

# **PROCEDURES FOR DEVELOPMENT & MAINTENANCE OF AMERICAN WOOD COUNCIL STANDARDS**

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AMERICAN WOOD COUNCIL

# PROCEDURES FOR DEVELOPMENT OF AMERICAN WOOD COUNCIL STANDARDS

## 1. Consensus

These procedures for development and maintenance of American Wood Council (AWC) standards provide for due process and development of consensus standards proposed for approval by the AWC Codes and Standards Committee (hereinafter designated as "CSC").

## 2. Organization of AWC Standards Committees

AWC Standards Committees (hereinafter designated as "Committees") shall each consist of its members and a Secretariat. It shall have a title, scope, and an interest classification system for its members (see Appendix A). The Committee membership shall be sufficiently diverse to ensure reasonable balance without dominance by any single interest category, individual, or organization.

## 3. Responsibilities

3.1 CSC. The CSC shall be responsible for:

- (1) Assigning the development and maintenance of each AWC Standard to an AWC Standards Committee;
- (2) Final approval of Standards approved by AWC Standards Committees;
- (3) Adopting AWC policies and Standards development procedures and revisions thereof;
- (4) Considering and acting on proposals for termination of AWC Standards Committees;
- (5) Other matters requiring CSC action as provided in these procedures.

3.2 Committee. Each Committee shall be responsible for:

- (1) Approving consensus Standards developed by the Committee;
- (2) Considering and acting on proposals to modify existing Standards assigned to the Committee;
- (3) Maintaining Standards assigned to the Committee. The Committee must review each Standard within its scope at least every 5 years and determine the appropriate recommendation for (a) reaffirmation, (b) revision, or (c) withdrawal on a time schedule permitting the submission of a Project Initiation Notification System (PINS) form or a BSR-8/108 form prior to the fifth anniversary of the underlying standard's approval as an American National Standard (ANS);
- (4) Coordinating and responding to requests for interpretations of the Standards developed by or assigned to the Committee (see 11.2);
- (5) Adopting Committee procedures and revisions thereof;
- (6) Other matters requiring Committee action as provided in these procedures.

3.3 Secretariat. The American Wood Council (hereinafter designated as "Secretariat") shall:

- (1) Organize the Committee (see Section 2);
- (2) Oversee the Committee's compliance with these procedures;
- (3) Maintain a roster of the Committee and a list of Standards for which the Committee is responsible;
- (4) Perform administrative work, including meeting notices and arrangements; preparation and distribution of meeting agendas, minutes, ballots, and draft standards; and maintenance of adequate records;
- (5) Submit proposed standards approved by the Committee for approval by the CSC;
- (6) Submit candidate standards approved by the Committee, with supporting documentation, for ANSI review and approval as American National Standards;

- (7) Publish approved Standards, revisions, and addenda;
- (8) Perform other administrative functions as required by these procedures.

#### 4. Officers

There shall be a Chairman and Vice-Chairman appointed by the Secretariat from the individual members or representatives of the Committee, subject to confirmation by majority vote of the CSC. Each will serve until a successor is selected and ready to serve. The Vice-Chairman shall carry out the Chairman's duties if the Chairman is temporarily unable to do so.

#### 5. Membership

Members of the Committee shall have an interest in the activities of the Committee and be assigned to a Category of Interest as defined by the Committee in accordance with 5.4. The addition or termination of members shall be subject to approval by vote of the Committee after the application has been processed in accordance with 5.1 or the membership reviewed in accordance with 5.2.

5.1 Application. A request for membership shall be addressed to the Secretariat, shall indicate the applicant's direct and material interest in the Committee's work and qualifications and willingness to participate actively, and, if the applicant is an organization, company or government agency, shall identify:

- (1) a representative;
- (2) an alternate(s), if desired; and,
- (3) an information contact.

5.1.1 Recommendation. In recommending appropriate action to the Committee on applications for membership, the Secretariat shall consider the:

- (1) Need for active participation by each interest category;
- (2) Potential for imbalance among interest categories;
- (3) Extent to which the stated interest of the applicant is already represented on the Committee;
- (4) Extent of interest expressed by the applicant and the applicant's willingness to participate actively. The Secretariat may consider reasonable limits on Committee size.

