



## **CONSTITUTIONAL COMPLAINTS PROCEDURE**

### **All Constitutional Complaints Other Than District Governor/Vice District Governor Election Challenges**

All complaints, claims, or grievances, herein referred to collectively as “Complaints,” arising under or concerning the interpretation, breach of, or application of either The International Association of Lions Clubs’ Constitution and By-Laws or any policy or procedure adopted from time to time by the International Board of Directors must, as a condition precedent to any court proceeding to interpret, enforce, or declare rights or obligations under any of the provisions of the Constitution or By-Laws, International Board Policy or any policy or procedure adopted from time to time by the International Board of Directors, be first presented to and determined according to the following procedure. Any club submitting a Complaint under this procedure, other than those which concern the election of a district governor or vice district governor which is heard under separate rules of procedure, must do so in compliance with and in a timely manner at each step of the procedure. Additionally, at each step of the procedure, the Complainant(s) must submit minutes signed by the club or cabinet secretary certifying that a resolution in support of filing the complaint has been adopted by a majority of the entire membership of the club or district cabinet. Failure to do so will preclude the further processing of the Complaint and constitute a waiver of all causes of action under either the Constitution and By-Laws, International Board Policy or any other policy or procedure adopted from time to time by the International Board of Directors, relating to that Complaint. If an appeal is not timely taken to the next Complaint Step, the Complaint and all matters relating to that Complaint will be final and binding based on the prior Complaint Step Decision.

#### **Complaint Step One**

A Complaint may be filed only by a Lions club or district (single, sub and multiple) in good standing within the association. Said Complaint must be presented in writing to the district (single or sub), with a copy to the Legal Division, in which the club is located within thirty (30) days after the Complainant knew or should have known of the occurrence of the event upon which the Complaint is based. The written Complaint should describe the nature of the issues and the requested remedy. The district governor or his designee shall thereafter provide a copy of the Complaint to the person against whom the Complaint requests a remedy, hereinafter referred to as the Respondent, and also to the international association, shall invite the Respondent to conciliate, and shall within thirty (30) days of receiving the Complaint review the Complaint and attempt to resolve the Complaint. The Complaint and all matters relating to the Complaint will be deemed waived if the Complainant refuses to conciliate. The district shall utilize its best efforts to conciliate the Complaint. If such conciliation is unsuccessful, the district shall notify the Complainant, the Respondent, and the Legal Division in writing of the status of the unsuccessful conciliation and provide the Complainant and the international association a Notice of Failure of Conciliation.

A Complaint filed under Complaint Step One must be accompanied by a US\$250.00 filing fee, or its equivalent in the respective national currency, payable by each Complainant to the district which shall be submitted to the district governor at the time the Complaint is filed. In the event the Complaint is settled or withdrawn during the conciliation efforts, US\$100.00 shall be retained by the district as an administrative fee and US\$75.00 shall be refunded to the Complainant and US\$75.00 shall be paid to the Respondent (which shall be shared on an equal basis if there is more than one Respondent). In the event the Complaint is not settled or withdrawn during Complaint Step One within the time frames established by this procedure (unless an extension has been granted for good cause), then the entire fee will be automatically retained by the district as an administrative fee and shall not be refunded to any party. All expenses incurred relative to Complaint Step One are the responsibility of the district, unless established district policy provides that all expenses incurred relative to this dispute resolution procedure shall be paid on an equal basis by the parties to the dispute.

## **Complaint Step Two**

Within ten (10) days of receipt of the district's Notice of Failure of Conciliation, the Complainant, if it wishes to pursue said complaint, must file a written Complaint Notice with the multiple district, with a copy to the Legal Division, in which the club is located. The Complaint Notice shall explain the factual basis of the Complaint, the surrounding circumstances, and the remedy that the Complainant requests. The Complainant shall submit with its Complaint Notice all documents and other written submissions, including affidavits, relevant to or in support of the Complainant. Within fifteen (15) days of its receipt of the Complaint Notice, the multiple district council chairperson or its designee shall provide a copy of the Complaint Notice and its attachments to the Respondent against whom the Complainant has requested a remedy and also a copy to the international association. The Respondent shall thereafter be provided forty-five (45) days within which to submit a written Response responding to the Complaint Notice. The Respondent's Response shall respond to the factual allegations set forth in the Complaint, provide copies of pertinent documents, including affidavits, and where appropriate, suggest an appropriate remedy. Within forty-five (45) days of the receipt of the Respondent's Response to the Complaint Notice, the multiple district council of governors shall appoint a committee of at least three neutral (3) members to investigate the Complaint Notice and Response. The committee members shall be past district governors, who are currently members in good standing of clubs in good standing, other than a club which is a party to the dispute, in the multiple district in which the dispute arises, and shall be impartial on the matter in dispute and without loyalties to any party to the dispute. Upon appointment, the conciliators shall be deemed appointed with all authority appropriate and necessary to resolve or decide the dispute in accordance with this procedure. In investigating, the committee may request documents from the Complainant, the Respondent, or non-participants in the Complaint Procedure, interview witnesses, and use other investigatory devices. Within forty-five (45) days of completion of its investigation, the committee shall review the written submissions from the Complainant and Respondent and the information from its investigation and shall thereafter issue to the Complainant and Respondent, as well as a copy to the Legal Division, a written Multiple District Decision resolving the issues raised by the Complaint Notice. The written decision shall be signed by all the committee members, with the dissent of any committee member properly noted. The decision of the committee members must be consistent with any applicable provisions of the International,

