

ADMINISTRATIVE PROCESS FOR AN APPEAL OF THE TERMINATION OF AN APPOINTMENT

Reference: General By-Law Article 111.d.

Appeals may only be submitted for appointments which are terminated before the expiry of the term specified for the appointment. There is no right of appeal for an appointment to a position for which no term is specified. (That is, an appointment “at pleasure”)

An Appeal Committee appointed to consider the appeal of the termination of an appointment will be comprised of members and be so appointed in the same manner and the same level of command as an appeal of an Article III disposition.

An appeal under GBL 111 d. must be made in writing and served on the Executive Director of the appropriate Provincial or Dominion Command as applicable, within 30 days of the receipt of the notice of appointment termination by the appellant. Appeals of Branch, Zone, District, and Provincial level appointments (excluding those made by the Provincial President) are submitted to the applicable Provincial Command. Appeals of appointments made by a Provincial President and those at a Dominion Command level are submitted to Dominion Command.

- i. Service of the appeal on the appropriate Command must be made by certified or registered mail or prepaid courier or personal delivery in the presence of a witness;
- ii. The appeal shall state and explain the grounds for the appeal and shall include any evidence and relevant documents. Where required to ensure a fair review, oral and/or written submissions and such evidence as the committee may find relevant to the appeal, may be requested and/or received by the Appeal Committee;
- iii. On receipt of the appeal at Command, it shall be referred by the Executive Director to the Command Chairman of the Constitution and Laws Committee to determine if the appeal has been properly lodged and has sufficient merit to justify the appointment of an Appeal Committee. If the appeal does not meet the necessary requirements it shall be dismissed by the appropriate Command President, (or in the case where the appeal is against a decision of the Provincial Command President dismissed, by the Dominion Command President or if against the Dominion Command President, by the Dominion First President) and the person appealing shall be advised accordingly by the Executive Director. Otherwise, the appeal shall proceed.
- iv. The Appeal Committee shall meet either in person or by teleconference, or such other means considered appropriate, to hear the matters raised by either party to the appeal and render a decision based on the submissions made and any relevant evidence received;
- v. The Appeal Committee will either confirm the termination of the appointment or direct that the appellant be reinstated to the appointed position for the remainder of the term specified.
- vi. A copy of the decision shall be served on the parties affected by the decision, including the appropriate Executive Director / Secretary,
- vii. The Command shall be responsible only for the expenses of the Chairman and members of the Appeal Committee.
- viii. The decision of the Appeal Committee shall be final and binding on all parties.