

OTHER ISSUES TO CONSIDER:

Conflicts of Interest

~~Adhere to Requirements FOIA~~ [WHERE DOES THIS GO?]

Dealing with constituents' emails and conversations with constituents

Mediating between constituents and town employees, e.g., requests for town services.

Social media

~~Town employees do not report to the RTM~~

WESTPORT RTM: CODE OF CONDUCT GUIDELINES/ EXPECTATIONS FOR

WESTPORT RTM MEMBERS

~~DRAFT 6/17/21 JB EDITS 6/20/21 DRAFT
FOR 7/26/21 MEETING~~

Adopted by the RTM

XXX YY, 20XX

Code of Conduct for

Westport RTM Members

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This TOC will need to be reviewed when the document is finalized.

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These guidelines (Code of Conduct) is designed to describe the expected behaviors, manners, and courtesies that are expected of manner in which Representative Town Meeting members as we carry out our vital commitment to the Town. Section A162-20.1A of the RTM’s Rules of Procedure already requires RTM members to conduct themselves in a manner above reproach. The primary purpose of these precepts Code is to provide more specific guidance, including, in particular, to clarify expectations regarding member conduct at public meetings and in written communications with each other and with members of the public. should treat one another, Town staff, constituents, and others they come into contact with in representing Westport. It defines more clearly the behavior, manners, and courtesies that are suitable for various occasions.

The constant and consistent theme throughout all of these conduct guidelines is “Respect.” Respect for Westport citizens, for other elected officials, for Town employees, and for all elected officials. Rfor each other.

RTM members sometimes experience stress in making decisions that impact citizens’ the lives of the our citizens. At times, the impacts of decisions on the entire community must be weighed against the impact those the needs of only a few. Despite these pressures, RTM members are called upon to exhibit appropriate behavior at all times always exhibit appropriate, respectful behavior when engaged in RTM business or, or when otherwise representing themselves as RTM members. Demonstrating respect for each individual through words and actions is the touchstone that can help guide RTM members to do the right thing in even the most difficult situations.

The RTM’s commitment to respect purposefully engenders a culture where inclusiveness is a reflex. The RTM values diversity not only because diverse communities are stronger and more innovative communities, but also because creating an environment where anyone, of any background, can contribute is the right thing to do.

These guidelines do not in any way ~~supereedes~~supersede the Westport Town Charter, Code of Ordinances, the RTM rules of procedure as specified in Robert's Rules of Order, FOIA regulations, ~~[what other - maybe ask Fra Bloom Eileen Flug?]~~, or other official documents or regulations that pertain to the management of Town government.

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In addition, these ~~guidelines~~guidelines are not meant to stifle important debate or to prevent RTM members from passionately defending issues, positions, and proposals that are important to them. The First Amendment to the U.S. Constitution, as well as the Constitution of the State of Connecticut, protects the free speech rights of RTM members just as much as the free speech rights of their fellow citizens. This Code provides specific guidelines to help ensure that RTM members, who holdare in a unique position of authority in our Town, exercise their First Amendment rights with due respect for one another, and for the many different stakeholders in our Town.

~~THIS DOCUMENT DOES NOT SUPERSEDE ANY OTHER DOCUMENT~~ [NEED APPROPRIATE WORDING FOR THIS]

~~STATE OR NON-PARTISAN~~ [NEED APPROPRIATE WORDING FOR THIS]

Overview

Resources that are helpful in defining the roles and responsibilities of RTM members can be found in the Westport's Town Charter and Code of Ordinances and the RTM Rules of Procedure.

THE RTM AS A PUBLIC BODY IS STRICTLY NONPARTISAN

ALL RTM MEMBERS

All RTM members have equal votes. ~~All RTM members should be treated with equal respect.~~

All RTM members should:

- ~~PFully~~ participate fully in monthly RTM meetings and meetings of RTM committees of which they are members, while demonstrating respect, kindness, compassion, and courtesy to others. ~~while demonstrating respect, kindness, consideration, and courtesy to others~~
- Prepare ~~in advance of for~~ meetings ~~and be by becoming~~ familiar with ~~issues on the~~ agenda items in advance.
- ~~Be respectful of~~ Respect other people's time. Stay focused and act efficiently during public meetings.
- Inspire public confidence in Westport's government.

