

LIONS CLUBS INTERNATIONAL DISPUTE RESOLUTION GUIDELINES

INTRODUCTION

Conflicts are normal and sometimes even healthy for an organization. There are a variety of reasons why a conflict can occur and if you hope to resolve the conflict, it is helpful to understand why it exists. People should feel free to respectfully express differences of opinion and constructively address and resolve them. However, there will be times when a complaint cannot be resolved without some formal dispute resolution process. While most conflicts can and should be resolved informally, some are complex and difficult and require additional procedures in order to ensure all involved find a resolution.

The purpose of Lions Dispute Resolution Procedures (DRP) is to provide a mechanism for resolving disputes within the Lions organization without the need for a formal evidentiary hearing. To achieve this goal, the International Board of Directors have adopted the rules of procedure for hearing complaints, disputes or claims arising from the International Constitution and By-Laws, International Board Policy or matters arising at the club or district (single, sub- and multiple) level. It is an obligation of membership to pursue all complaints, disputes or claims in accordance with the International Constitution and By-Laws and policies and procedures adopted by the International Board of Directors. Accordingly, the International Board of Directors have adopted the Club Dispute Resolution Procedure, District Dispute Resolution Procedure and the Multiple District Dispute Resolution Procedure as the acceptable DRP policies to resolve Lions issues at the club, district and multiple district levels.

These guidelines are intended to assist Lions members, clubs and districts (single, sub- and multiple) in following the Club, District and Multiple District Dispute Resolution Procedures when conflicts cannot be resolved through informal processes. These guides are a supplement to the policies adopted by the International Board of Directors, and are not intended to replace the policies adopted by the International Board of Directors. Lions are encouraged to review the described policies in detail. The policies may be found on the Lions Clubs International website www.lionsclubs.org or by contacting the Legal Division at legal@lionsclubs.org or by calling 1-630-571-5466 ext. 300. It should be noted that these guidelines are not intended to apply to the Constitutional Complaint Procedure or the District Governor/Vice District Governor Election Complaint Procedures, which are explained in greater detail in the particular policies themselves.

SECTION 1: GENERAL DISPUTE RESOLUTION PRINCIPLES

Purpose of Dispute Resolution

The purpose of dispute resolution is to provide Lions an opportunity to resolve internally, disputes arising out of issues concerning membership and policies and procedures adopted by Lions clubs and districts (single, sub and multiple). Prior to engaging in the dispute resolution process, the party should first make all attempts to resolve the matter informally.

Definitions

The following are definitions of common terms used throughout the DPR policies.

Claimants/Complainants are the parties requesting the dispute resolution process. The Complainant may be a member, former member, club or district depending upon the applicable resolution process.

Conciliator(s) are the neutral individual(s) selected to hear the complaints and resolve the issues raised in accordance with the dispute resolution procedures.

Dispute Resolution is the submission of a dispute to one or more impartial persons for a final and binding decision.

DRP: Dispute Resolution Procedure.

Fee is the amount of payment required to initiate the dispute resolution process. Each DRP has a separate fee structure and requirements.

Parties are the claimants and respondents to the dispute.

Respondents are the responding parties.

SECTION 2: WHEN DISPUTE RESOLUTION IS APPROPRIATE

Resolving conflicts prior to dispute resolution

Lions should strive to resolve all conflicts in a respectful and fair manner before invoking the relevant DRP policy. At minimum, the parties should at least meet once to try and resolve the conflict. Such informal meetings are not part of the resolution process, but are essential in determining whether dispute resolution is appropriate. One method of resolving disputes in an informal setting is called the collaborate management approach. Using the collaborate management approach, all parties explore the ideas and opinions of others and attempt to find new solutions that are agreeable to all. This approach requires analyzing the conflict, planning what is going to be done and resolving the conflict. For more information and guidance on informal conflict resolutions, please visit the Lions Learning Center, available on the Lions Clubs International website at www.lionsclubs.org/EN/content/resources_learning_center.shtml, and look for the course titled Conflict Resolution.

Regardless of whether the parties have been able to resolve their differences through informal meetings, at no point is litigation appropriate to resolve internal Lions disputes. Not only is litigation an expensive and time consuming process, it unnecessarily involves individuals and organizations outside the Lions community to decide internal Lions matters. Engaging in litigation to resolve internal Lions disputes is considered conduct unbecoming a Lion and may be grounds for expulsion and/or cancellation. In addition, as an obligation of membership, Lions must exhaust all internal remedies prior to seeking recourse through the courts, and may be prevented from filing a lawsuit before going through dispute resolution.