5.1.2 Diverse Interests. If distinct divisions of a company can demonstrate independent interests and authority to make independent decisions in the area of the activity of the Committee, each may apply for membership. For example, one division or operating company of a private corporation may show a producing or selling interest while another may show a buyer/user interest.

5.2 Review of Membership. The Secretariat shall review the membership list annually with respect to the criteria of Section 5. Members are expected to fulfill attendance, voting, correspondence, and other obligations. Where a member is found in habitual default of these obligations, the Secretariat shall direct the matter to the Committee for appropriate action, which may include termination of membership. When a member fails to return two consecutive ballots or changes affiliation, Committee membership will automatically be terminated unless a written letter requesting a waiver for cause is received within 30 calendar days of notification. Terminated members must reapply in accordance with the provisions of 5.1.

5.3 Observers and Individual Experts. Individuals and organizations having an interest in the Committee's work may request status as observers, for approval by the Secretariat. The Committee may also select individual experts to assist it. Observers and individual experts shall

be advised of the Committee activities, may attend meetings, and may submit comments for consideration, but shall have no vote.

5.4 Categories of Interest. All appropriate interests that might be affected by the standards activity of the Committee shall have the opportunity for fair and equitable participation such that no single interest constitutes a majority of the Committee membership. Each member shall propose the appropriate interest category in accordance with the Committee's established categories. The interest category for a committee member shall not be changed without the written consent of the member. Interest categories shall be appropriate to the development of consensus in any given standards activity and shall be discretely defined, cover all materially-affected parties, and differentiate each category. Definitions of the Committee's interest categories are provided in Appendix A.

5.4.1 Changes to Categories of Interest. The categories of interests shall be established or revised by a vote of the Committee upon recommendation by the Secretariat. The rationale for the selection of categories and discrete definitions for each category shall be included in the Committee ballot. In defining the interest categories, consideration shall be given to, but not limited to, the following:

- (1) producer;
- (2) user;
- (3) general interest.

5.5 Membership Roster. The Secretariat shall maintain a current and accurate Committee roster and shall distribute it to the members and their committee representatives at least annually, and otherwise on request. The roster shall include the following:

- (1) Committee Title;
- (2) Officers - Chairman and Vice-Chairman;
- (3) Members - name of organization or agency, its representative and alternate(s) (as applicable), addresses, and business affiliations; or name, address, and business affiliation of individual member(s);
- (4) Classification of each member;

## 6. Task Committees

The Secretariat, Chairman, or Committee may determine a need to create one or more Task Committees to expedite the work of the Committee. Their formation (and later disbandment) shall be at the discretion of the Chairman.

The Secretariat, at times, may determine a need to establish a subgroup or steering committee on an ad hoc basis to assist the Committee or a Task Committee. Its formation (and disbandment) is at the discretion of the Secretariat.

6.1 Chairman and Members of Task Committees. The Task Committee chairman and members shall be appointed by the Chairman of the Committee. The scope, duties and membership of all Task Committees shall be reviewed by the Committee annually. The officers and members of a Task Committee need not be members of the Committee.

6.2 Approval of Standards. Draft standards and any substantive change in the content of a standard proposed by a Task Committee shall be referred to the Committee for approval.

## 7. Meetings

Committee meetings shall be held, as decided upon by either the Committee, the Chairman, the Secretariat, or by petition of at least one third of the Committee members, to conduct business, receive reports of work, consider draft standards, resolve differences among subgroups, and consider views and objections from any source. Meetings of Task Committees may be held as decided upon by the Task Committee chairman, Task Committee members, or the Secretariat.

7.1 Open Meetings. Meetings of the Committee shall be open to all members and others approved to participate (see 5.3). When possible, at least two weeks notice of regularly scheduled meetings shall be given by the Secretariat. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information. An agenda shall be available and shall be distributed in advance of the meeting.

