

# Module 5

## Conducting Meetings and the Democratic Process



# CONTENT OUTLINE

<b>MODULE NAME</b>	Conducting Meetings and the Democratic Process
<b>MODULE CHAPTERS</b>	Understanding Democratic Process How to Prepare for and Conduct a Meeting Resolution Process Administration
<b>MODULE AUDIENCE</b>	This module will assist a Branch Chairman with the duties and responsibilities at any Legion meeting and serve to familiarize all members with the rules and procedures in place to maintain orderly debate in conducting branch business.
<b>MODULE DESCRIPTION</b>	This module will address the practical issues of running a meeting, including calling meetings, basic rules of order, agendas, voting and election procedures. It will identify essential resources and note the importance of becoming familiar with these manuals.
<b>DURATION OF MODULE REVIEW</b>	Members can anticipate taking up to two hours to review all module content. The manuals identified in the module will remain important reference material.
<b>LEARNING OUTCOMES</b>	Members completing the module will understand the democratic process and will also learn the basic skills necessary to chair a meeting.

# CHAIRING A MEETING

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## INTRODUCTION

One of the most frequent activities we participate in as Legionnaires is attending meetings, all types of meetings – it is the nature of our organization. Whether we like them or not, as a volunteer organization, meetings are a necessity of doing business in The RCL.

Is it fair to say that we've all been in situations where meetings have been poorly chaired? The outcome of these meetings is usually predictable, very little business is accomplished, it sometimes seems as if no one is in control, and in most of these situations people leave the meeting feeling that their time has been wasted and may not return.

Situations like these do not have to occur in our Legion branches; if only those who are responsible for running the meetings – **The Chairman** – would simply take the time to learn the basics of chairing a meeting, and a good start to learning those basic skills would be to ensure that you have the proper resources, to ensure that you have the correct manuals on hand!

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## LET ME START WITH A STORY

A senior Command Officer, let's call him Steve, was attending a District meeting and the Chair of the meeting was the District Commander. Things were progressing normally until the Chair got himself into a position of dealing with a motion to "Rescind". Well, he got himself a little mixed up with the procedure and asked for Steve's help as he was a guest at the head table and was sitting next to the Chairman. Steve's suggestion to the District Commander was – refer to your "Rules of Procedure" manual on page 23 – your answer is there. Well, this only created a new problem for our Chairman, why, because he didn't have the Rules of Procedure manual with him!

So, a question for all of you – Do you own a copy of the Rules of Procedure for Legion Meetings? Who doesn't have one? And if you don't have one – I would ask, why not? If you have a copy with you some of the questions that follow may be easier for you to answer – if - you know where to look!

Note, printed copies of Legion Manuals are no longer available you, instead you will find electronic copies of all Dominion Legion Manuals at Legion.ca, in the "Committee Resources" section under; Publications, Guides and Manuals.

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## LEGION MANUALS

So - let's talk about our Legion manuals for a moment. Our friend the District Commander from the previous story should have known that to properly chair a Legion meeting you should have 4 manuals with you at all times. Do you know what they are?

1. The General By-Laws of the R.C.L.
2. Your Provincial Command By-Laws
3. The Ritual, Insignia and Protocol Manual
4. Rules & Procedures for Legion Meetings

And, if the meeting is a branch meeting, you should have a 5<sup>th</sup> manual on hand – your individual branch by-laws. Now, I also read minds and I am hearing some of you saying to yourself, "What about Robert's Rules of Order"? This is a very complicated and detailed manual and it does not supersede any established Legion rules of procedure. Therefore, in almost all instances, Robert's Rules should not be required.

Bottom line - you should know your manuals, have them on hand at all times, read them often and be familiar with them and don't be afraid to pause a meeting if you have to refer to them.

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### ANOTHER STORY

During a Provincial Command convention the Command Chairman, we'll call him Steve, addressed a question from the floor just before the election of officers. It appeared that the prepared convention book had 2 different lists printed for the order of election of Command Officers. The question was simple – which list is correct? As the Chair knew, the Provincial Command By-laws, listed the Command Officers in order of succession and he had no trouble pausing the convention for a moment to refer to the By-Laws to get the correct order. What was the result of taking a few convention minutes to find the correct answer?

**Nothing** - nobody cared that the Chair took a moment to find the answer, nobody complained because the proper answer was given and the convention continued.

