

**JOINT TELECONFERENCE  
DOMINION COMMAND C&L COMMITTEE AND  
PROVINCIAL COMMAND C&L CHAIRS  
14 NOVEMBER 2019, 1900 HRS  
MEETING MINUTES**

<b>In Attendance:</b>	<b>Jim Rycroft</b>	<b>Chair</b>
	<b>David Eaton</b>	<b>Vice Chair</b>
	<b>George O'Dair</b>	<b>Member</b>
	<b>Bill Chafe</b>	<b>Member</b>
	<b>Scott Sadler</b>	<b>AB-NT</b>
	<b>Peter Piper</b>	<b>SK</b>
	<b>Ernie Tester</b>	<b>MB &amp; NWO</b>
	<b>Bruce McKittrick</b>	<b>ON</b>
	<b>Donna McCurry</b>	<b>NS/NU</b>
	<b>Dave Howatt</b>	<b>PE</b>
	<b>Aiden Crewe</b>	<b>NL</b>
	<b>Judy Miller</b>	<b>Eastern Zone USA</b>
	<b>Danny Martin</b>	<b>Committee Secretary</b>

<b>Absent:</b>	<b>Bob Underhill</b>	<b>BC/YK</b>
	<b>Sylvain Hamel</b>	<b>QC</b>
	<b>Tom Eagles</b>	<b>NB</b>
	<b>Freeman Chute</b>	<b>Assistant Committee Secretary</b>

**1. OPENING**

The meeting commenced at 1900 hours (eastern) by teleconference.

**2. GBL 307 – DEPRIVATION OF CLUBHOUSE PRIVILEGES**

The issue discussed was how to handle deprivation of clubhouse privileges when the hearing is commenced but then is suspended as per GBL 307.

As criminal or civil proceedings could drag in for years the imposition of a suspension of clubhouse privileges may be considered unfair without a hearing. The need to require a review by the President who imposed the pre hearing sanction to see if it's appropriate to be lifted after a certain period of time ( analogous to a bail review) was considered.

**CONSENSUS:** It was concluded that no by-law amendment be proposed as the need to receive the input/verdict from the civil **or criminal proceedings** was considered an essential element in the proceedings of the complaint hearing.

### **3. GBL 314.E - 30 DAY TIME PERIOD FOR APPEALS**

Discussion focused on the need to define the exact date that the 30 day time period begins.

**CONSENSUS:** It was agreed that the date the notice is sent via registered mail is the effective date of the notice. For example, if the 30 days brings you to July 20 and you register the letter on July 18 but the individual does not receive it until July 22, it would still be considered filed within the 30 day appeal period.

### **4. GBL 314.J.I.(4) – APPEAL DECISION**

Members considered the available decisions under S. 314. j.i. (4). The clause specifically eliminates the application of the other provisions within and merely provides for the return of the complaint to the original level for a new hearing. It was acknowledged that the disposition apparently becomes a nullity, however it was the consensus that the clause should include that provision for the purpose of clarity.

**RECOMMENDATION:** Modify Article 314.j.i.(4) to read – where none of the above are appropriate, revoke any penalty imposed and return the matter to the original level for a new hearing.

### **5. GBL 3 – COMPLAINT CONFIDENTIALITY**

Members discussed the need and possibility of adding a clause to Article 3 directing that: “all parties of the complaint to maintain confidentially”

**CONSENSUS:** It was concluded that due to the nature of the complaint process an addition of stated confidentiality, although already assumed, would be administratively difficult and have ramifications. The consensus was that the C&L Committee form a sub-committee to review the options and ramifications of such a clause and report back on the findings.

### **6. GBL 304.A.VII – HARRASSMENT DEFINITION**

Members considered, in regard to Section 304.a.vii of the GBLs, the need for a Legion definition of 'harassment'.

It was conceded that harassment can be varied and personal. A Legion definition of harassment, as an addition to the many and varied current definitions, would not help clarify the complaint procedure and in fact might skew the results if taken out of context.

It was felt that the current definitions provided by federal and provincial agencies would suffice in regard to the complaint process.

**CONSENSUS:** It was concluded that no definition of harassment was required.

## **7. AMENDMENT – GBL 304.H**

A concern was raised respecting the application of GBL 304.h. against a President. The contention respected the removal from a higher Office. The interpretation centred around the failure to include 'offices' in the phrase '...but removal from those positions held over which he has authority.' And thus, although semantics, it might be advisable to correct the phrase to read '...but removal from those offices and positions held...' to correspond with their initial citing in the Subsection.