It all comes down to respect

Respect for one another as individuals . . . ~~respect~~ for the validity of ~~different~~ different opinions . . .

~~respect~~ for the democratic process . . . ~~respect~~ for the community that we serve.

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Policies & Protocol Related To Conduct

Endorsement of Candidates

RTM members have the right to endorse candidates for all RTM seats or other elected offices. It is inappropriate to mention endorsements during RTM meetings. Consider moving to another part of the document.

RTM Members' Conduct with One Another

[Consider differentiating between RTM committee meetings and regular monthly RTM meetings]

Despite diversity of backgrounds, personalities, values, opinions, and goals, the RTM is composed of individuals who have chosen to serve in public office for the for the welfare of the community. Difficult questions, challenges to points of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This common goal should be acknowledged even as RTM members "agree to disagree" on contentious issues. *Mark F. — Does this meet your concern about diversity and inclusion?*

IN RTM MEETINGS

• Practice civility, professionalism and decorum in discussions and debate

Despite diversity of backgrounds, personalities, values, opinions, and goals, the RTM is composed of individuals who have chosen to serve in public office for the for the welfare of the community. Difficult questions, challenges to points of view, and criticism of ideas and information are legitimate elements of a free democracy in action. RTM members, however, should take great care to treat each other with respect and courtesy, even—or especially—when debating. This common goal should be acknowledged even as RTM members "agree to disagree" on the most contentious issues. *Mark F. — Does this meet your concern about diversity and inclusion—?*

Treating one another with respect and courtesy includes avoiding personal attacks on one another, and avoiding sarcasm.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and. This does not allow, however, RTM members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. RTM members should conduct themselves in a professional manner at all times. *[The previous text is exactly the kind of language we should avoid – "will not be tolerated" e.g.]*

[Also, I don't think we can address the issue of being visible during virtual meetings (even though Jessica likes to see faces.) People are allowed to do what they choose to do.] **ADD LANGAUGE SUGGESTNG BEING VISIBLE DURING VIRTUAL MEETINGS**

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• **Honor the role of the Moderator and Committee Chairs in maintaining order, and avoid interrupting speakers**

It is the responsibility of the Moderator and Committee Chairs to keep the comments of RTM members and Committee members, on track during full on track during, respectively, RTM meetings and the Committee Meetings. responsibility of Committee Chairs to do so in meetings of their RTM members should honor efforts by the Moderator and the Chairs to focus discussion on current agenda items. Any disagreements about the agenda or the Moderator's or Chair's actions should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Query: Does the segment about interruptions get more granular than required for a set of guidelines? In particular, RTM members should not interrupt each other (or other speakers). RTM members should speak only after being recognized by the Moderator or the Chair, unless the Moderator or Chair has expressly permitted a more "informal" conversation to take place on a particular issue. As tempting as it is to treat every agenda item as a subject of freewheeling conversational debate, especially at committee meetings, doing so often results in some voices dominating the discussion, and all too frequently conveys to those who are being interrupted—whether members of the RTM or of the public—the sense that their views are not welcomed, or even that they are being personally attacked. The Moderator and Chairs are free to structure discussions as they see fit, within the bounds of the rules. We have longstanding rules for the order in which RTM members will be recognized to speak, including the rule that no RTM member will be called on to speak a second time until all RTM members wishing to speak on the issue have been recognized to speak at least once. RTM members should defer to decisions of the Moderator and Chairs, including avoiding interruptions and only speaking when called on, when that is how the meeting is being conducted.

The admonition against interruptions applies even when an RTM member has questions for a particular speaker. The member should wait until the speaker is finished, and then ask any questions after being called upon by the Moderator or Chair. That may require the member to write down questions and ask them later in the meeting, when the member is called on to speak.

There are two aspects of Robert's Rules that members sometimes invoke incorrectly to justify an interruption.

