

Proposed Bylaws Revisions

by Janice Snyder Anderson and Susan P. Siebers

The last time the Executive Board proposed revisions to the Bylaws was in 1997. The proposals then were to revise the categories of membership, to expand the category of “member” to include others not working in law libraries. The revisions were primarily in response to what the Board had heard from a variety of sources. There had been extensive discussion of the issues in the *AALL Newsletter* (predecessor to *AALL Spectrum*), at Annual Meetings and Chapter visits and on various listservs. After some discussion at the 1997 Annual Business Meeting, that proposal was sent back to the Bylaws Committee for review and revision. The 1997/1998 Executive Board decided the issues needed more study before bringing revisions back to the membership.

After reflecting on the results of the membership survey and other input from members, these revisions to the AALL Bylaws are somewhat different. In addition to proposing changes regarding membership, this is a general “cleanup” effort. In summary, the proposed revisions:

1) Clarify and change the categories of membership. There are two main changes:

a) All members will have all rights and privileges except that the right to hold elective office on the Executive Board is reserved for the new category of “member,” which includes active and retired members. This was the one privilege members of the Executive Board heard from members that should be excluded in an expansion of rights of members.

b) The categories of individual and institutional memberships are eliminated. The main distinction here has been ownership of the membership (whether it has been paid by an individual or institution). This is now provided for in the dues section (the new Article IV, section 3). Whoever pays for a membership “owns” that membership.

2) Clarify language so all sections of the Bylaws are clear and consistent. This includes removing wording that is procedural and not needed in a Bylaws document and reorganizing information so sections contain complete information. All information about dues, for example, is in the section labeled “Dues.”

3) In anticipation of possible future developments in electronic and other means of distribution of information, and to prevent the need for future Bylaws revision to accommodate this, most specific references to delivery of information by mail have been deleted.

According to the current Bylaws, after the Executive Board recommends specific revisions of the Bylaws be submitted to the membership, after proper notice, these revisions are voted upon at the Annual Meeting following a discussion of the proposed changes (see Article XII). In order to allow all members the opportunity to vote on proposed revisions, it currently is necessary for petitions requesting a mail ballot to be signed by 5% of the membership (approximately 250 members). Given the importance of the changes proposed here, the Executive Board very much supports and encourages such petitions. Under the proposed revisions, the Executive Board will have the authority to initiate a mail ballot without such a petition.

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This version of the Bylaws contains only those portions that have recommended changes, plus annotations; for the complete text of the current Bylaws, please refer to the 1998–1999 edition of the AALL Directory and Handbook, pp. 381–384.

New text is in boldface and color; eliminated text is indicated by strikethrough; parenthetical explanations are in italics. Words such as Association, Special Interest Section, and titles of specific officers have been capitalized throughout and are not individually indicated.

According to AALL’s legal counsel, it is not necessary to have the current wording relating to being established for “educational and scientific purposes” and “nonprofit corporation” in the Bylaws.]

~~The association is established for educational and scientific purposes. It shall be conducted as a nonprofit corporation to promote and enhance the value of law libraries to the public, the legal community and the world, to foster the profession of law librarianship, to provide leadership in the field of legal information and to foster a spirit of cooperation among the members of the profession.~~ **The American Association of Law Libraries exists to promote and enhance the value of law libraries to the public, the legal community, and the world, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy,**

in recognition that the availability of legal information to all people is a necessary requirement for a just and democratic society.

Article III. Antidiscrimination.

Membership in the Association or in any of its Chapters, or participation in any activity of the Association or its Chapters, shall not be denied **or abridged** to any individual, ~~or abridged~~ on account of race, color, religion, **gender**, ~~sex~~, age, national origin, disability or sexual orientation.

Article IV. Membership. *[Since the revisions are so extensive, a new Article IV is being substituted for the current one, infra.]*

Section 1. Categories of Membership.

a. Members—Active and Retired.

(1) Active: Any person who is interested in the objectives of

the Association and works with legal information in a library or information center or provides library services on an independent contract basis.

(2) **Retired:** Any person who is interested in the objectives of the Association, who has retired from Active Membership, and who does not qualify for Associate Membership. [Someone who has left librarianship to work for a vendor is not "retired."]]

b. Associate Members.

