purposes, this is frequently the Board of Governors. Other committees could be specified, and the motion to refer may include a mandate that the matter be returned back to the
House, with the findings and/or recommendations of the committee. Note that if the motion is referred to the Board of Governors for decision, the House is in effect waiving its right to vote on the proposal.

The **Motion to Postpone Definitely** is used to delay further consideration of a matter until a specific time during the same meeting, or to another (already scheduled) meeting. A motion may not be postponed definitely to a time at which the proposed action would be meaningless.

The **Motion to Limit (or Extend) Debate** is used to set limits on the time to debate a matter, the time per speaker, the number of speakers, or some combination of these. If debate has already been limited in some way, the motion may be used to modify or remove those limitations. This motion, which interferes with the members' right to be heard, requires a two-thirds vote.

The **Motion to Close Debate** is the same motion as the older "Vote Immediately." If passed, further discussion ceases, and a vote is taken on the matter under consideration. This motion, which interferes with the members' right to be heard, requires a two-thirds vote.

The motion to close debate can be a useful way to terminate overly lengthy discussion of a motion and/or its amendments. It can also be used as a means to stifle opposition, particularly minority opposition. As a matter of fairness, the Speaker of the CAP House of Delegates will rule such motions out of order until such time as the Speaker is convinced that both sides have been adequately represented in the discussion. Similarly, the Speaker may allow debate to be closed on a first or second order amendment, but not on the main motion, if in the Speaker's opinion the main motion has not been adequately discussed.

The **Motion to Postpone Temporarily** is the same as the older motion "To Table." It serves to end discussion on a motion in such a way that the matter may again be brought up at the same meeting. The motion to "Resume Consideration" is used to bring such motions back before the House. The motion to postpone temporarily is used to allow the House to consider another more pressing motion and then to resume consideration of the tabled motion. It is also used to get rid of lose-lose motions of the "Have you stopped beating your wife?" type. Although this motion can be used to "kill" a motion, it only requires a majority vote, UNLESS there has been no debate, at which time it requires a two-thirds vote.

**Privileged Motions**
The next group of motions are called **Privileged Motions**. Privileged motions relate to the House and its members, rather than to any particular motion. They are pressing issues, and should be decided promptly. **The Privileged Motions are Adjourn, Recess, and Question of Privilege.** Note that privileged motions are only privileged if there is a main motion being considered. If there is no pending main motion, these motions are main motions.

A **Question of Privilege**, according to Sturgis, pertains to "the rights, safety, integrity, comfort, or convenience of the whole assembly" or to "the rights, reputation, conduct, safety, or convenience" of an individual member of the assembly. The Speaker is required to act
expeditiously to respond to valid questions of privilege. This motion is essentially a request for some action by the speaker or the assembly, and therefore requires no second.

The **Motion to Recess** is used to temporarily stop the meeting until a later time during the same convention. The specific time for the assembly to resume the meeting must be stated in the motion to recess.

The **Motion to Adjourn**, if passed, ends the meeting. The motion to adjourn is more complex than it seems. Since the CAP House of Delegates normally adjourns only when all business has been accomplished, the complexity is moot. The interested reader is referred to Sturgis, pages 72 through 76.

### Incidental Motions

The last group of motions are called **Incidental Motions**. They are incidental to the proceedings, and need to be decided immediately. The **Incidental Motions include Appeal, Consider Informally, Suspend the Rules, Point of Order, Parliamentary Inquiry, Withdrawal of a Motion, Division of the Question, and Division of the Assembly**. The last five incidental motions are considered requests of the Speaker, and require no second.

The **Motion to Appeal** is made to appeal a decision of the Speaker of the House. If a member believes that the Speaker has made an inappropriate decision an any matter involving judgment, it is his right to appeal. The vote on a motion to appeal is always stated so that a majority vote or a tie vote supports the Speaker's decision.

The **Motion to Consider Informally** is seldom used. The purpose of the motion to consider informally is to allow the assembly to fully discuss a problem without restraints on length of debate or number of speeches, to allow possible motions and amendments to be discussed together, and generally to give broader latitude to debate.

The **Motion to Suspend Rules** is also seldom used. It allows certain rules to be suspended in order to take an action which the assembly would otherwise be prohibited from taking. Many rules may not be suspended. The motion to suspend rules requires a two-thirds majority. The interested reader is referred to Sturgis, pages 79 - 82.

A **Point of Order** may be raised at any time that a member believes an error in procedure has been made. It must be raised as soon as possible after the supposed breach has been made. The Speaker is obliged to either agree or disagree with the member who raised the point of order, by stating that the point is "well taken", or "not well taken." If the Speaker believes that the House should decide, he may call for a vote on the matter.

The purpose of a **Parliamentary Inquiry** is to request that the Speaker clarify a particular parliamentary procedure, or clarify the meaning of the motion currently on the floor.
The **Motion to Withdraw a Motion** may only be made by the member who originally proposed the motion to be withdrawn. The reason for this motion is that, after a motion is considered by a Reference Committee or stated by the Speaker, the motion belongs to the assembly, and requires permission of the assembly to be withdrawn.

The **Motion for Division of the Question** only pertains to motions having two or more independent issues. The motion for division of the question simply calls for the Speaker to allow separate votes on each separable part of the motion. The Speaker will almost always allow division of the question.

The **Motion for Division of the Assembly** calls for the Speaker to require a numerical vote on a matter. It is only used when a voice vote is uncertain. It is usually accomplished by asking the "yes" voters to stand and be counted, followed by the "no" voters. For obvious reasons, this motion should be made as soon as possible after an indecisive vote.

**Precedence of Motions**

As noted above, motions have a definite precedence. The precedence of motions, according to Sturgis, is as follows, from highest to lowest:

- **Privileged Motions**
  1. Adjourn
  2. Recess
  3. Question of privilege

- **Subsidiary Motions**
  4. Postpone temporarily (or table)
  5. Close debate
  6. Limit debate
  7. Postpone definitely
  8. Refer to committee
  9. Amend

- **Main Motions**
  10. The main motion and specific main motions

Incidental motions have no order of precedence. By their nature, they need to be dealt with as soon as they arise.

**Concept of precedence**: When a motion is being considered, any motion of higher precedence may be made. Any attempt to make a motion of lower precedence will be ruled out of order. When voting, motions of higher precedence will be voted on first, and, if that motion fails, the motion with the next highest precedence will be considered and voted on (etc).
Example: A main motion may have a motion to amend applied to it. While the amendment is being considered, a motion to refer may be made. While the motion to refer is being debated, a motion to close debate may be made. At that time, a motion to postpone definitely would be ruled out of order. Voting would then involve a vote first on the motion to close debate, then on the motion to refer, and if that fails, on the motion to amend, and finally on the main motion.

In conclusion: House members may refer any further questions or discussion regarding the procedures of the House to the Speaker or Vice Speaker.