7.2 Quorum. A majority of the members of the Committee shall constitute a quorum for conducting business at a meeting. An alternate representing an absent member shall be deemed a member. If a quorum is not present, actions may be taken at a meeting but are not official until approved by letter ballot or at a subsequent meeting.

## 8. Voting

8.1 Vote. Each member of the Committee shall vote one of the following positions:

- (1) Affirmative;
- (2) Affirmative, with comment;
- (3) Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions which would resolve the objection);
- (4) Abstain, with reasons.

8.1.1 Vote of Alternate. An alternate's vote is counted only if the principal representative fails to vote.

8.1.2 Single Vote. Generally, no representative shall have more than one vote. However, if two or more organizations appoint the same individual to represent each of them, that individual may cast a separate vote for each organization represented. The organizations shall confirm in writing to the Secretariat that they are aware of and will accept the results. Additionally, representation of more than one organization by the same individual shall require approval by a majority of the Committee, excluding the vote of that individual.

8.1.3 Voting Period. The voting period for letter ballots shall end not less than 30 calendar days from the date of issue or as soon as all ballots are returned, whichever comes earlier. An extension may be granted at the Chairman's option, when warranted. A follow-up letter requesting immediate return of the ballot may be sent, as appropriate, to members and alternate members whose votes have not been received within 14 calendar days before the ballot closes.

8.2 Actions Requiring Approval by a Majority. The following actions require approval by a majority of the membership of the Committee either by letter ballot or an equivalent formal recorded vote. When a formal recorded vote is taken at a meeting, voting members who are unable to attend the meeting shall be provided an opportunity to submit a formal vote following the meeting. The formal vote shall be submitted within 2 weeks of the meeting:

- (1) Addition of new Committee members and designation of their interest categories;
- (2) Approval of withdrawal of an existing Standard.

Other actions requiring a Committee vote may be approved by a majority of the members present at a meeting, including:

- (1) Approval of minutes;
- (2) Authorization of a letter ballot.

8.3 Actions Requiring Approval by Two-Thirds of Those Voting. The following actions require approval by a letter ballot or an equivalent formal recorded vote. When a formal recorded vote is taken at a meeting, voting members who are unable to attend the meeting shall be provided an opportunity to submit a formal vote following the meeting. The formal vote shall be submitted within 2 weeks of the meeting. A majority of the membership must return ballots and approval by at least two-thirds of those voting, excluding abstentions:

- (1) Adoption of Committee procedures, categories of interests, or revisions thereof;
- (2) Approval of a new standard or reaffirmation of an existing standard;
- (3) Approval of revision or addendum to part or all of a standard;
- (4) Determination of whether an interest is materially and directly affected.

8.4 Authorization of Letter Ballots. A letter ballot may be authorized by any of the following:

- (1) Majority vote of those present at a Committee meeting;
- (2) The Chairman;
- (3) The Executive Committee (if one exists);
- (4) The Secretariat;
- (5) Petition of at least one third of the Committee members.

8.5 Other Review. In addition, AWC Standards proposed for new American National Standards and proposals to revise, reaffirm, or withdraw approval of existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in *Standards Action* in order to provide an opportunity for public comment. If it is the intent to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard, a statement to that intent shall be included as part of the description of the `_scope` summary that is published in *Standards Action*. The comment period shall be one of the following:

- (1) A minimum of 30 calendar days if the full text of the revision(s) can be published in *Standards Action*;
- (2) A minimum of 45 calendar days if the document is available in an electronic format, deliverable within 1 work day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Action*; or
- (3) A minimum of 60 calendar days, if neither of the aforementioned options is applicable.

8.5.1 Notification of Standard. The Secretariat shall determine whether listing of proposed Standard actions shall be concurrent with the final Committee letter ballot and whether announcement in other suitable media is appropriate.

8.5.2 Changes to Standard. Views and objections resulting from the above public review shall be addressed in accordance with Section 8.6. Any substantive change made in the proposed Standard shall be posted in accordance with Section 8.5. If the Committee does not make any substantive change in response to a public review comment, the response letter to the public review commenter shall clearly indicate that, unless a continuing objection is received by a specific date, the comment will be considered resolved.