(1) Other persons who are interested in the objectives of the Association and in legal information, including honorary members, students, non-library employees of the information industry, and members of library governing boards.

(2) A student member must be enrolled in a degree program related to law librarianship. Membership in this category is limited to five consecutive years.

(3) A person who has made extraordinary contributions to law librarianship or to the Association and who is not a member of the Association is eligible for honorary membership upon endorsement by the Executive Board.

Section 2. Rights of Members.

a. Members in all categories have the right to receive the *Law Library Journal* and *AALL Spectrum*, to belong to Special Interest Sections, to serve on and chair AALL committees, and to vote in elections. Special Interest Sections may adopt policies governing the rights of their members.

b. Active and retired members also have the right to hold elective office on the Executive Board.

Section 3. Dues.

a. The membership sets the dues. Increases in dues (except as in section 3.b. below) or changes to the dues structure must be approved by the membership.

b. The Executive Board has the authority to increase dues each year by a percentage not greater

than the latest published Gross Domestic Product Deflator. Proposals to increase dues in excess of this amount must be submitted to the membership following the mail ballot provisions under Article XII, Section 2 3.

c. Membership is effective upon payment of annual dues. The year for dues begins on June 1. If a member fails to pay dues by August 1, the rights of membership are suspended until dues are paid. The Executive Board may authorize prorated dues. Dues are not refundable.

d. Membership dues paid by an institution can be transferred or assigned by the institution. Membership dues paid by an individual cannot be transferred or assigned.

e. The dues for retired members and student members are set at 25% of the dues for active members.

f. Honorary members do not pay dues.

Article IV. Membership.

Section 1. Qualifications for Membership.

Any person or institution interested in law libraries may become a member of the association upon payment of dues and by meeting the qualifications for one of the following classes of members: individual, institutional, individual associate, institutional associate, retired, student and honorary.

Section 2. Individual Member.

a. Requirements. Any person who is currently, or has been within the last seven years, employed at least 30% of full time to perform professional work by either:

1. a law library, a state library, or a general library having a separately maintained law section; or

2. an individual or organization providing professional librarian services to law libraries may become an individual member upon payment of annual dues. Such membership cannot be transferred or assigned.

b. Rights and Privileges. Individual members shall have the right to hold office, to vote, to serve on committees, to belong

to special interest sections, to receive the *Law Library Journal* and the *AALL Newsletter*.

Section 3. Institutional Member.

a. Requirements. Any law library, state library or institution having a separately maintained law library may become an institutional member upon payment of annual dues. The executive board is empowered to determine whether the institution applying for membership qualifies. Such membership cannot be transferred or assigned.

b. Rights and Privileges. Institutional members shall have the right to:

3. Pay for and own the membership of professional staff members. Such staff members shall have all of the rights and privileges of individual members. The library directors designate the library's designated institutional members. At any time, the library director may transfer the designated institutional membership to other professional staff members.

4. Receive a subscription to the *Law Library Journal* and the *AALL Newsletter*. If the institution has paid for a membership but has not designated to whom the membership belongs, the institution shall receive the *Law Library Journal* and the *AALL Newsletter*.

Section 4. Individual Associate Members.

a. Requirements. A person not eligible under any other category shall become an associate member upon payment of annual dues. Such membership cannot be transferred or assigned.

b. Rights and Privileges. Individual associate members shall have the right to belong to special interest sections and to receive the *Law Library Journal* and the *AALL Newsletter*.

Section 5. Institutional Associate Members.

a. Requirements. Any institution not eligible to become an institutional member shall become an institutional associate member upon payment of annual dues. Such membership cannot be transferred or assigned; however, the institution may redesignate individuals.

b. Rights and Privileges. Institutional associate members shall have the right to designate individuals as designated institutional associate members upon payment of annual dues for each individual so designated. Designated

institutional associate members shall have all of the rights and privileges of individual associate members.

Section 6. Retired Members.

a. Requirements. Any person who meets each of the following requirements:

~~5. retired from library work,~~

~~6. was an individual or designated institutional member for a total of more than 10 consecutive years in the association, shall become a retired member upon payment of annual dues. Such membership cannot be transferred or assigned.~~

b. Rights and Privileges. Retired members shall have the right to hold office, to vote, to serve on committees, to belong to special interest sections, to receive the Law Library Journal and AALL Newsletter.

