

# Constitution and Laws

## Article III Updates



*Effective January 01, 2025*

### OVERVIEW

During the summer of 2023, the Dominion Command Constitution and Laws Committee conducted a review of the current Article III process found within the General By-Laws.

The review involved a survey of all Provincial Commands, including their respective Constitution and Laws Provincial Chairs, on suggested improvements to the current Article III process of dealing with Member complaints within The Royal Canadian Legion.

The most common theme received from the Provincial Commands was to consider a mediation/arbitration process to deal with the less serious complaints in a timelier and efficient process, while resolving these minor disputes quickly.

After considerable effort and meeting with the Constitution and Laws Provincial Chairs, the Dominion Command Constitution and Laws Committee made recommendations to the Dominion Executive Council (DEC) in April of this year. The following recommendations were approved by DEC and ratified by Delegates at the 49<sup>th</sup> Dominion Convention and are effective January 01, 2025.

### UPDATES

#### SECTIONS 304, 306 and 310

To amend/update Sections 304, 306 and 310 of the General By-Laws as described below:

Based on the recommendations received from the Provincial Command C&L Chairs in 2023, the Committee recommended an amendment to section 304 which includes separating less serious complaints (304.a. i. and ii.) from more serious complaints (304.a. iii, iv, v, vi and vii).

The Committee recommended mandatory Arbitration for section 304.a. i and ii. The Committee does not support arbitration for 304.a. iii, iv, v, vi and vii.

Under COMPLAINT PROCEDURE, the following was recommended regarding Section 304.a. for sections i. and ii.:

- 1) **New 304.b. i.** Complaints lodged under subsections i and ii are subject to a mandatory arbitration process. Arbitration to be conducted by an Arbitrator or Arbitration Team as determined by the respective Branch President. The Arbitrator or Arbitration Team shall attempt to resolve the dispute by agreement.
- 2) **New 304.b.ii.** If the Arbitrator or Arbitration Team is unable to resolve the complaint, then the Arbitrator or Arbitration Team shall determine if the complaint has been substantiated, and if substantiated may impose a disposition under 310.b. If the complaint is not substantiated, it shall be dismissed.
- 3) **New 304.b.iii.** The decision of the Arbitrator or Arbitration Team is final unless an error has been made in the interpretation of these by-laws in which case an appeal can be filed with the Branch President within 10 days. The appeal shall be heard by a Committee of three Branch Members appointed by the Branch President. The decision of the Branch Appeal Committee is final and cannot be appealed any further.
- 4) **New 304.b.iv.** Arbitration will not be offered for sections 304 a. iii, iv, v, vi and vii.

- 5) The addition of the above amendments will require a renaming of the current sections 304 b. c. d. e. f. g. and h. to become 304 c. d. e. f. g. h. and i.

### **Section 310 DISPOSITIONS:**

As a result of the above amendments, the Committee recommended an amended Section 310.b to read:

- 1) **New 310.b.** Where a complaint alleges only a breach of 304.a. i and/or ii the charges may be dismissed, or if substantiated, one or more of the following dispositions may be imposed. (i and ii remain as written)
- 2) **Insert New 310.c. to read:**  
where any disposition imposed under 310.b has not been fulfilled within 10 days, or such other time as may have been set, the Member is automatically deprived of clubhouse privileges until the disposition is fulfilled or 12 months expires from the date of disposition, whichever occurs first.

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## **HOW TO NAVIGATE THE ARTICLE III UPDATES**

### **Frequently Asked Questions:**

We are providing these Frequently Asked Questions to assist Branches and Commands through the new Article III process which now includes arbitration for less serious complaints.

In addition, we have enclosed a flowchart to help provide a visual, user-friendly guide on the flow of the Article III process.

#### **1. What are the new updates to the Article III process?**

- The updated Article III now separates less serious complaints from more serious complaints.
- Section 304.a. i. and ii. are now considered less serious complaints while Section 304.a. iii, iv, v, vi and vii are now considered more serious complaints.

#### **2. Are there any changes to how a complaint must be filed?**

- No. All complaints must still follow the process in 304.b. A Member must complete all the Requirements at this step to properly initiate a complaint:
  - ✓ Brief account of the incident
  - ✓ Specify the clause under Subsection 304.a that applies
  - ✓ Sign the complaint
  - ✓ Enclose payment of \$100 filing fee
  - ✓ Address and lodge within the timeframe - refer to 304.c

#### **3. Do Members have to follow the new arbitration process for less serious complaints (304.a. i. and ii.)?**

- Yes. The arbitration process is now mandatory for less serious complaints (304.a. i. and ii.)

#### **4. Are there any new updates/changes to dealing with the more serious complaints found with Article III (304.a. iii, iv, v, vi and vii)?**

- No. These more serious complaints follow the traditional Article III process found within the General By-Laws.

#### **5. What does the term Arbitrator mean?**

- An Arbitrator is an independent person or body officially appointed to settle a dispute between parties.

#### **6. Does the Arbitrator or Arbitration Team have the authority to impose a disposition?**

- Yes. They may impose any disposition under 310.

**7. Who appoints the Arbitrator or Arbitration Team?**

- The Branch President/Branch Executive appoints the Arbitrator or Arbitration Team.

**8. Who determines if there is an Arbitrator or Arbitration Team?**

- It is at the discretion of the Branch President or Branch Executive.

**9. Who can be designated as an Arbitrator or a Member of an Arbitration Team?**

- The Branch President/Branch Executive can appoint any Branch Member or may choose to appoint a qualified individual from the community.

**10. Can the decision of the Arbitrator or Arbitration Team be appealed?**

- The decision of the Arbitrator or Arbitration Team is final unless an error has been made in the interpretation of the by-laws in which case an appeal can be filed with the Branch President within 10 days.

**11. If the decision of the Arbitrator or Arbitration Team is appealed, how is the Appeal Committee formed?**

- The appeal shall be heard by a Committee of three Branch Members appointed by the Branch President.
- The decision of the Branch Appeal Committee is final and cannot be appealed any further.

**12. What happens if the complainant, does not want to participate in the arbitration process?**

- The complaint shall be dismissed, and the \$100 fee is forfeited.

**13. What happens if the person against whom the complaint is lodged does not want to participate in the arbitration process?**

- The complaint can proceed as long as the Arbitrator or Arbitration Team is satisfied the individual has been properly notified.

*For further questions or information please reach out to your Zone, District or Provincial Constitution and Laws representative.*