

Questions and (some) Answers re December 26, 2024, special AMC meetings

Michael Eager, Regional Vice Chair Region 8

There have been a number of questions about the special meeting. I've paraphrased some of them and will attempt to respond. If there are other questions, send them to me at rvc8@eagerm.com and I'll do my best to answer.

1. *What's this all about? It's confusing and unclear. I thought you ran on a platform of transparency and member involvement. Why can't you just say what is going on?*

I support transparency and member involvement. There are some significant stumbling blocks: American Mensa has a very expansive, yet unclear, confidentiality policy. AMC members can't share anything that is discussed in Executive Session or on any of the dozen or so non-public Mensa Connect lists, nor anything in the non-public libraries on Mensa Connect. There is a prohibition about discussing any National Hearing proceeding, even to the point of saying more than that one is in process.

The blanket confidentiality policy is simply nonsensical. To give you an example, at the December 7 AMC meeting, I gave a brief update to my quarterly RVC report, mentioning the Gifted Youth track at the SFRG. I did this in public; anyone can refer to it. If I had written the same comments on the AMC mailing list, they would have become confidential and no one would be able to mention them publicly.

The consequences of violating confidentiality can be severe. Past examples, such as the vote to remove former National Ombudsman Ed Lomas from his office for trivial slips of the tongue, highlight the seriousness with which these rules are enforced. Some people get a free pass when they violate confidentiality. I don't believe that I would be granted that same latitude, so I'm very cautious in what I say. Some of my colleagues on the AMC believe that the only safe way to avoid being caught in a word or two that crosses the line is to say nothing.

2. *Why is there a special meeting called for December 26?*

At the December 7 AMC meeting, while AMC members were attempting to make a motion, AMC Chair Lori Norris abruptly declared the meeting adjourned to avoid considering the motion. Some of the motions on the December 26 agenda are those which the Chair refused to hear.

3. *Doesn't the Chair decide what is on the agenda and what gets discussed in a meeting? Can't the Chair decide when the meeting is done?*

Yes and no. The Chair can draft an agenda, but Robert's Rules of Order say that it is only advisory unless adopted by a vote of the majority at the beginning of a meeting. Any member can ask for the floor and propose a motion, even if it is not on the agenda. There is a procedure described in Robert's Rules of Order for adjourning a meeting when there is no further business to discuss. That procedure was not followed. AMC members who asked for the floor were not properly recognized.

4. *Can the Chair do that?*

Yes and no. Robert's Rules addresses this in section 62, titled "Remedies for Abuse of Authority by the Chair in a Meeting". Any member can stand and "rise to a point of order". Unfortunately, Robert's was written long before the Internet, Zoom, and YouTube. When the Chair instructs the AML staff to stop the Zoom meeting, there isn't much that a member or even the majority of the AMC can do to stop this.

5. *Can't these motions be delayed until the next regular meeting? Is there a deadline?*

Yes, there is a deadline. I'm not at liberty to discuss it. See Question 1.

6. *There's a motion to modify the hearing process. Why is this needed? Does this neuter the Hearings Committee?*

Some years ago, I served on an AMC committee which recommended changes to the hearings process to improve, among other things, transparency and accountability. If I recall correctly, none of the recommendations were accepted by the AMC. Instead, past AMCs have acted to remove oversight and transparency. There had been observers at National Hearings for decades. Observers criticized the Barry Levine hearing; in response, the AMC prohibited observers. In response to criticism of a flawed National Hearing, the AMC prohibited any discussion of how hearings were conducted.

While reviewing the Hearing Process, one of my colleagues noticed that in some cases, the Hearings Committee can impose sanctions which have immediate effect, without the possibility of appeal or review by the AMC. Robert's Rules of Order Section 63:39 describes how a Committee on Discipline (like the National Hearings Committee) should function. In part this section says "It is generally best not to empower the committee to impose a penalty, however, but to require it to report its recommended disciplinary measures to the society for action."

The Hearing Process also conflicts with the Avenues of Redress, ASIE Appendix 3. This lists a series of "levels" in which conflicts should be addressed. While it is not necessary to complete every level, if resolution is not satisfactory at a given level, then an appeal can be made to the next, higher level. For example, one of the sequences is the following:

- F. Disputes Involving the AMC and/or its members and/or its appointees:
 - 1. The other person(s) involved
 - 2. Any person(s) responsible for any program or job in question
 - 3. Complainant's RVC
 - 4. National Ombudsperson
 - 5. National Hearings Committee
 - 6. AMC
 - 7. IBD

In every case, where National Hearings Committee is mentioned, the next level is the AMC. Clearly the Avenues of Redress presume that a decision by the National Hearings Committee can be appealed to the AMC. If the decision of the National Hearings Committee is immediate and final, as the current process reads, this appeal becomes unavailable.