~~— Do not interrupt proceedings.~~

• ~~RTM members should speak only after being recognized by the Moderator.~~

~~— Common Interruptions:~~

POINTS OF ORDER. (See Robert's Rules pages 247-251) According to Robert's Rules, an interruption by calling *POINT OF ORDER* can only only occur in the case that a member thinks-believes that the rules of the assembly, federal, state, local, or parliamentary laws are

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being violated. ~~....d. A POINT Point of Order, OF ORDER can only must~~ be called at the time the violation or breach occurs. ~~Point of Order is not an appropriate interruption for any other reason. A member may not, for instance, call out Point of Order to voice disagreement with a speaker, or to ask a question of a speaker, no matter how important the question may seem or how strongly the member may disagree with the speaker.~~

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CALLING THE QUESTION. Similarly, a member can only make a motion to CALL THE QUESTION after being recognized by the Moderator. It is not to be used as a general interruption.

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**• Be punctual
and keep comments relative to topics discussed**

RTM members have made a commitment to attend meetings and to partake in discussions. Therefore, it is important that for RTM members to be punctual and that in order for meetings to start on time. Remember that, especially because at RTM meetings are televised, it is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.

• Addressing disruptive or inappropriate behavior

If an RTM member believes another member has breached these standards rules, including by unwarranted interruptions, personal attacks, or the like, the member can call a Point of Order to note the breach.

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IN PRIVATE ENCOUNTERS WITH OTHER RTM MEMBERS

- Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations ~~with other~~among RTM members.

• Ira Bloom and Eileen Flug should review and finalize this language. Be aware of the insecurity of that FOIA guidelines apply to written notes, *I'm not sure about written notes and voicemail messages*, voicemail messages, and e-mail. Under FOIA guidelines, these can potentially be regarded as "public" communication.

Written notes, voicemail messages and By FOIA rules, e-mail among RTM members and Town staff should be treated as potentially "public" ~~communication.~~communication. *[What about email with constituents. My own opinion is that these can remain private.]* Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note emailed or shown to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this e-mail message was forwarded to others?

- Even private conversations can have a public presence

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them ~~that they may not know~~. Lunch table ~~C~~conversations ~~may will~~ be overheard ~~eavesdropped upon~~, parking lot debates ~~observed~~observed, and casual comments ~~noted~~among individuals before and after public meetings ~~noted~~.

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RTM Conduct with Town Staff

RTM members should make every effort ~~should be made~~ to be cooperative with Town staff and show respect for their contributions to the community.

• Treat all staff as professionals

RTM members should treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. ~~Poor behavior towards staff is not acceptable. expected.~~ RTM members must remember that Town employees work for the Town, not for the RTM.

• Never publicly criticize an individual employee

Part of the job of RTM members is to ~~carefully~~ scrutinize requests we receive from Town employees, and RTM members are always free to disagree with, and criticize, such requests. Yet as a matter of respect, RTM members should take care that disagreement with proposals ~~does not devolve into personal attacks on Town employees.~~ RTM members should ~~never not~~ express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's manager. Comments about Town employees' performance should ~~only~~ be made ~~only~~ to the First Selectman through private correspondence or conversation. ~~[??But is this subject to FOIA?] Never Publicly Demean or Personally Attack an Individual Employee. RTM members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be forwarded to the employee's supervisor or the Town Attorney through private correspondence or conversation. Lauren Soloff to revise paragraph.~~

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• Do not get involved in administrative functions

Query: Are there no conceivable situations, ever, in which an RTM member might weigh in on any of these items? RTM members must not attempt to influence Town staff on ~~making-making~~ appointments, awarding ~~of~~ contracts, selecting ~~of~~ consultants, processing ~~of~~ development applications, or granting ~~of~~ Town licenses and permits. ~~Do not Supersede Administrative Authority~~

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Unless otherwise provided ~~in this Code under applicable state or Town law~~, neither the RTM, nor any of its members, shall attempt to supersede the administration's powers and duties. Neither the RTM nor any member thereof shall give ~~instructions or~~ orders to any subordinate of the Department Heads, either publicly or privately. ~~RTM members shall not attempt to unethically influence or coerce Town staff concerning either their actions or recommendations to RTM about personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of Town licenses and permits.~~

Nothing in this section shall be construed, however, as prohibiting the RTM while in open session from fully and freely discussing with or suggesting to the Department Heads anything pertaining to Town affairs or the interests of the Town. ~~Nothing Town, including any suggestions pertaining to any of the topics covered above (provided that RTM members must avoid any~~

potential personal conflicts of interest). This feels in tension with the first para of this section. Stephen Shackelford to revise.

