

**JOINT TELECONFERENCE
DOMINION COMMAND C&L COMMITTEE AND
PROVINCIAL COMMAND C&L CHAIRS
19 NOVEMBER 2018, 1900 HRS
MEETING MINUTES**

In Attendance:	Jim Rycroft	Chair
	David Eaton	Vice Chair
	Bill Chafe	Member
	George O’Dair	Member
	Craig Thomson	BC/YT
	Scott Sadler	AB-NT
	Bruce McKittrick	ON
	Bill Howe	QC
	Terry Campbell	NB
	Jay Tofflemire	NS/NU
	Gilles Painchaud	PE
	Aiden Crewe	NL
	Steven Clark	Committee Secretary
	Lia Taha Cheng	Assistant Committee Secretary
Absent:	Ray Marjoram	SK
	Jerry Lava	MB & NW ON

1. OPENING

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

2. AMENDMENT – GBL 304.B.V.

Members discussed the need to eliminate confusion regarding time limits for sexual harassment versus other alleged offences.

CONSENSUS: It was recommended that GBL 304.b.v. be amended to read:

304.b.v. address it to and lodge it with the Secretary of the branch or Executive Director of the Command within the time limits prescribed herein from the date of occurrence alleged by the complainant, or in good faith, the date that the complainant first had knowledge of sufficient facts of the alleged offence to constitute a valid complaint.

3. AMENDMENT – GBL 304.E. AND 304.F.

Discussion focused on the need to better define the process for complaints lodged against Presidents or officers of Special Sections as it would be inappropriate to have a complaint against a Special Section President (or officers) lodged at the branch to which they may belong.

CONSENSUS: It was recommended that GBL 304.e. be amended to add reference to officers of a Special Section, to read:

304.e. Where the complaint is against a current or former Branch President, Zone, District or Provincial Command officer and where it relates to an alleged offence arising out of their duties while serving or having served in this position, it must be lodged with the Provincial Executive Director. For complaints against a current or former officer of a Special Section, and where it relates to an alleged offence arising out of their duties while serving or having served in this position, it must be lodged with the National President of the respective Special Section.

CONSENSUS: It was recommended that GBL 304.f. be amended to add reference to a President of a Special Section, to read:

304.f. Where the complaint is against a current or former Provincial President, President of a Special Section or a Dominion Command Officer, and where it relates to an alleged offence arising out of their duties while serving or having served in this position, it must be lodged with the National Executive Director.

4. AMENDMENT – GBL 919

Clarification was sought on administering resolutions received at the Provincial Command level for Dominion Conventions. It has been the practice that only resolutions concurred by a Provincial Command are to be forward to Dominion Command for consideration convention, rather than sending all resolutions received at that level.

CONSENSUS: It was recommended that GBL 919.c. be amended to read:

919.c. All resolutions that have been concurred by the applicable Provincial Command and that are national in scope shall be forwarded to Dominion Command so as to be received at its head office at least one hundred and twelve (112) days prior to the opening date of the convention.

5. AMENDMENT – GBL 921

Currently, all changes of Legion policy and administrative procedures resulting from resolutions passed or By-Law amendments enacted by conventions shall, unless otherwise specified, take effect on the first day of October following the convention. With the Dominion Convention moving from June to late-August, however, there is insufficient time to complete the necessary administrative arrangements to meet this deadline.

CONSENSUS: It was recommended that GBL 921 be amended to read:

921. All changes of Legion policy and administrative procedures resulting from resolutions passed or by-law amendments enacted by conventions shall, unless otherwise specified, take effect on the first day of the fifth month following convention or 1 January, whichever comes first.

6. AUTHORITY OF SPECIAL SECTIONS

Acting on the suggestion of Comrade Merola, President of TVS, members considered a revision to GBL 137 to give the National Presidents of TVS and OSI the same authority as a Provincial Command President; this authority has already been extended to International Zone Commanders in GBL 708.

CONSENSUS: It was recommended to insert the following as GBL 137.g.:

137.g. The National President of a Special Section may, after enquiry and for cause clearly stated, suspend the charter or powers of any Special Section branch or auxiliary, or suspend any officer thereof or take any other action not inconsistent with these By- Laws that is necessary or advisable for the good of the Legion, and shall report to Dominion Command upon the action taken.