**RECOMMENDATION:** It was recommended that GBL 304.H. be modified for clarification purposes as follows: "Where a complaint has been properly lodged in accordance with Subsection 304.b. and pending the final disposition of such complaint, the President of the command or branch may deprive the member against whom the complaint is lodged, of clubhouse privileges and remove him from office or position held but removal only from those ***offices and*** positions held over which he has authority. Such deprivation and/or removal is not appealable. However, if the complaint is withdrawn or found to be unsubstantiated upon completion of the hearing, the member shall be immediately reinstated for all purposes and any removal from office is deemed to have never occurred."

## **8. GBL MODIFICATIONS – EFFECTIVE DATE**

As the GBLs continue to evolve modifications to the manual are constant. As the need to cite the correct version is evident in many of the procedures outlined within it was determined that the date by which the GBLs are considered effective is important.

**CONSENSUS:** It was recommended that the effective date of the GBLs should be the date as approved by convention or DEC.

## **9. ARTICLE III AND THE ROLE OF A DISTRICT COMMANDER**

Since zones and districts are administrative bodies rather than executive bodies (in Canada ) there is no formal reference to them as part of the Article III process. GBL 509 b. provides authority for District Commanders(DC) to perform duties as requested by their respective Provincial Command. While each Provincial Command executive may choose to task the DCs in ways they feel are appropriate, there is no direction or restriction from the Dominion Level in regard to collateral matters in Article III

proceedings.

**CONSENSUS:** It was concluded that the role of District Commanders was as directed by their respective commands and therefore no GBL direction was required.

## **10. THE CHAIN OF COMMAND WHEN SEEKING C&L ADVICE**

The issue of the chain of command in regard to soliciting advice/opinion between Provincial and Dominion Commands was discussed. It was confirmed that branches or individuals must go through their Provincial C&L Chairman first and if required, passed to Dominion Command through the same Chairman.

## **11. REVOCATION OF MEMBERSHIP PROCEDURE - GBL 418 A.**

The Going Forward Committee responded favourably to the suggestion of having an administrative release procedure (revocation of membership) to assist in removing those members who are negatively and repeatedly thwarting efforts to build membership numbers or retain those we have. They requested an opinion from the C&L Committee in regard to the feasibility of implementing such a process. happen.

A discussion of a possible administrative procedure for revocation of membership was seen by all as problematic. The group felt that Article III was sufficient to deal with Legion members whose behaviour caused others not to join the Legion, not to renew their membership or to quit.

Participants further felt that any such administrative procedure would put an excessive burden on the Commands and in particular on the Dominion President to implement. Informing members and implementing such a procedure would be extremely difficult given that even Article III which is well established, is challenging for those who use it to lay a complaint when they try to use it.

**CONSENSUS:** It is suggested that DEC not implement the administrative revocation of membership process.

Within the preceding discussion in regard to an administrative procedure for membership revocation it was suggested that the Dominion Command internal OP&P manual be made available to all membership be used to explain certain GBLs and procedures. The participants were very concerned that it would not work since it would be difficult to educate Legion members to use and understand the provisions.

**CONSENSUS:** They do not support the concept.

## **12. CONSIDER STOLEN VALOUR SITUATIONS**

Due to recent events a call was made to establish a specific process that would deal with Legion members who have been accused of committing stolen valour.

**CONSENSUS:** It is was felt by all that the provisions of Article 418.a. as part of the “Special Powers of a Dominion President” was sufficient to deal with specific cases of stolen valour as it relates to membership and revocation of such.

## **13. GBL 418 B - INCLUDE A PROVISION FOR AN APPEAL**

The need to amend GBL 418 b to include a provision for an appeal after a Special Section President uses 418 a. powers - see Article 137.

**RECOMMENDATION:** Amend GBL 418 b. to add “137g.,” as follows : 418 b. “An appeal to Dominion Command may be made by any command, branch, auxiliary, officer or member affected by such action. The following applies to an appeal from a decision made on the authority of subsection **137 g.**, 418.a, section 505 or subsection 708.c of The General By-Laws.

## **14. OTHER BUSINESS**

The following issue was added to the agenda:

### **a. VIDEO OR AUDIO CONFERENCING TO CONDUCT ARTICLE III COMPLAINT HEARINGS**

The use of video or audio conferencing to conduct Article III Complaint hearings.

**CONSENSUS:** The group agreed that it can be used in appropriate cases where it won’t negatively impact the fairness of the process. It would be at the discretion of the Chairman of the complaint committee.

## **15. ADJOURNMENT**

The meeting adjourned at 2045 hrs.

The contents of Committee minutes are subject to the approval of Dominion Executive Council or Dominion Convention as appropriate.



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**J. Rycroft**  
Chair



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**D. Martin**  
Coordinator

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