Types of actions that fall under the dispute resolution procedures

All disputes relating to membership, club and district boundaries, policies, and interpretation of a club, district or multiple district constitution and by-laws are types of disputes that would be proper under Lion DRP policies. Generally matters of internal club and district matters would be issues for disputes. For example, disputes arising out of one's membership, including disciplinary actions such as expulsion, disputes arising out of following a by-law, such as club elections or appointments, and disputes arising out of district matters such as the proper application of membership dues are all examples of matters that would fall under the dispute resolution procedures. In determining which DRP is appropriate, the parties should consider the scope of the issue in dispute and whether it is a club, district or multiple district matter. In addition, it is important to note who will be filing the claim. For claims filed by individual Lions members, only the Club DRP is appropriate. For district and multiple district disputes, the filing parties must be a Lions Club and/or District.

SECTION 3: BEGINNING THE CONCILIATION PROCESS

Each DRP has specific timing and fee requirements. The following is a chart that outlines how to begin the conciliation process, when to file and what fees may be required. *Please note that the District Governor and Vice District Governor Election Dispute Resolution and the Constitutional Complaint Procedures are not listed below. These procedures require different steps and filing deadlines, which are not addressed in these guidelines.*

DRP	WHO CAN FILE?	WHEN CAN YOU FILE?	CAN TIME REQUIREMENTS BE WAIVED?	WHERE DO YOU FILE?	FEES
CLUB	Member(s) & Former Member(s)	Within 30 days of knowledge of the occurrence of the event	Yes, by DG, conciliator or the International Board of Directors	District Governor	*US\$250.00
DISTRICT	Club	Within 30 days of knowledge of the occurrence of the event	Yes, by DG, conciliator or the International Board of Directors	District Governor	US\$750.00
MULTIPLE DISTRICT	Club, Sub-District	Within 30 days of knowledge of the occurrence of the event	Yes, by MD Council Chairperson, conciliator or the International Board of Directors	Council Chairperson	US\$750.00

* Each district may determine whether a filing fee will be charged for filing a complaint under this procedure. A filing fee must be approved by majority vote of the district cabinet and the fee shall not exceed US\$250.00.

REFUND OF FILING FEES (U.S. DOLLARS)

DRP	Complaint Settled or Withdrawn Prior to Decision	Complaint Denied	Complaint Upheld
Club	Decided by respective District	Decided by respective District	Decided by respective District
District	US\$325 refunded to the complainant(s) and \$325 refunded to the respondent(s)	US\$650 refunded to the respondent(s)	US\$650 refunded to the complainant(s)
Multiple District	US\$325 refunded to the complainant(s) and \$325 refunded to the respondent(s)	US\$650 refunded to the respondent(s)	US\$650 refunded to the complainant(s)

* Unless another amount is stated, US\$100 of each filing fee will be automatically retained by the district or multiple district as an administrative fee and this amount shall not be refunded to any party whether settled, withdrawn or upheld.

SECTION 4: SELECTING THE CONCILIATORS:

All conciliators shall be Lion Leaders and members in good standing of a club in good standing, other than the club that is party to the dispute. Further, all conciliators shall be impartial on the matter in dispute and without loyalties to any party to the dispute. The decision of the conciliators, selected by each side, relative to the selection of the conciliator/chairperson shall be final and binding. Upon completion of the selection process, the conciliators shall be deemed appointed with all authority appropriate and necessary to resolve or decide the dispute in accordance with the appropriate procedure.

Selecting the right conciliator to the DRP is essential in resolving the issues. The following are the qualities that the parties should consider in conciliators:

- Commitment to impartiality and objectivity;
- Dispute management skills and/or prior experience in dispute resolution;
- Judicious temperament: impartiality, patience, and courtesy;
- Respected Lion Leader known for integrity, patience and courtesy; and
- Strong ethical reputation within the community.

The following chart outlines the conciliator selection process in accordance with the Club, District and Multiple District DRP policies.