8.6 Disposition of Views and Objections. When the balloting has been closed, the Secretariat shall forward the ballot tally to the Committee Chairman or, if appropriate, of the Task Group Chairman;

the Chairman or Secretariat shall determine whether the written views and objections shall be considered by correspondence or at a meeting.

8.6.1 Consideration of Comments. Prompt consideration shall be given to the written views and objections of all participants. A concerted effort to resolve all written objections shall be made, and each objector shall be advised in writing of the disposition of the objection and the reasons therefore. In addition, each objector shall be informed in writing that an appeals process exists within procedures used by AWC to develop and maintain Standards.

8.6.2 Response to Changes. Substantive changes and unresolved objections along with attempts at resolution shall be reported to the Committee members and public review commenters in order to afford all members an opportunity to respond, and reaffirm or change their votes within 30 calendar days.

Any substantive changes shall be balloted to the Committee under the procedures in 8.1. Unresolved negatives can be ruled as nonpersuasive if a majority of the membership return ballots and at least two-thirds of those voting, excluding abstentions, concur with the position within the balloting time required, but not less than 30 calendar days. Editorial changes and changes requiring no action need not be balloted. Committee members or public review commenters submitting timely comments that are not related to the proposed changes under consideration shall be notified and their comments shall be documented and considered in the same manner as new proposals.

8.6.3 Disposition of Late Comments. When the above process is completed, any comments received subsequent to the closing of the review and comment period shall be considered at the next review.

8.7 Report of Final Result. The final result of the voting shall be reported, by interest categories, to the Secretariat and to the Committee.

## 9. Submittal of Standard

Upon completion of the procedures for voting, disposition of views and objections, and appeals, the proposed Standard shall be submitted to the CSC.

9.1 Information Submitted. The information supplied to the CSC shall include:

- (1) Title and designation of the proposed Standard;
- (2) Indication of the type of action requested (that is, approval of a new Standard or reaffirmation, revision, or withdrawal of an existing Standard);
- (3) A copy of the final proposed Standard for each member of the CSC;
- (4) A declaration that the established procedures were followed;
- (5) A declaration that all appeal actions related to approval of the proposed standard have been completed;
- (6) A summary of the voting and unreturned ballots in each interest category;
- (7) Identification of all unresolved views and objections, names of the objector(s), and a report of attempts toward resolution;
- (8) A roster of the Committees and applicable Task Committees at the time of Committee ballot.

## 10. General Procedures on Standards

10.1 Notification of Standards Development. At the initiation of a project to develop or revise an AWC Standard intended as an American National Standard, notification shall be transmitted to ANSI

using the Project Initiation Notification System (PINS) form, or its equivalent, for listing in *Standards Action*.

10.2 Revisions to Standards. Revisions can be proposed at any time by those directly and materially affected by this standard and shall be considered by the Committee as part of the review process.

10.2.1 Proposing Changes. A proposed revision to a standard shall be delivered to the Secretariat and shall be clearly identified as to which standard and/or part of the standard to which it is applicable.

10.2.2 Editorial Revisions. Revisions which are editorial may be made at any time by the Secretariat.

10.2.3 Required Forms. The Secretariat may issue forms for proposing revisions to standards in the interest of expediency. If the Secretariat issues such forms, they shall be made available to all parties expressing an interest in making proposals. No proposal shall be rejected for failure to use the form.

10.2.4 Committee Action on Proposals. The Secretariat shall compile all proposed changes and transmit them to the Committee in a timely fashion for action. Where the Secretariat has determined that a proposal has been received from a party not directly and materially affected by the standard, the Secretariat shall ballot such determination with the Committee.

10.2.5 Discontinuance of a Standards Project. The Secretariat may decide to abandon the processing of a proposed new or revised American National Standard or portion thereof at its own discretion and without a vote of the relevant consensus body. The Secretariat shall notify ANSI immediately of such actions which will be announced in *Standards Action*.

10.3 Frequency of Review. Standards shall be reviewed by the Committee to determine the appropriate recommendation for (a) reaffirmation, (b) revision, or (c) withdrawal on a time schedule not to exceed 5 years from the date of the Standards' approval as an American National Standard.