The changes to the hearing process do not affect whether the National Hearings Committee decides to hear a complaint, how it conducts a hearing, what evidence it considers or rejects, or

how it deliberates and comes to a decision. It simply says that the governing body of American Mensa has to approve any recommendation by the National Hearings Committee. And note, that for some of the listed sequences, the AMC is not the final stop; an appeal can be made to the IBD.

7. *Isn't the motion to modify the hearing process a violation of AML Bylaws, Mensa Constitution, and more as Chair Norris claims?*

It's difficult to understand these claims. The Bylaws and Constitution require a "fair and impartial hearing" although the exact requirement is vague. If the hearings process was fair and impartial, adding a review by the AMC for all decisions, rather than some, doesn't change this in any fashion. If anything, this would allow the AMC to act to prevent apparent miscarriages of justice, resulting in a process which is more fair.

8. *Will this change result in more lawsuits?*

No, it could be a step to reduce liability and the possibility of a law suit.

When the National Hearings committee recommended that Barry Levine be expelled from American Mensa, the AMC concurred with this recommendation. Levine proceeded to sue American Mensa a number of times. Whether the AMC made a good or bad decision can be debated. But this was the decision by the governing body of American Mensa, the people charged with the fiduciary duty to take care of the well being of the organization. If the membership felt that the AMC decision was incorrect, they could vote the members out of office, or in an extreme case, recall their elected official.

When the Hearings Committee makes a decision which cannot be reviewed by the AMC—especially one where their authority is questioned or where they violate AML Bylaws or state laws—it creates a potential liability. In this case, a group of people with no fiduciary responsibility or accountability to the membership could have opened the door to potential lawsuits. Given our confidentiality policy, it's likely that neither the AMC nor the membership would be aware of the decision until a law suit was filed.

9. *Isn't AMC Chair Lori Norris just trying to preserve fair and impartial hearings?*

I'd be more inclined to believe that AMC Chair Norris is concerned about preserving the integrity of hearings if it were not such a departure from her previous actions. She wasn't particularly interested in a fair and impartial hearing when she scheduled a special meeting, in violation of the Bylaws, to remove National Ombudsman Ed Lomas. With Lomas, it appeared that the vote was a pretext, since the reported violation of confidentiality seemed both trivial and accidental.

10. *What's this about not letting AMC members vote if the AMC is asked to approve sanctions against AMC members?*

It certainly seems like AMC Chair Norris is trying to telegraph something, mentioning on Mensa Connect hearings and sanctions against AMC members. Former RVC Teresa Campbell wants to recall a majority of the AMC. Secretary Trebor Lefebvre supports a rushed motion to

amend the conflict of interest policy which would prevent any AMC member from voting in their own defense.

AMC confidentiality rules prevent me from going into detail, but I'll just point out the numbers. On one side, you have the majority of the AMC, most of whom are new. In the minority, you have the the old guard, who are used to prevailing with only token opposition. No one likes to be on the losing side. The old guard could work with the new folks to come up with solutions to problems, but that seems to be something that they either find distasteful or perhaps they are so overcome by inertia that they are unable. To use a sports metaphor, if you can't win by strategy or skill, you win by taking out the players on the other side.

It would be impossible for the minority of the AMC to remove anyone in that majority if they followed the process in the Bylaws. Recall elections cost both time and money. Maybe there's a simpler method. Hypothetically speaking, could there be a way to game the hearings process so that the minority gets rid of the majority?

Robert's Rules of Order anticipates exactly this situation:

45:5 Voting on Questions Affecting Oneself. The rule on abstaining from voting on a question of direct personal interest does not mean that a member should not vote for himself for an office or other position to which members generally are eligible, or should not vote when other members are included with him in a motion. If a member never voted on a question affecting himself, it would be impossible for a society to vote to hold a banquet, or for the majority to prevent a small minority from preferring charges against them and suspending or expelling them.

11. If the Chair declares a motion violates the Bylaws, isn't that the end of it?

No, not exactly. AMC Chair Norris' rulings about whether a motion is in order or not seem to be based more on the desired outcome and less on the text of the motion and our governing documents. Even with the help from the unnamed outside advisor she mentioned, some of the rulings simply do not make any sense.