DRP	CONCILIATOR(S)	WHO APPOINTS CONCILIATOR(S)?	APPROVAL OF CONCILIATOR/CHAIRPERSON*	ESTIMATED DURATION OF PROCEDURE
CLUB	1 conciliator	District Governor selects conciliator (PDG) within 15 days of filing complaint	Approval of conciliator required by each party	< 30days
DISTRICT	3 conciliators (if more than 2 parties, possibility of more than 3 conciliators)	Each party selects 1 conciliator (PDG) within 15 days of filing and the selected conciliators select one neutral conciliator (PDG) who will serve as chairperson	The parties' selected conciliators select the neutral conciliator	< 90 days
MULTIPLE DISTRICT	3 conciliators (if more than 2 parties, possibility of more than 3 conciliators)	Each party selects 1 conciliator (PDG or PCC) within 15 days of filing and the selected conciliators select one neutral conciliator (PID) who will serve as chairperson	The parties' selected conciliators select the neutral conciliator	< 90 days

***Approval of District Governor Appointed Conciliator** – In the event an appointed conciliator is not acceptable to any party, the objecting party must submit a written statement to the district governor identifying all the reasons for such an objection. If the district governor determines, in his or her sole discretion, that the party's written statement sufficiently demonstrates that the appointed conciliator lacks neutrality, the district governor shall appoint a substitute conciliator.

***Choice of 3rd Conciliator/Chairperson:** In the event the selected conciliators cannot agree on a choice for the third conciliator or chairperson within 15 days, unless otherwise extended for good cause, then the selected conciliators shall be automatically deemed to have resigned for administrative reasons and the parties must select new conciliators ("the second team of selected conciliators") who shall then select a third conciliator or chairperson. In the event the second team of selected conciliators cannot agree on the choice of a third conciliator or chairperson within 15 days, from within the district in which the dispute arises, the selected conciliators may select a conciliator who is a member of a club outside the respective district/multiple district. In the event the second team of selected conciliators still cannot agree on the selection of the conciliator, then the Past International Director who most recently served on the International Board of Directors from within the district in which the dispute arises or from an adjacent district, whichever is closest in proximity, shall be appointed as conciliator/chairperson.

SECTION 5: CONDUCTING THE CONCILIATION MEETING

Selecting a meeting, time and location

The conciliator(s) must set a date, time and location for the meeting within thirty (30) days of the appointment of the conciliator(s). The location should be a neutral place that is acceptable to all parties. In setting the meeting, the conciliator should take into consideration the schedule of all parties involved and

provide reasonable advance notice of the meeting. If either side objects to the date, time or location of the meeting, the conciliator should be contacted immediately to advise of the objection. All parties should work together in scheduling a mutually convenient date, time and location of the meeting.

Preparation for the meeting

Each party and conciliator(s) should adequately prepare for the meeting. To prepare, each party has a responsibility to define and analyze the issues involved in the dispute. Each party should define the scope of the issues and be realistic in what to expect given the time constraints, available resources, costs, local customs, etc. At the end of this guideline, checklists have been developed to assist the parties and the conciliator(s) in preparing for the meeting. Please review this material before attending a meeting.

Participants in the meeting

The participants in the meeting will be the complainant(s), the respondent(s) and the conciliator(s). If additional witnesses are needed, and approved by the conciliator/chairperson, and are necessary in understanding the issues at hand, witnesses, not a party to the dispute, may attend the meeting.

Role of the Conciliator

The conciliator(s) is responsible for setting the tone of the conciliation meeting. The goal is to encourage the parties to amicably resolve their differences. To that end, the conciliator must set a meeting, advise the parties what is expected to occur at the meeting and maintain order at the proceedings. Conciliators should strive to achieve the following principle goals:

- Reduce the hostility between the parties and help them to engage in a meaningful dialogue on the issues raised;
- Open discussions into areas not previously considered or inadequately developed;
- Communicate positions or proposals in understandable or more palatable terms;
- Probe and uncover additional facts and the real interests of the parties;
- Help each party to better understand the other party's view and evaluation of a particular issue, without violating confidences;
- Narrow the issues and each party's positions, and deflate extreme demands;
- Explore alternatives and search for solutions;
- Prevent regression or raising of surprise issues; and
- Make a decision that resolves current problems and future parties' needs.

The objective of the conciliator(s) is to find a prompt and amicable resolution to the dispute. If such conciliation efforts are unsuccessful, the conciliator(s) has the authority to issue their decision relative to the dispute. The conciliator(s) acts as a mediator in the meeting and sets the tone and protocol of the meeting.