So, you could say that the most important requirement of a Chairman is – know your material. Know your manuals so you can refer to them when, and if, required.

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### DUTIES OF A CHAIRMAN

What are some of the other more important duties of a Chairman?

- Be punctual – meetings always have a start time – they should begin as scheduled. Don't make the majority of those who arrived on time wait for a few who may be late.
- Ensure that there are no alcoholic beverages in the meeting room. The bar must be closed during Legion meetings.
- The Chair must establish that a quorum has been achieved according to the applicable by-law. The Chair cannot call a meeting to order, and no business can be transacted at any time, until a quorum has been established. If the quorum is lost during the course of the meeting, no further business can be transacted.

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### IS THERE A QUORUM?

Recently, the quorum by-law has been tested within some branches due a lack of members attending meetings. Presidents chairing their general meetings that find themselves without a quorum have been asking the members who have attended to accept a motion to continue with the meeting despite the lack of a quorum.

The supposed “logic” behind this motion to continue the meeting is that its acceptance is all that would be required to side-step the need for a quorum. So I ask you – would a motion such as this, if carried, be legal?

**NO!** It doesn't matter if the “motion” is carried or not – the motion itself is out of order – it's redundant. It cannot be considered or accepted without a quorum!

However, if the Chair does find himself in this situation, he does have an option – he can simply ask the members present for permission to continue with the scheduled meeting. If approval is granted, reports can be presented and the business of the branch can be discussed, but, any decisions arrived at would be non-binding on the membership and would have to be presented as motions at the next legally constituted meeting of the branch.

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### MORE DUTIES OF A CHAIRMAN

- The Chair must ensure that the previous Meeting(s) minutes of that body are presented to the membership for review and acceptance.
- To give every member who is entitled, a reasonable opportunity to participate in any discussion during the meeting.
- The Chair must preserve order in the meeting hall. It is an unfortunate reality that some members will choose not to follow the instructions of the Chair and may need to be removed from the meeting. Please consider this a final resort, but, if a member is requested to leave the meeting, the Chair shall not

- proceed with any further business until that member is removed.
- The Chair must realize that Legion meetings are not to be considered as a debating society, and keep in mind that some members will attempt to turn it into one no matter how many times they are asked not to. As Chair you must always be in control.
  - And – the Chair must understand that common sense may, at times, take precedence over the written word. If we refer to page 1 of the Rules of Procedure, it states:

***“The Chair must apply the rules with discretion and should be influenced in his judgements by the principle involved rather than by the letter of the law.”***

What does this quote really mean? Quite simply, use your common sense, it’s the best way to solve most problems that will occur during Legion meetings. Especially when dealing with By-Law interpretations.

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#### **FOUR MAIN PILLARS**

The Chairman should consider adhering to what is referred to as the “**4 Main Pillars**” that support a well-run meeting.

1. **Show courtesy and justice for all present.** This point cannot be over emphasized! No member attending a Legion meeting should be made to feel intimidated or feel that they should not speak because of comments from either the Chair, the Executive members, or from the membership at large. Those members that try to control a meeting from the audience should be taken to task by the Chair immediately.
2. **Consider only one thing at a time.** Human nature is a funny thing and it is sometimes difficult to keep a group of people focused on a single topic. Our minds are constantly working and conversations and debates can wander off

in several directions. The Chair must remain focused on the topic, motion or business on the floor.

3. **The minority must be heard.** There are always 2 sides to every story, and to every debate as well. As Chair it is your responsibility to listen to both sides. Every member must be given a reasonable opportunity to participate in the debate. However, if speakers begin to repeat the comments of others, or if the majority of the debate is centered on either the positive or negative side, debate should be cut off and the motion brought to a vote.
4. **The majority must prevail.** Don’t forget that a debate was most likely brought about by the introduction of a motion – so don’t forget that the will of the meeting must be determined through the processing of that motion and the announcement to the membership as to the results of the vote.

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#### **THE AGENDA**

To this point we have discussed the appropriate manuals required by the Chair, but, what other document is a necessity at a Legion meeting – or any meeting? **An Agenda!** Whether it is put together by the chair or not, you must use it and adhere to it in order to keep a good flow to the meeting. When the agenda is made available to the membership the Chair may be taken to task if he varies too widely from it.

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#### **MOTIONS**

Now – let’s discuss motions. It should be obvious to all – I hope – that ALL motions must be dealt with in some manner.