There are several members of the AMC who have a good understanding of our Bylaws and perhaps a reasonable understanding of our voluminous ASIEs. I have found a number of places where the ASIEs and the Bylaws conflict, or where one section of the Bylaws conflicts with another, or where one section of the ASIEs conflicts with another. Robert's Rules of Order have a section titled "Some Principles of Interpretation" which provide guidance on how to resolve conflicts or ambiguities.

AMC Chair Norris claimed that the motion to modify the hearings process was out of order, giving several reasons. One was that our Bylaws require 14 day notice. Except that they don't. Fourteen days notice is required to call a special meeting. The December 7 meeting was a regular meeting; any motion may be introduced whether on the agenda or not. Another was a convoluted claim that requiring all decisions by the Hearing Committee be reviewed by the AMC rather than a subset somehow conflicts with requirement to have fair and impartial hearings. The Hearings Committee still performs the function of a disciplinary committee and is still supposed to provide a fair and impartial hearing of the charges. If they were doing this

before (which may be an open question) then they continue to do this unchanged.

Chair Norris says that a provision in the Hearing Procedures that allow the Hearings Committee to modify their rules if all parties agree somehow means that the AMC can't modify the ASIE describing the hearing process. That's incorrect. The provision is to support flexibility in conducting a hearing and has nothing to do with the AMC.

The Chair also claims that, for some unclear reason, the AMC needs to get permission from the Hearings Committee or the parties to some unnamed hearing before they can discuss the motion. The AMC is the governing board for American Mensa. There is no other governing board. The AMC does not need to get permission or agreement from any other committee before it can debate, let alone decide, a motion.

The AMC is governed by Robert's Rules of Order, which provide that the AMC, by majority vote, can set aside the ruling of the Chair. When the Chair makes rulings which are so clearly unreasonable and biased this seems necessary. I would hope that the Chair would make prudent and reasonable rulings, but we have often found that the Chair makes rulings which the majority of the AMC do not agree with.

12. *Have the new RVCs all gone rogue, forgetting our campaign promises, and trying to burn down Mensa?*

No, despite what some may claim. American Mensa is a stagnant and poorly managed organization, despite our riches in talented members. At the ABM, I watched the Chair struggle to find any accomplishments from the previous AMC term. Membership is declining, and we recently passed the largest dues increase in its history—both in dollar amount and percentage—while doing nothing meaningful to control expenses. Member satisfaction remains low and the same complaints are heard year after year.

AMC Chair Norris and the AMC leadership seem content to continue to maintain the status quo, sticking to methods which have been clearly ineffective.

In contrast, the other new RVCs and appointed officers and I are committed to improving American Mensa. We want to make our internal processes more effective, provide better services to members, offer stronger support our local groups, and change American Mensa from a struggling organization to a thriving one. This is not an easy task, and opposition by AMC leadership only makes it more difficult.

13. *Is there a silver lining to be found among all these storm clouds?*

I've long been critical of past AMCs because so much of the discussion and decision making about issues was conducted on a secret mailing list (Chair Norris would call this *private*, not *secret*). When I have observed AMC meetings, it's generally clear that the discussion and vote is performative, that everything has been decided in advance. One only has to look at the vote to remove Lomas as National Ombudsman: not one person spoke to the motion other than the mover.

What the AMC leadership, present and past, would have you believe is that the membership is not interested in what is happening on the AMC or in American Mensa. They point to the fact

that perhaps 80% of the membership is not active. They claim that the low number of people watching the AMC meeting livestreams is representative of this lack of interest, not that the audience is unable to interact with each other or with AMC members, or the short advance notice, or the long Executive Sessions which discourage people from returning to the meeting. Past AMC members have opined that they were elected to represent the membership, and that there is no need to solicit their opinion.

The AMC leadership relies on the motto “we’ve always done it this way.” My response is “how’s that working out?”

What I see is that the American Mensa membership is interested and involved and does want to chime in on motions. Publishing motions on the public discussion groups rather than on the secret mailing list encourages this, although it is clear that our current confidentiality policies lead to misrepresentations (both intentional and accidental), conspiracy theories, and a lack of transparency. I see this as a way forward to increasing member involvement in AMC decisions. If AMC members want the membership to be involved and informed, then we need to address the impediments to this happening.

I’m quite sure that some of these answers will be unsatisfactory and incomplete. As I mentioned, I am trying to be transparent while adhering to the very broad constraints on what I can discuss publicly. Feel free to contact me at rvc8@eagerm.com.