7. ELIGIBILITY FOR MEMBERSHIP IN SPECIAL BRANCHES

As written, GBL 617 can be interpreted to read that a person can only join a special branch if they do not qualify for membership in a regular branch. Additionally, a member of a regular branch would appear not to be entitled to transfer to a special branch. It was further proposed that military member at large members be transferred to the holding branch of the command where they live. The committee concluded that these subjects needed consideration and input from the Membership Committee before recommending any By-Law amendments, if required.

Action: Committee Secretary

8. AMENDMENT – GBL 314

Members noted that there are only two options available to an Appeal Committee when dealing with an appeal of a dismissed complaint: confirm the dismissal or reverse the dismissal and send the complaint back to the original level for a new hearing. It was felt that GBL 314, as written, was confusing and unclear.

CONSENSUS: It was recommended that GBL 314.j.ii. be renumbered to 314.j.iii.

CONSENSUS: It was recommended that current GBL 314.j.iii. be renumbered to 314.j.ii. and read:

314.j.ii. where the appeal is against a dismissal of the complaint:

1. confirm a dismissal; or
2. reverse a dismissal and return the matter to the original level for a new hearing.

9. AMENDMENT – GBL 111.D APPEAL OF APPOINTMENT TERMINATIONS

It was suggested that a tailored procedure was required to address appeals of appointment terminations rather than using the appeal procedure outlined in Article III as the latter does not meet the needs and processes of GBL 111.d. It was the consensus of the members that an administrative procedure be available for branches and commands wishing further detail. To address that option, a By-Law amendment is required.

CONSENSUS: It was recommended that GBL 111.d. be amended to read:

Unless otherwise provided at the time of appointment or in branch or command by-laws, the duration of an appointment is for a term as specified by the appointing authority for that position. Termination before the end of the term may be done only for cause and only by the appointing authority. Appointees may appeal their removal for cause in accordance with the administrative instructions developed specifically for such an appeal. The appeal committee may either confirm the removal or direct reinstatement.

10. ONLINE BANKING

ON Command reported they are investigating the potential of having their branches use online banking to pay accounts; other commands were canvassed about any guidelines or policies they have developed. NS/NU Command noted that online banking is used heavily within their command and has met with great success.

11. COMPLAINT DISPOSITION – SUSPENSION – GBL 311

It was noted that a disposition of suspension resulting from a Complaint Hearing has varying impact, depending whether or not the affected member holds an executive position. Given the definition of suspension, those who hold a position are also technically removed from office as a suspended member is not in good standing and cannot attend meetings.

There is currently no definition of “Removal from office” in the By-Laws although, by implication, it is concurrent with suspension. Members debated potential changes to the By-Laws, including definitions, to provide clarity. It was felt that because precise wording needed to be properly developed, no changes would be proposed at this time, pending further consideration. **Action:** Committee Secretary

12. MALES JOINING LADIES AUXILIARIES

This issue was presented for discussion. As the delegates to the 2018 Dominion Convention defeated this resolution, any reversal to permit males to be members would be contrary to the will of convention; further discussion, therefore, can only take place at a future Dominion Convention.

13. OTHER BUSINESS

a. Use of Electronic Mail in Article III Proceedings: Following debate on the use of email for Article III proceedings, during which issues of acknowledgement, privacy and verification of the complainant were discussed, it was the consensus of the joint C&L committee that the use of email not be authorized at this time. Therefore, no change will be made to the GBL 301.i. definition of “serve or service” of documents required to be served under Article III.

b. Board of Trustees: It was clarified that for complaints initiated by a trustee, the command should be responsible for paying the filing fee.

c. Harassment Definition: Harassment is intentionally not defined in the By-Laws as the Legion environment is not meant to deal with these complexities.

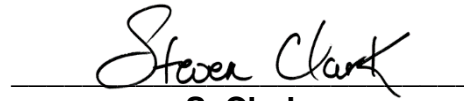
14. ADJOURNMENT

The meeting adjourned at 2038 hrs.

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



J. Rycroft
Chair



S. Clark
Secretary

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Provincial Executive Directors

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