



Article III Complaints



**British Columbia/Yukon
Command**

**Presented by:
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Chair, Constitution & Laws Committee**

What is Article III?

- Found in the General By-Laws of the Royal Canadian Legion.
- Article III Complaints & Appeals, governs conduct of Legion members and provides a formal process to address misconduct or violation of Legion principles.

*Available at legion.ca
Latest Version January 2025*



**The General
By-Laws**

As Amended to January 2025

Definition of a “Complaint”

Section 301

Is a formal written allegation made by one member against another member that the member against whom the allegation is made has violated one or more of the provisions of Subsection 304.a.

When the alleged misconduct was by a member who, at the time of the alleged misconduct, was an employee of the Legion engaged in activity related to that employment, the matter shall be dealt with as an employment issue and no complaint may be lodged under this Article, unless the allegation involves Subsections 304.a. v, vi or vii.

Complaint Procedure

Section 304.a

A member in good standing can initiate a complaint alleging one or more offence:

- i. breach of Clubhouse Rules or privileges;
- ii. profane or disorderly conduct in or about a place where any event is being carried on under Legion auspices or control;
- iii. breach of their obligations to the Legion or these By-Laws;
- iv. knowingly lodging a false complaint against a member;
- v. conduct which in any way that brings or tends to bring the Legion into discredit;
- vi. theft or misappropriation of Poppy funds, Legion funds or property; and/or
- vii. harassment or sexual Harassment

Complaint Procedure

Section 304.b (NEW)

- i. Complaints under subsections i. or ii are subject to mandatory arbitration*
 - ii. If the Arbitrator is unable to resolve the complaint, the Arbitrator shall determine if the complaint is substantiated and if so, impose disposition under 311.b.*
 - iii. Decision of the Arbitrator is final unless an error has been made in interpretation of the bylaws*
 - iv. Arbitration will not be offered for sections 304a. iii, iv, v, vi, and vii.*
- Any resolution by Arbitration must be in writing and signed by both parties in the complaint and the Arbitrator. (Section 305)

Breach of Clubhouse Rules or Privileges
and/or Profane or Disorderly Conduct

MANDATORY ARBITRATION

304. b ii.
Negotiated
Resolution

If a negotiated
resolution is not
reached...

Arbitrator/Arbitration Team
determines if the complaint has
been substantiated or not.

311. b

**MAY IMPOSE
DISPOSITION**

**COMPLAINT
DISMISSED**

304. b iii.

Arbitration decision is final, unless an error has been
made in interpretation of by-laws. Appeal can be filed with
Branch President within 10 days.