Section 7. Student Members.

a. Requirements. Any student enrolled at least half time in a degree program related to law librarianship and not employed more than half time in a library position may become a student member upon payment of annual dues provided that membership in this category is limited to five consecutive years. The executive board is empowered to adopt procedures for verifying student status.

b. Rights and Privileges. Student members shall have the right to vote, serve on committees, to belong to special interest sections, to receive the Law Library Journal and the AALL Newsletter.

Section 8. Honorary Members.

a. Requirements. Any person not already a member of the association shall become an honorary member if nominated in writing to the secretary by one or more association members for presentation to the executive board, endorsed by a two thirds vote of the executive board, and elected by majority vote at the next business meeting of the association membership: provided that, as determined by the executive board, there are not already 15 honorary members and that two other persons have not already been elected to honorary membership that year.

b. Rights and Privileges. Honorary members shall have the right to receive the Law Library Journal and the AALL Newsletter.

Section 9. Dues.

a. The annual dues for retired members shall be \$32.50. Honorary members shall pay

no dues. For classes of membership other than retired or honorary members, the executive board shall have the authority to increase the dues each year by a percentage not greater than the latest published Gross Domestic Product Index Deflator. Any proposal to increase the dues by an amount greater than the latest published gross domestic product index deflator shall be submitted to the membership in accordance with the mail ballot provisions under Article XII, Section 2.

b. The annual dues for institutional members shall be based upon the number of persons doing work of a professional character who are employed at least 30% of full time by the institutional member, according to the following scale:

(1) Libraries having not more than two persons in their employ doing work of a professional character shall pay twice the dues amount set for an individual member;

(2) Libraries having more than two persons in their employ, doing work of a professional character, shall pay the dues amount set for an individual member, times the number of professional persons employed by the institution.

Section 10. Proration of Dues.

The year for dues shall begin on June 1, and the fiscal year of the association shall begin on October 1. The dues of members joining between September 1 and November 30 shall be three fourths of the annual dues. The dues of members joining between December 1 and February 28 shall be one half of the annual dues. The dues of members joining between March 1 and May 31 shall be one quarter of the annual dues.

Section 11. Failure to Pay Dues.

If a member fails to pay dues two months after the beginning of the dues year, then the privileges of membership of that member shall be suspended by the Treasurer. Suspended members may be reinstated at any time upon payment of the current year's dues.

Section 12. Refund of Membership Dues.

An individual who has paid membership fees and is then designated an institutional member shall have refunded the fees paid as an individual, provided that such refund shall be on a pro rata basis, a 25% refund being given for each quarter of the fiscal year remaining.

Article V. Meetings.

Section 4. Proper Notice for Meeting. [Here, as later in this document, changes are intended to allow for conducting business electronically, when that shall be possible.]

The Secretary shall send notice of meetings to each voting member at least 30 days before a meeting. Notice shall be either **appear** printed in an Association publication which is sent to all voting members or **be distributed separately** by mail.

Article VI. Nominations and Elections. [Redraft of Sections 2, 3, and 4]

Section 2. Nominations Procedures.

[The style and layout of sub-section c are revised for clarity and to make it uniform with other sub-sections. In addition, the word "voting" is deleted from the phrase "voting members" in VI.2.b. and elsewhere, to reflect the changes in Article III re: voting privileges for all members.]

a. Number of candidates. The **Nominations** Committee shall present at least two candidates for each Executive Board position and for each of the offices of Vice President/President-Elect, Secretary, and Treasurer. If, by November 1, it is known that the Vice President/President-Elect cannot assume the duties of President, then the Committee shall present two candidates to serve for a one-year term as President and then as Past President.

b. Notice. By November 1, the Committee shall present to the President the names of all candidates and their written acceptances. By February 1, the Secretary will **notify send** the membership **notice** of the slate of nominees, either in an Association publication sent to each **all** voting members or by separate **distribution** mail.

c. Additional nominees. The requirements to place additional candidates on the slate of nominees are:

(1) a nominating petition signed by two per cent of the voting members,

(2) filing with the secretary no later than March 1, the petition and the nominee's written acceptance. **Nomination by Petition. A member may be nominated for any office by submitting to the Secretary by March 1 a nominating petition signed by 2% of the members and the nominee's written acceptance.**

Section 3. Ballot. *[The Ballot section is revised to streamline the language and to leave open the future possibility of balloting in other than paper format.]*

Voting shall be by secret ballot.