Multiple District and District Constitutions and By-Laws and policies of the International Board of Directors, and is subject to the authority of and further review by the International Board of Directors at the sole discretion of the International Board of Directors or its designee. A Complaint filed under Complaint Step Two must be accompanied by a US\$250.00 filing fee, or its equivalent in the respective national currency, payable by each Complainant to the multiple district which shall be submitted to the council chairperson at the time the Complaint is filed. In the event the Complaint is settled or withdrawn prior to a final decision by the appointed committee, US\$100.00 shall be retained by the multiple district as an administrative fee and US\$75.00 shall be refunded to the Complainant and US\$75.00 shall be paid to the Respondent (which shall be shared on an equal basis if there is more than one Respondent). In the event the appointed committee finds the Complaint to have merit and the Complaint is upheld, US\$100.00 shall be retained by the multiple district as an administrative fee and US\$150.00 shall be refunded to the Complainant. In the event the appointed committee denies the complaint for any reason, US\$100.00 shall be retained by the multiple district as an administrative fee and US\$150.00 shall be paid to the Respondent (which shall be shared on an equal basis if there is more than one Respondent). In the event the complaint is not settled, withdrawn, upheld or denied within the time frames established by this procedure (unless an extension has been granted for good cause), then the entire fee will be automatically retained by the multiple district as an administrative fee and shall not be refunded to any party. All expenses incurred relative to Complaint Step Two are the responsibility of the multiple district, unless established multiple district policy provides that all expenses incurred relative to this dispute resolution procedure shall be paid on an equal basis by the parties to the dispute.

### **Complaint Step Three**

If either the Complainant or Respondent is not satisfied with the Multiple District Decision, within thirty (30) days of its receipt of the Multiple District Decision, it shall file an appeal notice with the international association describing the nature of the issues and the requested remedy. The party against whom the remedy is requested and international association shall be provided a copy of the Appeal Notice.

A Complaint or Appeal filed under Complaint Step Three must be accompanied by a US\$250.00 filing fee, or its equivalent in the respective national currency, payable by each Complainant to the international association which shall be submitted to the Legal Division at the time the appeal is filed. In the event the Complaint/Appeal is settled or withdrawn prior to any notice, meeting or decision as provided under Complaint Steps Three or Four, US\$100.00 shall be retained by the international association as an administrative fee and US\$75.00 shall be refunded to the Complainant and US\$75.00 shall be paid to the Respondent (which shall be shared on an equal basis if there is more than one Respondent). In the event the Complaint/Appeal is not settled or withdrawn prior to any notice, meeting or decision as provided under Complaint Steps Three or Four, then the entire fee will be automatically retained by the international association as an administrative fee and shall not be refunded to any party.

Said Appeal shall be processed in accordance with the following Rules of Procedure:

- a. Within thirty (30) days of the receipt of the Appeal Notice, the international association shall arrange a fact finding conference between the Complainant and

the Respondent. The conference shall be conducted by the international association's executive director or such other staff members of the international association that the executive director shall designate. If the Respondent is the executive director, the Appeal Notice shall be presented to any executive officer of the international association who shall thereafter conduct the fact finding conference. During that conference the executive director or his designee will attempt, if possible, to resolve the issues raised by the Appeal Notice. If within fifteen (15) days thereafter, the executive director or his designees are not able to otherwise resolve the issues raised by the Appeal Notice to the satisfaction of either the Complainant or Respondent, the Complainant, Respondent, and the Legal Division shall be provided a Notice of Failure to Resolve Appeal Notice.

- b. Within thirty (30) days of their receipt of the Notice of Failure to Resolve Appeal Notice, either the Complainant or Respondent shall request in writing that the International Board of Directors review the issues and make a decision through a Review and Conciliation Committee.

- c. **Multiple District Constitutional Complaint**

A complaint may be filed by a multiple district in good standing within the association and must be presented in writing to the International Board of Directors within thirty (30) days after the complainant knew or should have known of the occurrence of the event upon which the complaint is based. The written complaint should describe the nature of the issues and the requested remedy. The multiple district should request in writing that the International Board of Directors review the issues and make a decision through a Review and Conciliation Committee.