I believe it is safe to say that we have all sat at branch meetings and have seen motions presented to the floor that were simply never dealt with because another item distracted the Chair’s attention and allowed business to proceed in another direction.

We have all witnessed motions that were debated and then put to a vote for the affirmative side only – an opposed vote was never requested by the Chair.

We have witnessed motions that were voted upon but no indication was given by the Chair as to whether the motion was carried or defeated.

We have heard motions that few people voted on simply because the membership did not understand what they were voting for, because the motion itself was never read to the membership by the Chairman prior to the vote being called for.

And, we have heard motions that were brought to the floor, debated, and never voted upon – but, they still appeared in the meeting minutes as being carried.

With those thoughts in mind, how do you process one of the simplest of motions – such as a motion to adjourn?

The motion to adjourn is presented at the end of a meeting, but, in quite a few instances - it is never processed correctly. Members hear this motion being presented and automatically start getting themselves ready for the closing ceremony.

But what if the motion to adjourn was presented say - 10 minutes after the start of the meeting? Would you as a member just automatically get ready for the closing ceremony? Of course not – the Chair would not accept such a motion.

- So – is a seconder required for a motion to adjourn? YES!
- Is the motion to adjourn debatable? NO!
- Final question – does a motion to adjourn require a vote? YES!

These last 3 questions are important questions about any motion. So where do we find the answers to these 3 questions? They can be referenced quite quickly from the table on page 12 of the Rules of Procedure manual. This

table will tell you everything you need to know about processing a motion. On page 14 you will find descriptions, definitions and helpful information regarding all the various types of motions you may need to process as a Chairman. There should be no reason to feel intimidated by any proposed motion if you refer to your manuals.

Earlier we were discussing the main duties of the Chairman. What about the rights of a Chairman while they are in the chair and in control? Let's discuss those rights for a moment.

Does the Chair of a Legion meeting have a vote? YES! The Chair is a member in good standing and has the right to vote on all motions.

Does the Chair of a Legion meeting have a “casting” or 2<sup>nd</sup> vote used to break ties? NO! (Page 9) The Chair has only one vote which must be used when the vote is called for, or, when the vote results in a tie. The Chair may count votes and determine if there is a tie and then decide whether or not to vote Yea or Nay.

Is the Chair of a Legion meeting required to cast a vote when the question is called for or when there is a tie?

NO! The Chair cannot be compelled to vote on any motion.

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#### EXAMPLE

**Consider this example:** There are 51 people at a Legion meeting, a motion is brought to the floor, and the vote is called for and tallied. There are 25 for the motion and 25 against the motion – and the Chair has announced that he will not cast a vote – so, there is a tie. What is the end result of this motion? It would be defeated. Why? The affirmative side did not receive a majority of votes required to carry the motion – 50% plus 1, therefore the motion is defeated. (Page 9 e ii)

While in the chair can the Chairman propose a main motion? NO (Page 3 d,e) – BUT – the Chair can state the text of a motion and ask for it to be moved from the floor. This would deal mostly with items of procedure or administration. As an example, at the start of a meeting the Chair may request a motion to vary or deviate from the agenda if required. In all other instances the Chair must relinquish the gavel to another Officer in order to bring forward a motion or to take part in the debate of a motion.

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### A SCENARIO

#### Let's look at a scenario regarding a motion:

You're chairing the general meeting of your branch – it's September, the first meeting back since summer break. In the course of the meeting a motion is presented to put a new roof on the Legion building. Most members have heard through the Legion grapevine that the motion was going to be presented, it has been well researched by the branch Executive committee and has been clearly presented to the membership.

The funds are available and all applicable grants have been applied for. The roof is definitely required – this should be a cut and dried acceptance.

Well, during the debate a speaker rises and proposes a subsidiary motion, "I move that this main motion be tabled (Page 15) until January's general meeting in order that the expenses will be a part of the new fiscal year's finances."

Members begin to grumble – January- it will be cold and snowing, no time to be doing roof work. Then the motion to table is seconded by another member. Now, as we know as per page 12 of the Rules of Procedure, that a motion to table is not a debatable motion, it cannot be amended and cannot be reconsidered. (pg. 22)

What recourse does the Chair have with regards to this motion to table?