The Secretary shall prepare ~~an~~ **the** official ballot, including nominations by petition.

comprised of the slate of nominees presented by the Nominations Committee and those nominated by petition. The professional position of each nominee shall appear on the ballot.

Section 4. Elections. *[Since the revisions to this section are so extensive, a new section is being substituted for the current one, infra. This section is subdivided for clarity of assignments and delegations of responsibility; the former "committee on elections" is changed to "tellers" to conform to current practice. In addition, the procedural details are eliminated from the Bylaws.]*

a. Responsibility. The President shall appoint tellers who shall be charged with counting and tabulating all votes cast.

b. Method of Voting. Prior to April 1, a copy of the ballot shall be distributed to each member of the Association. Ballots shall be returned before May 1 for tabulation.

c. Determination of Election. The candidate receiving the majority of legally cast votes shall be declared elected to the office. In the case of a tie vote, the winner shall be determined by lot conducted by the tellers.

d. Notification of Results. All candidates shall be notified of the results of the election by the Secretary at the earliest possible time. The election results shall be reported at a business meeting of the Association by the Secretary. In case the annual meeting is held before May 1, or if no annual meeting should be held, the results of the election shall be either printed in the first issue of an Association publication that is sent to all voting members following the report of the Secretary, or distributed to the members before June 1.

The president shall appoint a committee on elections which shall have charge of the conduct of the annual election and the counting and tabulation of all votes cast. Prior to April 1, the secretary shall mail a

copy of the ballot to each voting member of the association. Ballots shall be marked, sealed in plain envelopes, and returned to the secretary before May 1, in covering envelopes bearing on the outside the name and address of the member voting, together with the words Official Ballot. The candidates receiving the largest number of votes shall be declared elected and shall be so reported at a business meeting of the association by the committee on elections, and all candidates shall be notified of the results of the election by the committee on elections at the earliest possible time. In case of a tie vote, the successful candidate shall be determined by lot conducted by the committee on elections. In case the annual meeting is held before May 1, or if no annual meeting should be held, the report of the committee on elections shall be printed in the first issue of an association publication which is sent to all voting members following the report of the committee on elections, or in the case of an association publication which is sent to all voting members, has ceased to be published, shall be mailed to the members by the secretary before June 1.

Article VII. Officers of the Association. *[No change.]*

Article VIII. Executive Board. *[Only section 5 is revised.]*

Section 5. Method of Conducting Business. *[As with balloting, above, revisions are intended to provide the Board with the power to conduct business and vote by electronic means, to the extent local law now provides or may in the future.]*

The Executive Board may conduct business **and vote by any means authorized by statute of the political entity in which the Association is incorporated** correspondence. A vote taken by mail, telephone or other electronic means shall become the act of the executive board upon the approval of a majority of the members of the executive board.

Article IX. Committees, Other Organizations, and Representatives. *[The former sections 2 - 4 are streamlined; the former sections 5 - 8 are also revised.]*

Section 1. Creation of Committees. *[This conforms with AALL historical practice and sound fiscal management.]*

There shall be such committees and other organizations as the Executive Board shall create. ~~or shall be created by a majority~~

~~vote of those present and voting at any meeting of the association.~~

Section 2. Classes of Committees.

[This section now provides an explanation of all AALL committees. The former section is provided for in the next section (Section 3).]