RESPECT THE NONPARTISAN STATURE OF THE RTM Do not Solicit Political Support from Staff

- **Do not Solicit Political Support from Staff**

Query: Is this overinclusive? RTM members should not solicit any type of political support (financial contributions, display of posters or lawn signs, inclusion on support lists, collection of petition signatures, etc.) from Town staff. RTM members and Town staff may, as private citizens within their constitutional rights, support political candidates. But all such activities must take place away from the RTM meeting locales outside of any RTM meetings or other RTM activities, and to avoid even the appearance of inappropriate pressure or undue influence. RTM members must not make any requests of Town staff to participate in any such activities. Photographs of Town employees shall not be used in political ads. Stephen Shackelford to revise.

- **Endorsement of Candidates**

Although ~~as individuals~~ RTM members, as individuals, have the right to support candidates for all elected offices, they ~~may~~ should generally avoid ~~not~~ reference to political affiliations or endorsements during RTM meetings.

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RTM Conduct with the Public

RTM members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from Town staff. Town staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed Town employees shall not be used in political ads. Soliciting contributions from people whose budgets we approve may well be a conflict of interest. Stephen Shackelford to revise.

~~RTM Conduct with the Public~~ CONDUCT WITH THE PUBLIC

IN RTM MEETINGS

Making the public feel welcome is ~~an important~~ a critical part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual RTM members towards any individual participating in an RTM meeting. Every effort should be made to be fair and impartial in weighing listening to public testimony. Questions directed by RTM members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

~~During an RTM meeting, RTM members should not state how they would vote on an item until after public comment on the item closes. [This may be problematic, especially in a committee meeting. Members of the public should not avoid speaking because they may feel they will be grilled by RTM members.] RTM members are expected to conduct themselves with honesty and integrity at RTM meetings.~~

• Be welcoming to speakers and treat them with care

Speaking in front of the RTM can be an intimidating experience for some many people. ~~Some issues the RTM undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that~~ How RTM members treats people during public hearings can encourage, do a lot to make them relax or to push their emotions lessen or heighten discomfort, and can encourage or suppress free expression. RTM members should be aware that their language and tone of voice can be experienced as intimidating or aggressive. Comments and non-verbal expressions should be appropriate, respectful, and convey to a higher level of intensity. All RTM members should convey to the public their respect and appreciation for the public's public participation, input, and opinions. Even more so than with one another, RTM members should take great care to avoid sarcasm towards or personal attacks against speakers, no matter how strongly the RTM member may disagree with what the speaker's words has said.

• Ask for clarification, but avoid debate and argument with the public

Only the Moderator – not individual RTM members -- can interrupt a speaker during a presentation. The following is simply not true; ~~However, an RTM member can ask the Moderator for a point of order if the speaker is off the topic or exhibiting behavior or language the RTM member finds disturbing. [Is this permissible under Roberts Rules of Order? [Lore's Talk] Should we eliminate it or keep it?]~~ Eileen Flug to confirm.

• ~~No personal attacks of any kind, under any circumstance~~

~~RTM members should be aware that their language and tone of voice can appear to be intimidating or aggressive. Comments and non-verbal expressions should be appropriate, respectful, and professional. Questions directed by RTM members to speakers should seek to clarify or expand information, not to criticize or debate.~~

Questions a

[This is unresolved. We will come back to body language and tone of voice]

