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## PARLIAMENTARY OPINION

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### INTRODUCTION

I have been asked to address the question of whether the suspension of the membership of Rafael Rivadeneira from the RNHA DuPage County Chapter was a valid suspension and would then cause him to no longer be president of the ILRNHA.

### BACKGROUND INFORMATION PROVIDED

Press release titled CHANGE OF RNHA OF ILLINOIS LEADERSHIP

Press release titled STATEMENT OF LEGITIMACY Leadership of the Republican National Hispanic Assembly of Illinois

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE DUPAGE COUNTY CHAPTER OF THE ILLINOIS HISPANIC REPUBLICAN ASSEMBLY

Several strands of emails regarding this issue

### SOURCES CONSULTED

Constitution & Bylaws of Republican National Hispanic Assembly of DuPage County

Constitution & Bylaws of the Republican National Hispanic Assembly of Illinois  
Rules of the Republican National Hispanic Assembly

*Robert's Rules of Order Newly Revised*, 10Edition, the parliamentary authority of both the RNHA of Illinois and the RNHA of DuPage County.

### OPINION

The Bylaws of the RNHA of DuPage County do not provide a specific process for suspension of membership. Those bylaws do establish the current edition of

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*Robert's Rules of Order Newly Revised* as the parliamentary authority. Therefore, since the bylaws do not give the specific process for suspension, the organization must turn to its parliamentary authority for the specific process of suspension.

The processes for membership suspension that must be followed are the rules included in the Disciplinary Procedures chapter of *Robert's Rules of Order Newly Revised*, which begins on page 624. On page 630 one finds the process for improper conduct of a member that occurs outside of a meeting, which is clearly the case in this situation. The instructions state briefly "Therefore, if disciplinary action is to be taken, charges must be preferred and a formal trial held before the assembly of the society, or before a committee – standing or special – which should be required to report its findings and recommends to the assembly for action." The specifics of the process of membership suspension are explained on pages 630 to 641 and must be followed very carefully to ensure due process is followed. The membership did not follow those due process steps. They did not formally prefer charges, hold a formal trial, or have a membership vote to suspend his membership.

It even appears that the membership was not involved in the process and possibly has not been informed of the process. It is only the membership, not the executive committee that has the authority to suspend a member.

## CONCLUSION

**Was the suspension of the membership of Rafael Rivadeneira from the RNHA DuPage County Chapter a valid suspension that would then cause him to no longer be president of the ILRNHA?**

No, the suspension of the membership of Rafael Rivadeneira was not valid. The requirements established in the parliamentary authority of the RNHA DuPage County Chapter were not followed. Since the membership did not follow the required steps and Mr. Rivadeneira was not accorded due process, the bylaws have been violated and the action taken to suspend the membership of Rafael Rivadeneira was not valid. Mr. Rivadeneira remains a member of the RNHA DuPage County Chapter and the legal president of the ILRNHA.