The committees of the Association shall be of three classes: standing committees, advisory committees, and special committees. Standing committees and advisory committees shall be those established for purposes requiring the continuous attention of the Association; and further, advisory committees shall be advisors to provide supervisory and technical assistance. Special committees shall be those established for a stated period to accomplish a specific purpose. ~~At the end of the stated period, the continuation of every special committee shall be decided upon by the executive board.~~

Section 3. Purpose and Term of Committees. *[This revision consolidates provisions relating to purpose and term of committees and conforms the Bylaws to current practice.]*

The resolutions creating ~~standing and special committees under article 9, section 1 of the bylaws~~ shall designate the purpose **and term** of the committees, and the term of a special committee. ~~These resolutions shall be published in an association publication which is sent to all voting members.~~

~~Section 4. Term of Office. [Term of office is considered procedural and as such is not needed in the Bylaws.]~~

~~Members of standing committees shall be appointed for terms of two years. These terms shall start during the annual meeting at the conclusion of old business on the committee's agenda. Members of advisory committees shall be appointed by the vice president president elect for terms determined by the executive board.~~

Section 4 5. Appointment of Committee Members. *[Rearranged for clarity]*

The Vice President/President-Elect shall appoint the committee members, **with the exception of the Nominations Committee as specified in Article VI, Section 1**, for the terms provided by the bylaws and designate the chair or co-chair of each committee to serve during the year in which the Vice President/President-Elect

will serve as President, ~~except the nominating committee.~~

The President may make committee appointments during the President's term of office. ~~Committee members shall be chosen from those members who have the right to vote (Bylaws, article 4).~~

Section 5 6. Annual Report. *[Revised to reflect current practice and to leave prescription of method of publication open to technological change.]*

Each committee shall file an annual report with the Secretary of the Association at a time set by the President, and other reports shall be submitted as requested by the President or Executive Board. ~~Annual reports shall be published in full in an association publication which is sent to all voting members.~~

Section 6 7. Association Representatives to Other Organizations.

Association representatives to other organizations, agencies, joint boards and joint committees and to meetings of other associations shall be appointed by the President or Vice President/President-Elect and shall report in the manner as set forth in section 5 6.

Section 7 8. Expenses. Limitation of Powers. *[Recaptioned to reflect contents of the section.]*

No committee or representative shall incur expenses on behalf of the Association except as authorized, nor shall any committee or representative commit the Association by any declaration of policy.

Section 8 9. Executive Board's Right to Create Any Organizations.

Section 9 10. Council of Chapter Presidents.

Section 10 11. Special Interest Section Council.

Article X. Special Interest Sections. *[Section 1 added; sections 2-8 then need to be renumbered. References to "voting" members in Section 3 and former categories of membership in Section 4 are eliminated.]*

Section 1. Purpose. Members of the Association may petition the Executive Board for the creation of a Special Interest Section for any lawful purpose consistent with the object of the Association recited in Article II.

Section 2. 1. Relationship with AALL.

Section 3. 2 Establishment of a Special Interest Sections.

Special Interest Sections may be created by the Executive Board by approving the written petition of 50 ~~voting~~ members of the Association. The petition shall state the aims of the proposed Special Interest Section, and shall state that the group has functioned as an informal caucus for the three years immediately prior to the filing of the written petition. The aims of a proposed Special Interest Section may be modified before final Executive Board approval, by mutual agreement between the Board and the petitioners.

Section 4. 3 Membership.

~~Individual active members, designated institutional members, individual associate members, designated institutional associate members, retired members and student~~ Members may affiliate with one or more Special Interest Sections upon payment to the Association of an annual fee for each Section. Special Interest Section fees shall be determined by the Executive Board and approved at an annual meeting

Section 5. 4 Bylaws.

Section 6. 5 Funds.

Section 7. 6 Meetings.

Section 8. 7 Annual Reports.

Section 9. 8 Dissolution.

Article XI. Chapters. *[Section 1 added to recite purpose. Other sections are rearranged and reworded to parallel SIS provisions in Article X. Changes to Section 7 provide authority to enforce compliance with the Bylaws.]*

Section 1. Purpose. Individuals may petition the Executive Board for the creation of a Chapter for any lawful purpose consistent with the object of the Association recited in Article II. a.

Activities of Chapters must be consistent with the objectives of the Association.

Section 2. Relationship with AALL.

Chapters of the Association may be created and governed under such conditions and subject to such regulations as may be provided in the Bylaws. Any local or regional law library association ~~that, which~~ does not desire to become a Chapter of the American Association of Law Libraries, may nevertheless become affiliated with the Association under such conditions as may be provided herein, or,

in the absence of such conditions, subject to such regulations as the Executive Board may establish.

Section 3. Establishment of a Chapter.

