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Snippet #180 Good Rules vs. Bad Rules

Sometimes problems start and they are not the fault of the people, but the rules. Yes, there are good rules and bad rules. But how do you tell the difference? There are some telltale signs that will guide anyone toward the answer.

First, look at the rule and see if it describes an unlikely or heavily detailed circumstance. There are times something might not “fit in” with the rest of the rules, perhaps a strange eligibility criterion for office. This kind of rule is nearly always from a misguided attempt to legislate the solution to a problem. When someone is asked “what’s the history behind this?” the answer is invariably: “WELL. About 10 (or 20 or more) years ago, this happened. . .” The story is always interesting, often entertaining, but the situation is unlikely to recur. A lot of energy went into writing and adopting that rule. One set of bylaws even had a statement that essentially said “this section may only be amended by amending the bylaws.” That overkill gave the members some comfort in thinking that this was going to force some to abide by rules they had previously ignored. The time would have been better spent working on fixing the relationship that caused the rupture. The solution for breaking a rule isn’t to create more rules; it’s to enforce rules that exist, call out infractions, and hold people accountable.

Second, see if the rule is timeless and clear. Does it tell in no uncertain terms what is required for compliance? Has it been checked to ensure there is only one viable interpretation? Ask several people not affected by the rule what it means, to see if they all reach a similar interpretation.

Third, does it fit the rule of extremes? This is a test that is far too often overlooked. Look at the rule from opposite viewpoints: Does it fit both for someone who is 100% right and for someone who is 100% wrong? A lot of rules are meant to deal with one extreme or the other, but a good rule is one that works either way. Keeping perspective is one of the most important things in writing rules. For example, if there are disciplinary procedures, they are usually written from the viewpoint that the accused person has committed wrongdoing. If those procedures don’t also allow for the accused to be allowed to face the charges and provide a defense, they don’t allow for the other extreme – that the person did nothing wrong.

Fourth, some rules must provide for exceptions. This can be done by allowing an additional (and stricter) process to override the rule. For example, bylaws often include very strict notice requirements, which protect the rights of absentees. Some organizations also provide for an exception that requires an exceptionally high vote (generally 75% to 90%) to adopt without notice, just in case there is good reason to take that action. It’s important to remember, however, that the larger the vote required, the smaller the group that can prevent action.

Some of the stickiest rules are the ones that set eligibility requirements for holding office or committee positions. Operating under the theory that the only way to get the best candidates is to make sure they have held a myriad of other positions in the organization, the requirements pile on. Is this always a good thing? Invariably the complaint is heard that the person can’t think globally or strategically at the national level – but the rule required so much experience that it’s difficult to qualify for a national position, which is—and national positions are very different from a local or state positions. Not everyone wants to spend ten years going through the ranks before getting to a national leadership position. Make sure the rules fit the situation and the culture and don’t unduly limit the options.