10.4 Coordination Harmonization. Good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards and candidate American National Standards.

10.5 Records Retention. For standards produced by AWC's Standards Committees, all records required by the ANSI Essential Requirements to demonstrate compliance shall be retained for a minimum of one complete standards cycle. For withdrawn standards, these records shall be maintained for 5 years from date of withdrawal.

10.6 Inclusion of Patent Claim. If the Committee determines that use of a patent claim is essential to the standard, the ANSI Patent Policy shall be followed.

10.7 Commercial Terms and Conditions. The Secretariat shall adhere to the current version of the ANSI Commercial Terms and Conditions Policy.

## 11. Communications

Correspondence of Committee officers shall be made on their own letterhead.



11.1 External Communication. Inquiries relating to the Committee should be directed to the Secretariat, and members should so inform individuals who raise such questions. All replies to inquiries shall be made through the Secretariat.

11.2 Requests for Interpretation of Standards. All inquiries requesting written interpretation of the language of a Committee's approved AWC Standard(s) must be made in writing and directed to the Secretariat. The Secretariat shall promptly acknowledge the inquiry and proceed with the following steps:

11.2.1 With approval of the Chairman, the Secretariat shall be permitted to issue a response provided that it is clearly identified as an interim interpretation.

11.2.2 A Task Committee to develop a proposed response shall be appointed by the Chairman, without dominance by any single interest.

11.2.3 A proposed response approved by the majority of the Task Committee shall be submitted to the Secretariat.

11.2.4 The Secretariat shall submit the Task Committee's approved proposed response to the Committee for review and ballot. All negative votes shall be considered by the Committee and a concerted effort to resolve all written objections shall be made. Each objector shall be advised in writing of the disposition of his/her objections and the reasons thereof.

11.2.5 Substantive changes in the proposed response required to resolve objections shall be reported to the Committee members in order to afford all members the opportunity to reaffirm or change their votes.

11.2.6 A majority vote of the Committee shall be required for final approval of the interpretation.

11.2.7 Upon completion of the above procedures, the Secretariat shall submit the formal reply in writing to the inquirer. At the request of objectors the reply shall include unresolved minority views.

11.2.8 Revisions to the Standard(s) resulting from requests for interpretation shall be processed in accordance with Committee procedures.

## 12. Procedural Appeals

Directly and materially affected interests who believe they have been or will be adversely affected by a standard within the Committee's jurisdiction, or by the lack thereof, shall have the right to appeal procedural actions or inactions of the Committee or the Secretariat.

12.1 Complaint. The appellant shall file a written complaint with the Secretariat within 30 calendar days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the section(s) of these procedures, procedural actions or inactions that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

12.2 Determination of Validity. Within 10 calendar days of receipt, the Secretariat shall examine the complaint and determine the validity of the appeal. This determination shall be limited to whether the appellant represents a directly and materially affected interest, as required by this section. Complaints found to be valid shall be handled in accordance with the procedures in Section 12.

If the Secretariat determines that the complaint is not valid, this determination shall be balloted to the Committee within 30 calendar days of receipt by the Secretariat.

12.3 Response. Within 30 calendar days after receipt of the complaint, the Secretariat shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the Secretariat's knowledge.

12.4 Hearing. If the appellant and the Secretariat are unable to resolve the written complaint informally in a manner consistent with these procedures, the Secretariat shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least 14 calendar days notice. Efforts shall be made to resolve the appeal within a reasonable time limit.

12.5 Appeals Panel. The appeals panel shall consist of three representatives selected by the CSC who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least two shall be acceptable to the Secretariat. If the appellant and the Secretariat cannot agree on the composition of the appeals panel within 14 calendar days, the CSC shall appoint the panel.