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IN UNOFFICIAL SETTINGS

- Make no promises/assurances on behalf of the RTM

~~[This whole following paragraph is weird. You can't restrict conversations. We are elected representatives, after all, and our purpose is to represent and connect with constituents. Of course we have to discuss RTM issues with constituents – how else are they going to tell us how they wish to be represented, what they think, or how we approach an issue or how we plan to vote? Conversations with constituents should be neither monitored nor restricted.]~~ RTM members will frequently be asked to explain an RTM action or to give their opinion about an issue as they meet and talk with constituents in the community. This is appropriate, as long as they make clear that they are not speaking on behalf of the full RTM or others. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise RTM action, or to promise Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

- Make no personal comments about other RTM members

It is acceptable to publicly disagree publicly about an issue, but it is unacceptable/inappropriate/inappropriate to criticize personally attack other RTM members personally, or to purport to make derogatory comments about speak on behalf of other RTM members without their specific authorization, or represent t, their opinions and actions. MAY BE DUPLICATIVE

COMMUNICATION WITH THE MEDIA

RTM members may be contacted by the media for background and quotes.

- The Moderator is the official spokesperson for the Representative Town Meeting.

The Moderator is the designated representative of the RTM to present and speak on the official RTM position. If an individual RTM member is contacted by the media, the RTM member should refer such inquiries to the Moderator Query: Can we narrow the scope of the prior sentence somehow? Are RTM members never to talk to the media about anything?. Individual members should make clear that their comments represent personal viewpoints only, not those of other RTM members or the RTM as a whole.

~~[Already said this: Honesty and respect for the dignity of each individual should be reflected in every word and action taken by RTM members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.]~~

COMMUNICATION ON SOCIAL MEDIA

RTM members have the same rights as any other citizen to use social media to express their views and to participate in public debates. However, RTM members should take care to avoid any behavior on social media that would be inappropriate in any other setting, including personal attacks on other RTM members or members of the public.

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In addition, RTM members should be cognizant of the dangers, under FOIA law, of inadvertently conducting a non-noticed public meeting via social media, in situations where a significant number of RTM members are participating in an online debate or discussion of an issue that is before the RTM, or that could come before the RTM. EILEEN: IS THIS USEFUL/RIGHT?

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KRISTEN MOTT TO REWORD

RTM Conduct with Other Public Agencies

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[COMBINE WITH SECTION ON CONDUCT WITH BOARDS AND COMMISSIONS]

• **Be clear about representing the Town ~~or~~ or personal interests. When speaking before another Town board or commission, individual RTM members should never purport to be speaking on behalf of the RTM. Individual RTM members are not authorized to speak on behalf of the full RTM. RTM members should make it clear that they are expressing their own personal opinions, not the opinion of the RTM. Nevertheless, RTM members should remember that whatever they say or do in this setting will still reflect upon the RTM as an organization, as well as the Town.**

If an RTM member appears before another governmental agency or organization to give a statement on an issue, the RTM member must clearly state:

1) ~~whether this is the majority or minority opinion of the RTM. Even if the RTM member is representing his or her own personal opinions, remember that this still may reflect upon the Town as an organization.~~ [SHORTEN]

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RTM Conduct With Boards and Commissions Commissions

[Kristin Mott to revise]

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COMBINE WITH SETION ON CONDUCT WITH PUBLIC AGENCIES

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~~Keep political support away from public forums~~

~~RTM members may support Board and Commission members who are running for office, but not in an official forum in their capacity as an RTM member.~~ [KRISTEN MOTT TO REWORD]

RTM Conduct with The Media

Add social media and First Amendment issues

RTM members may be contacted by the media for background and quotes.

~~The Moderator is the official spokesperson for the Representative Town Meeting.~~

~~The Moderator is the designated representative of the RTM to present and speak on the official RTM position. If an individual RTM member is contacted by the media, the RTM member should refer such inquiries to the Moderator. They should make be clear about whether when their comments represent the official RTM position or a personal viewpoints only, not those of other RTM members or the RTM as a whole.~~

Breaches of Order

~~SHOULD BE COVERED BY ROBERTS RULES. [HARRIS FALK TO FIND]~~

RTM members should point out to the offending RTM member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Moderator in private. If the Moderator is the individual whose actions are being challenged, then the matter should be referred to the Moderator Pro Tem. [KEEP]

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