Any group consisting of 25 or more active members of the Association, residing within the territory in which such Chapter is desired, may apply for permission to establish a Chapter of the Association by forwarding a petition, in writing, to the Secretary at least 60 days before any regular meeting of the Association. The application shall include or be accompanied by a copy of the Bylaws (and Constitution, if any) under which the Chapter is operating or proposes to operate. The Executive Board shall, after having made a proper investigation, report favorably or adversely thereon to the members of the Association at the ensuing annual meeting, at which meeting the question of the establishment of such Chapter shall be part of the regular order of business. ~~; provided however, that no chapter shall be established except as hereinafter set forth:~~

Section 4. Membership. ~~however,~~ Chapters may establish their own membership qualifications and rights. **The membership criteria adopted by the Chapter must comply with the anti-discrimination provisions in Article III. e.** Chapters may accept members who are not members of the Association, but **the President of the Chapter must be a member of the Association.**

~~no chapter member who is not a member of the association may be the president of the chapter.~~

Section 5. Bylaws. Chapter Bylaws must be consistent with the Bylaws of the Association. The Bylaws of each Chapter, whenever adopted or amended, shall be submitted to the **Bylaws Association** Committee ~~on bylaws~~ for review.

When the Executive Board, on the advice of the Bylaws Committee, determines that a Chapter bylaw is in conflict with the Bylaws of the Association, the Chapter shall be directed by the Board to remedy said conflict in accordance with the recommendation of the Committee.

Section 6. Limitation of Powers.

[Wording changed to reflect the section heading. Since Chapters are independent entities, AALL Bylaws cannot give them this right.]

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No Chapter shall incur expenses on behalf of the Association, nor shall any Chapter commit the Association by any declaration of policy. ~~— Chapters may assess annual chapter dues.~~

Section 7. Dissolution. ~~d.~~ The Executive Board may, after proper investigation, recommend to the membership at an annual meeting the discontinuance or suspension of any Chapter ~~that which~~ has ceased to be active **or that fails to comply with any provisions of these Bylaws.**

Article XII. Amendment of the Bylaws. *[This article is reworded for clarity.]*

Section 1. Amendments.

Amendments to the Bylaws may be proposed by the Executive Board, or by a petition submitted to the Secretary and signed by at least 5% of association members ~~who are eligible to vote~~. The ~~procedure for adopting proposed amendments shall be as follows:~~

Section 2. Procedure for adopting amendments.

a. The Secretary shall take all proposed amendments **that were** submitted in

writing at least 90 days in advance of the annual meeting of the Association and shall send notice of the proposed amendments to the ~~voting~~ members at least 60 days prior to the annual meeting at which they will be proposed for discussion.

b. Voting on proposed amendments shall be ~~voted on during~~ **at** the annual meeting of the Association **unless the Executive Board votes to submit amendments to the membership by mail ballot or if** ~~of the association and shall be adopted upon approval by two-thirds of the members present and voting unless~~ 5% or more of the Association members ~~eligible to vote~~ have signed a petition requesting a mail ballot. Such petitions must be submitted to the Secretary before the beginning of the business meeting at which the vote on amendments is to be called.

c. Amendments voted on at the annual meeting shall be adopted upon approval by two-thirds of the members present and voting.

Section 3 ~~2~~. Mail Ballots.

a. Proposed amendments to the Bylaws requiring a mail ballot, **as well as those initiated by petition and Board-**

designated proposed amendments, shall be submitted to the Secretary. Ballots shall be mailed by the Secretary to the members immediately following the publication of the issue of an Association publication ~~that which~~ is sent to all ~~voting~~ members ~~and that which~~ contains the discussion of the proposed amendments (or, at the discretion of the Executive Board, at any time following the meeting at which the amendments were discussed, provided that the ballots are accompanied by a summary of the discussion).

b.The Executive Board shall specify the time for closing the balloting, but in no case shall it be less than 30 days after the mailing of the ballot.

c. Amendments submitted for approval by mail ballot shall **be adopted** ~~become effective~~ upon approval by a simple majority of the members voting by mail.

Article XIII. Rules of Order.

Sturgis' Standard Code of Parliamentary Procedure, in the latest edition, shall govern all deliberations of the association when not in conflict with the Bylaws ~~or special rules of order~~ of the Association.