Common sense tells us that the motion is not correct. Does the Chair have to blindly accept this duly moved and seconded motion and put it to a vote? Or – does the Chair have the right to call this motion to table out of order? YES he does - but on what grounds?

If we refer to the Rules of Procedure, page 5 item p, it states that it is the Chair's responsibility, and I quote;

***"...to protect the assembly from annoyance by any member proposing motions that are evidently frivolous or dilatory. In such cases the Chair shall refuse to entertain the motion."***

The definition of dilatory is, "designed to cause delay", as this motion to table was clearly designed to do. (Frivolous – futile or ineffective).

So common sense is the best way forward in this case and the decision to find this motion out of order is supported by our manuals.

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### INCIDENTAL MOTIONS

We previously discussed the 3 factors to consider about every motion: Is a seconder required? Is the motion debatable? And is a vote required?

There are some incidental motions which we should review that either do not require a seconder or a vote. What would they be?

- A question of privilege. No seconder required, no vote required.
- A point of order. No seconder required, no vote required.
- Division of Assembly. These are fancy words for asking for a standing vote when a verbal vote is close. No seconder required, no vote required.
- Withdrawal of a motion. If done before the question is called, or, after the question is called but before the vote and

as long as no member objects. No seconder required, no vote required.

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### A FINAL QUESTION ON MOTIONS

A motion is presented to the floor and an amendment to the main motion is suggested. Can you amend this proposed amendment? YES! Can you amend the proposed sub-amendment? NO! (Page 13 #6).

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### AMENDMENTS

Amendments to a motion can sometimes be intimidating so when dealing with amendments, always process, debate and then vote on the amendment, or sub-amendment, **first** and then process, debate and vote on the main motion **as amended**. The Chair must ensure that the membership is always aware of what they are voting on, so always clearly state the motion on the floor before putting it to a vote.

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### FINAL THOUGHTS

When we are considering the many responsibilities and duties of a Chairman it is not hard to understand how some people in this position, when given the opportunity, can become a bit of a Dictator and attempt to control all aspects of the meeting. We've all heard whispers during controversial parts of meetings referring to the Chair, "Can he do that?" Or, "Is that legal?" When situations like this occur, what recourse does a branch member have when the Chair is making arbitrary decisions that the membership does not agree with?

As a member, can you challenge the decisions made by the Chair? YES you can!

Any member can challenge as to the correctness of the Chair's decisions. All that is required is a seconder. Once the Chair has been challenged he may state his reasons for his decision. The Chair will then ask for all those in favour of the decision and then all those against the decision. The majority will prevail and the Chair must accept the decision of the assembly.

Comrades, there are many more subtle duties and responsibilities required of a Chairman in order that he/she be able to run a good Legion meeting. We have touched on the more obvious of them – many others are learned, or acquired, through experience.

As Legion members you will be attending many different types of meetings, whether you are chairing the meeting or are just a member in attendance, COMMON SENSE says you should be aware of your rights at these meetings and, that you have the knowledge to conduct yourself in the proper manner.

**Please be an informed Legionnaire – read and understand your manuals.**

# RESOLUTION PREPARATION AND PROCESS

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## INTRODUCTION

A resolution is a formal expression of an individual or committee, placed before a convention for acceptance. If accepted then the formal opinion or intention is then incorporated into legislation.

The Who, What, Where and When of resolution preparation is clearly identified in Provincial and Dominion Command bylaws. The following will provide some guidance as to How to prepare a resolution.

When preparing a resolution, initial consideration should be given to the “resolved” clause. The resolution is in reality a main motion. It should only address one topic or issue and should be clear to all. In an ideal situation the “resolved” statement should be able to stand on its own without the necessity of explanatory statements. However to ensure the “resolved” clause is fully understood the rationale should be given in the “whereas” section of the resolution.

When preparing a resolution it is imperative that not only is the “resolved” clause researched and accurate but the “whereas” clause(s) must be accurate as well. Many resolutions have either not reached the convention floor or have been defeated because of inaccuracies in the “whereas” clause. There does not appear to be any hard and fast rules as to the presentation of a resolution. In some organizations the “resolved” clause is stated first followed by a rationale paragraph. As in the case of the Royal Canadian Legion the “whereas” clause(s) are stated first followed by the “resolved” clause. The “whereas” clause(s) should be kept to a minimum. Too many “whereas” clauses or too much unnecessary verbiage can cause the “resolved” clause to lose meaning and or significance.