12.6 Conduct of the Hearing. The appellant has the burden of demonstrating adverse effects, improper procedural actions or inactions, and the efficacy of the requested remedial action. The Secretariat has the burden of demonstrating that the Committee and the Secretariat took all procedural actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. *Robert's Rules of Order* (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

12.7 Decision. The appeals panel shall render its decision in writing to the appellant within 30 calendar days, stating findings of fact and conclusions, with reasons thereof, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- (1) Finding for the appellant, remanding the action to the Committee or the Secretariat with a specific statement of the issues and facts in regard to which fair and equitable procedural action was not taken;
- (2) Finding for the Committee, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- (3) Finding that new, substantive evidence has been introduced, and remanding the entire procedural action to the Committee or the Secretariat for appropriate reconsideration.

12.8 Further Appeal. If the appellant gives notice that further appeal to the CSC is intended, a full record of the complaint, response, hearing, and decision shall be submitted by the Secretariat to the CSC, who will then render a final decision regarding the appeal to the appellant.

### 13. Parliamentary Procedures

On questions of parliamentary procedure not covered in these procedures, *Robert's Rules of Order* (latest edition) may be used to expedite due process.

## Appendix A

TITLE: AWC Wood Design Standards Committee

SCOPE: Standards relating to wood design

CLASSIFICATION:

**Producer** – a WDSC member who represents a wood-based product manufacturer or who is staff to a trade association that represents wood-based product manufacturers.

**User** – a WDSC member who uses the design standards including engineers, architects, and fabricators who use wood-based products (such as truss designers), or representatives of user organizations (such as the structural engineers associations).

**General Interest** – a WDSC member who is neither a Producer nor a User. This category includes academicians, regulators, and representatives of building code organizations (such as the International Code Council).

## **Appendix B**

### **AWC METRIC POLICY**

The current wood industry policy is that metric conversion will take place at some appropriate time; however, the advantages and disadvantages of conversion in the U.S. should not be over-emphasized and that the industry should be ready to make the transition when the market dictates. At this time international versions of wood design standards are made available in metric units on a case-by-case basis.

## Appendix C

### **AWC POLICY STATEMENT ON COMPLIANCE WITH ANTITRUST LAWS**

Fair and vigorous competition is essential to the maintenance of this country's free enterprise system. In furtherance of this principle, all activities are to be conducted in strict compliance with antitrust laws. Staff, officers, directors, members, and committee members are reminded that they are required to comply with the spirit and requirements of the antitrust laws.

A free exchange of ideas on matters of mutual interest to representatives of AWC members is necessary for the success of all meetings. Such an exchange of views is essential to the successful operation of every trade association. It is not the purpose of this policy to discourage the exploration in depth of any matters of legitimate concern to meeting participants. Nevertheless, to ignore certain antitrust ground rules, either through ignorance or otherwise, is to create a hazard business people cannot afford.

The Sherman Antitrust Act, The Clayton Act, the Federal Trade Commission Act, and the Robinson-Patman Act comprise the basic federal antitrust laws, which set forth the broad areas of conduct considered illegal as restraints of trade. In general, agreements or understandings between competitors that operate as an impediment to free and open competition are forbidden. The broad language of these laws suggests the scope of federal antitrust prohibitions by forbidding any "agreement or understanding...to substantially lessen competition or tend to create a monopoly in any line of commerce." In particular, the antitrust laws prohibit:

- discussing the fixing or regulating of prices, markups, or the conditions or terms for the sale.
- discussing the establishment of geographic trading areas, allocation of markets or customers, or classification of certain customers as being entitled to preferential treatment.
- discussing or participating in any plan designed to induce any manufacturer or distributor to sell or refrain from selling or discriminate in favor of or against any particular customer or class of customers.
- discussing limiting or restricting the quantity of products to be produced.
- discussing or participating in any plan designed to control the means of transportation or channels through which products may be sold.
- discussing or participating in any plan which has the effect of discriminating against or excluding competitors.

This is, at best, only a general outline of some of the areas which pose antitrust dangers in discussions between competitors and between sellers and their customers. They are provided to guide discussion during meetings, and in connection with social or other gatherings on those occasions.

If any question arises about an item on a meeting agenda, it should be reviewed by legal counsel before the meeting. If the question does not arise until the meeting has begun, or if a questionable topic is about to be discussed in connection with any gathering, whether or not a formal meeting, that discussion should be immediately stopped and not resumed until approved by legal counsel.