### **Selecting the Review & Conciliation Committee**

The Review and Conciliation Committee shall be the Constitution and By-Laws Committee of the International Board of Directors. The committee may add, within forty-five (45) days of its receipt of Notice of Failure to Resolve Appeal Notice, up to two (2) additional members in good standing of a Lions club, if in the committee's opinion members with special expertise are necessary to conciliate the matter. The members of the Review and Conciliation Committee shall designate a chairman who shall coordinate the committee's functions, including developing and fixing agendas and scheduling sessions for the committee, maintaining order, developing recommendations, assigning roles to panel members, resolving procedural issues, explaining settlement options, determining the suitability and number of witnesses, and addressing any other concerns of either the Complainant or Respondent.

### **Scheduling of the Review and Conciliation Committee**

Within thirty (30) days of the selection of the Review and Conciliation Committee, the Review and Conciliation Committee shall notify the Complainant, Respondent, and the international association of (a) the time, date and location when the Review and Conciliation Committee will meet; (b) the names and titles of the five committee members; (c) the opportunity for the

Complainant and Respondent to present its case at that meeting, including (1) the opportunity to be represented by counsel at its expense; (2) the opportunity to discover documents and information prior to the meeting; (3) the opportunity to present written documents as evidence; (4) the opportunity to present oral testimony by witnesses; (5) the opportunity to orally argue its case during the meeting; (6) the opportunity to submit written arguments prior to and at the close of the Review and Conciliation Committee meeting; and (7) the opportunity to submit written arguments replying to written arguments submitted by the opposing party.

### **Functions and Authority of the Review and Conciliation Committee**

The Review and Conciliation Committee shall review the facts and circumstances pertaining to the Appeal Notice and may, at its discretion, call its own witnesses at the meeting and request documents and information.

### **The Review and Conciliation Committee's Decision**

Within sixty (60) days after the conclusion of the Review and Conciliation Committee meeting and the receipt of all written arguments by the Complainant and Respondent, the Review and Conciliation Committee shall issue a written Review and Conciliation Committee Decision. The Review and Conciliation Committee may affirm, reverse or modify the Multiple District Decision; may describe what appropriate action is warranted; may decide that compensation for damages or affirmative relief is warranted; and may decide that either the Complainant or Respondent should pay the reasonable attorney's fees and costs the other party incurred in prosecuting or defending the Complaint, Multiple District Decision, or Appeal Notice. The Review and Conciliation Committee's Decision may not exceed the issues raised in the Appeal Notice. A copy of the Review and Conciliation Committee Decision shall be provided the Complainant, the Respondent, and the international association.

### **Complaint Step Four**

If either the Complainant or Respondent is not satisfied with the Review and Conciliation Committee Decision, it shall, within thirty (30) days of receipt of that Decision, file with the international association a Request to Review requesting that the association's International Board of Directors review the Review and Conciliation Committee Decision. The Complainant and the Respondent shall, within forty-five (45) days thereafter, simultaneously provide forty-five (45) copies of any additional written argument or documents to the association's International Board of Directors. Provided that said request to review is received at the international office at least thirty (30) days prior to the date of the next regularly scheduled meeting, the association's International Board of Directors shall thereafter review the Review and Conciliation Committee's Decision and all additional written arguments or documents either the Complainant or Respondent has provided and, within sixty (60) days of its meeting, issue an International Board of Directors' Decision. In the event that said request is not received at least thirty (30) days prior to the next regularly scheduled meeting, the international board reserves the right to hear the matter at a subsequent meeting. The International Board of Directors' Decision will be final and binding on the Complainant and Respondent.

## **Additional Procedures**

- (1) The International Board of Directors reserves the right to expedite this procedure, including the elimination of one or more complaint step(s), upon a showing of good cause. Within the time allowed for filing a Complaint or Appeal at any Complaint Step provided under this procedure, any Complainant or Respondent may submit a written request to the Legal Division of the international association for approval to eliminate one or more complaint step(s), providing all reasons for such request, which shall be reviewed by and decided in the sole discretion of the Chairperson of the Constitution and By-Laws Committee of the International Board of Directors.
- (2) Any time limits specified in this procedure may be shortened or extended upon a showing of good cause by the assigned decision maker at the specified Complaint Step stage.
- (3) Review and Conciliation Committee members shall be reimbursed in accordance with the International Association Rules of Audit for reasonable expenses they may incur in participating in the Review and Conciliation Committee.
- (4) The Complainant and Respondent shall not pursue administrative or judicial actions during the complaint process.
- (5) Prior to the meeting of the Review and Conciliation Committee, each party will be given a reasonable opportunity to review the documents submitted by the other party and submit additional documents. All documents that will be presented as evidence must be submitted to the Review and Conciliation Committee at least ten (10) days in advance of the Review and Conciliation Committee meeting.
- (6) Either the Complainant or Respondent may be represented by counsel at any Complaint Step stage.