The following is an actual resolution that was tabled at a Dominion Convention in June 2002.

**Whereas** the Ritual & Insignia Manual last went to print prior to the Territory of Nunavut’s creation; and

**Whereas** Chapter 10 Article 1003 indicates “a. to l.” being 10 provinces and 2 territories;

**Therefore be it resolved** that Article 1003 be amended to include (m.) Nunavut at the next reprint.

You will note in the example that the section of the bylaw affected is shown in detail. In some cases the resolution you are proposing may not sight bylaw, regardless you should provide as much detail as needed, without adding too many **Whereas** segments. Too many segments will often distract from the argument and cause the resolution to be defeated.

When writing a resolution seek input from a more experienced member. They will be more than happy to guide you through the process. Consider writing the **Resolved** section of your bylaw first, it will help you to define the problem. You may also consider reviewing old Provincial or Dominion convention books. If you do not have one ask others. When doing your review take the opportunity to review successful and unsuccessful resolution.

This will guide to write a successful resolution that you can be proud of.

Change within the Royal Canadian Legion traditionally is made through the proper use of the “Resolution”. Since the Legion is a bottom up organization, resolutions passed at the Branch level are then forwarded to zone and or district to be reviewed and then on to Provincial Command. Resolutions that

are Provincial Command specific will be dealt with at the Provincial Convention and either defeated or approved and incorporated into that Provincial Commands administration. Resolutions that are of standing committees and common to all Commands will be voted on at a Provincial Convention from whence the resolution emanated and regardless of being defeated or passed will then be sent to Dominion Command.

Resolutions must be reviewed by a resolution committee at both Provincial and Dominion Command. If the resolution committee feels that the resolution is based on questionable or misleading rationale or if they feel the resolution is not in the best interest of the Legion they may disagree (non concur) with the resolution. The resolution committee must include the reason for non-concurring a resolution before including same in the convention reports and resolutions booklet. The originator of the resolution must then follow the procedure set out in Provincial and or Dominion Command bylaws to have the resolution placed before the convention for consideration.

When writing a resolution consider writing the “resolve” clause first. Once you have established the goal(s) of your resolution you may find it easier to write the “whereas” sections.

You might also consider a review of previous convention books for examples of resolution that were successful and those that were not.

Resolution forms can be obtained from Provincial or Dominion Command.

An example of a poorly crafted resolution is as follows:

**Whereas** Dominion Command has proposed a resolution reducing and reclassifying membership categories within The Royal Canadian Legion; and  
**Whereas** (a Provincial) Command intends to put forward unspecified amendments to this resolution at the Dominion Convention; and  
**Whereas** change reorganizing and streamlining may be acceptable, as long as fundamental elements with the membership structure are retained:  
**Therefore Be It Resolved** that our delegates to the 2004 Dominion be encouraged to only support a “membership categories” resolution or amendment where the names and intent of the Ordinary and Associate member classes are retained; and  
**Be It Further Resolved** that Life membership remain a membership category to reward and acknowledge the commitment and dedication to those extended this honour.

Comments from the resolutions committee were as follows: It would be impossible to implement the first resolve and it would be unconstitutional to submit a resolution that dictates to delegates how they should vote on other resolutions. Reference the second resolve and as concurred by the 2000 Dominion Convention in Halifax, Life Membership is presently a category.

An example of a well-crafted resolution is as follows:

**Whereas** Canadian seniors generally value their independence and prefer to age in their own familiar home and community; and  
**Whereas** age-related physical limitations or health needs, which restrict a seniors ability to maintain a home or live without support, prematurely drive seniors into care facilities; and  
**Whereas** the cost effectiveness of providing properly administered support services to defer the institutionalization of seniors with the desire and capacity to remain independent in their own familiar

home and community has been demonstrated through the Veteran Affairs Canada Veterans Independence Program:

**Therefore Be It Resolved** that the Government of Canada develop a Seniors Independence Program to assist seniors to live independently in their own homes and communities for as long as they are able.

Note the: **“Therefore Be It Resolved”** stands alone. The **“Whereas”** serve only to compliment the “therefore be it resolved” .

The rationale for the resolution was justified in the three “whereas”, in fact an unlimited number of whereas could have been written but where unnecessary to justify the resolution.

These examples are taken from the 2004 Dominion Command convention booklet.