Complaint Procedure

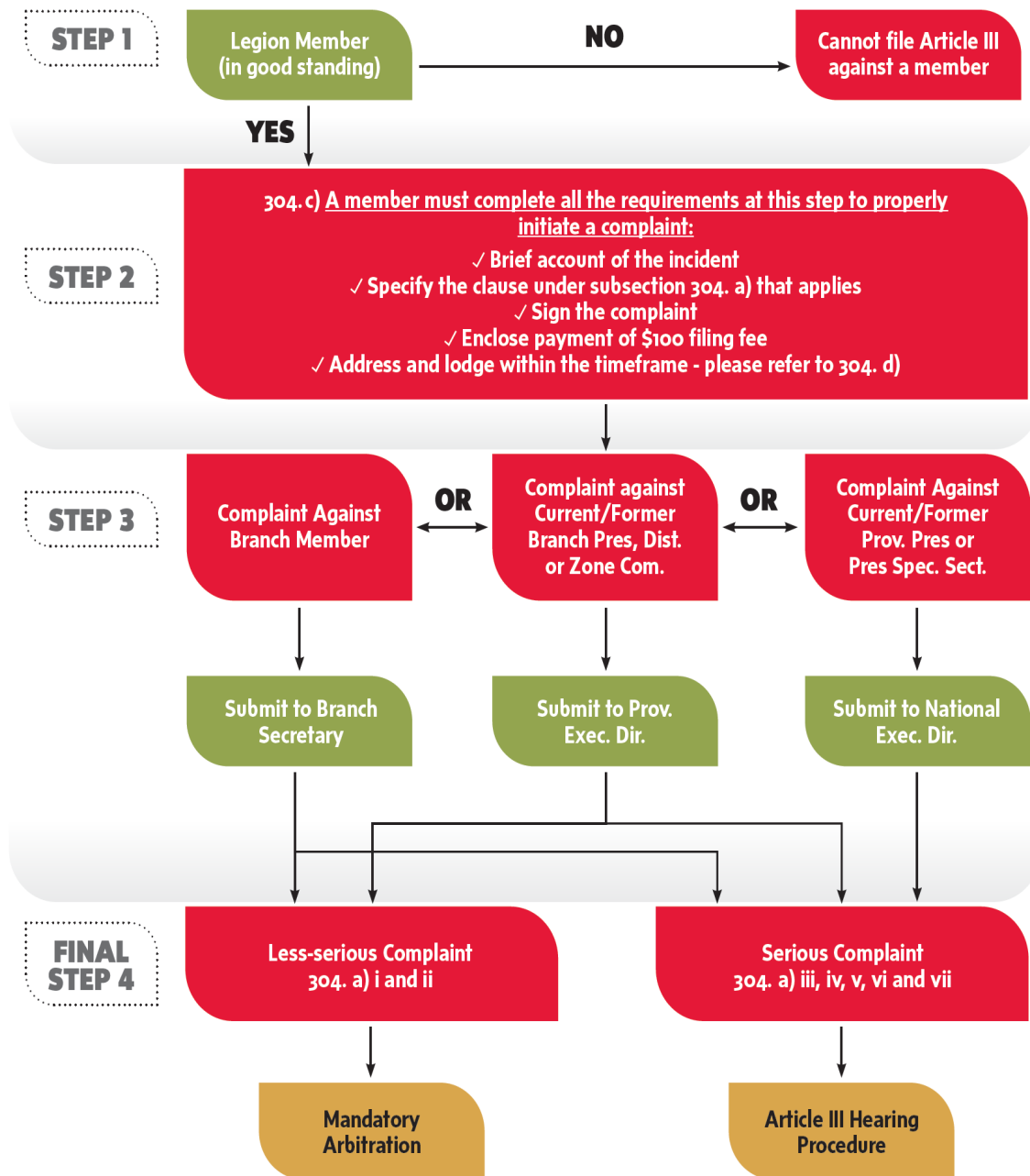
Section 304.c & d

c. Steps in initiating a properly lodged complaint

- Brief account of the incident
- Specify the clause under subsection 304.a. that applies
- Sign the complaint
- Enclose the \$100 filing fee
- Address and lodged (to the appropriate authority) within the timelines required.

d. Timelines – from when knowledge of sufficient facts are obtained

- For theft or misappropriation of funds - **30 days**
- Harassment or Sexual Harassment – **90 days**
- All other complaints – **15 days**



*Please see further Arbitration details on the next page

What happens next?

- Initial review at the appropriate level
- If deemed properly lodged, notification will be sent to both parties
- Appointment of an Arbitrator or formation of a Complaint Hearing Committee
- Hearing procedures
- Decision/Disposition
- Appeal (if applicable)

Hearing Timelines

Section 308

- Complaint served to member – within **7 days**
- Committee appointed – within **21 days**
- Chair sets hearing date – within **45 days**
- Notice of hearing – at least **21 days before**
- Each party can challenge one committee member (not chair) **10 days** before the hearing
- Hearing may be postponed (max 60 days)
- If Civil or Criminal proceedings commence related to the complaint, the hearing will be suspended until those proceedings are complete. (Section 307)

Hearing Procedures

Section 309

- If member/agent complained against does not appear - hearing can still proceed, upon proof of service to that member.
- If complainant/agent does not appear, without due cause and notification - dismiss the complaint, upon proof of service to that member

Hearing Procedures

Section 309

- Both parties or their agent (but not both) can give evidence and call/cross examine witnesses.
- Both parties will have the opportunity to:
 - Present evidence
 - Bring witnesses
 - Cross-examine witnesses
- At the conclusion of the presentation of evidence, both parties will be given the opportunity to sum up their cases and describe why they feel they have either proven or refuted the allegations.

Hearing Procedures

Witnesses

- Witnesses should not be in the hearing room during the presentation of the case or evidence.
- Witnesses should be located in a place where they cannot hear the proceedings.
- Once evidence provided, they should leave the room.
- Witnesses should be told not to discuss their evidence with other witnesses.

Hearing Committee

Best Practices

- Have access to Article III available.
- Keep an open mind - presumption of innocence.
- Keep the evidence relevant and witnesses on track.
- Take lot's of notes.

Hearing Committee Deliberations

- Consider only the evidence provided.
- The committee determines whether the evidence being considered is relevant and believable (credible).
- The decision is not presented at the time of hearing. All decisions are presented in written form.
- The committee must provide sufficient justification to support the decision whether proven or disproven.

Decision

Section 310

- a. Complaint Committee decision will be provided to the Branch Secretary or Command Executive Director
 - Must be served on both parties within 30 days of the hearing.
- b. If the decision is expulsion, it must be submitted to the next level of Command where it be considered under 314.g.

Disposition

Section 311

a. Complaint Committee may either dismiss or if proven, impose one or more sanctions:

- Reprimand & may require a letter of apology
- Deprivation of clubhouse privileges for up to 24 months
- Removal from office and prohibition from running for office for up to 24 months
- Suspension for a period of up to 12 months
- Expulsion from the Legion

Disposition

Section 311

- b. For complaints only under 304.a.i or ii, Complaint Committee may either dismiss or if proven, impose one or more sanctions under
 - i. Deprivation of clubhouse privileges for up to 24 months
 - ii. Reprimand & may require a letter of apology
- c. If sanction in 311.b. not fulfilled within 10 days the member is automatically deprived of clubhouse privileges until fulfilled or up to 12 months.

Failure to Deal with Complaint

Section 312

- a. If complaint not proceeded in specified timelines a copy of complaint can be sent to next superior Command.
- b. When Command has dealt with the complaint, costs of dealing with the complaint may be assessed against the Branch or Command.

Appeals

Section 314

A party may appeal if the Complaint Committee:

- Imposes a penalty of:
 - Expulsion
 - Removal from office
 - Suspension over 180 days
- Did not conduct proceedings according to the GBLs
- Makes significant errors that affect the fairness of the outcome

Who Can Appeal?

Section 314

The member against whom a complaint is lodged:

- Can appeal the decision and penalty imposed
- Can appeal the decision only
- Can appeal the penalty only

The complainant:

- Can appeal a dismissed complaint.
- Cannot appeal the penalty imposed.

Appeals

Section 314

- Appeals must be filed within **30 days** of notice of the decision to the appropriate level.
- Appeal shall state grounds for appeal and include any evidence and documents provided at hearing.
- No new evidence will be accepted.
- Appeal committee decision is final, unless it is an appeal of expulsion, which can be appealed at Dominion level.

Questions