It is the responsibility of the conciliator to ensure that each side has had ample opportunity to present their issues and proposed resolutions.

Role of each party

Each party has a responsibility to fully participate in the process. Open and respectful communication is encouraged. Before arriving at the pre-determined meeting location, each party should carefully review their positions and prepare to have an open discussion regarding the issues. For guidance, attached is a checklist for parties prior to attending the conciliation meeting. As a general rule, the following principles should be followed:

- Define and analyze the issues involved in the dispute;
- Identify possible resolutions to settle the dispute;
- Prepare all facts, documents and sound reasoning to support the positions;
- Be respectful and courteous of all the parties involved in the dispute; and
- Keep an open mind and be prepared to reach a compromise.

Rules of conduct during the meeting

The decision as to whether to use more formal, evidentiary style hearing, or whether to have an informal meeting with the parties should be decided and agreed to by all parties prior to scheduling the meeting. For more formal hearings, the conciliator can use procedures contained in the rules by the American Arbitration Association, the Association for International Arbitration, International Institute for Conflict Prevention & Resolution, or the International Centre for Dispute Resolution, to name a few. Regardless of the procedures adopted by the parties, all parties should adhere to the following principles.

- Meeting will start promptly at the agreed upon date, time and location;
- Chairperson or conciliator, if no chairperson, will preside at meeting;
- All parties should be ready for the meeting so that all business can be taken care of in a timely fashion;
- Only matters relevant to the dispute at hand will be discussed; and
- All parties will treat each other with respect and courtesy in accordance with the Lions Code of Ethics.

SECTION 6: FINAL DECISION

If unable to find a prompt and amicable resolution between the parties, the conciliator(s) has the authority to issue a decision relative to the dispute. The conciliator must issue a written decision no later than 30 days after the conciliation meeting, and the decision shall be final and binding on all the parties. In the event there is more than one conciliator, the written decision should be signed by all conciliators with the dissent of any conciliator noted. A copy of the written decision must be sent to all interested parties in accordance with the DRP policies.

The written decision shall be limited to the issues raised by the parties. In addition, all decisions must be consistent with any applicable provisions of the International, Multiple District and District Constitution and By-Laws and policies of the International Board of Directors. Decisions by the conciliator should list a summary of the relevant issues and facts presented by the parties, the applicable DRP and the decision. The following information should be included in the written decision:

- Identify the applicable DRP Policy;
- Date of the meeting held;
- Brief description regarding the process/procedures that parties followed;
- Identify the parties and their respective positions;
- Summarize facts presented by the parties;
- Analyze the information and discuss the arguments presented by the parties;
- Clearly state the decision of the conciliator/panel;
- Note any dissenting opinion; and
- Signatures of all conciliators.

The decision of the conciliator(s) is final and binding 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. There is no appeal process for the final decision of the conciliator.

Additional Resources on Dispute Resolution

Parties are encouraged to utilize resources and guidance of professional organizations within the jurisdiction that the dispute takes place. The following resources may prove helpful:

Lions Learning Center - Conflict Resolution -
www.lionsclubs.org/EN/content/resources_learning_center.shtml

American Arbitration Association - www.adr.org/

Association for International Arbitration - www.arbitration-adr.org/

International Centre for Dispute Resolution - www.adr.org/sp.asp?id=21890

International Institute for Conflict Prevention & Resolution - www.cpradr.org/

International Chamber of Commerce, Court of Arbitration - www.iccwbo.org/court/

Permanent Court of Arbitration - www.pca-cpa.org/

Dispute Resolution Checklist for Participants

This checklist will assist each side in preparing for the dispute resolution meeting with the conciliator(s). Only use the items that are appropriate for the issues to be resolved by the dispute resolution process. Not all items will apply.

- Organize materials in the order in which you wish to present. This will help each side to present their issues clearly and concisely.
- Prepare a written statement that clearly states your position.
- Clearly state what resolution you hope to achieve through the dispute resolution process.
- Prioritize the issues in light of your needs.
- Ascertain the strengths and weaknesses of your position.
- Determine courses of action, positions, and tradeoffs and explore a variety of possible solutions.
- Anticipate the other party's needs, demands, strengths and weaknesses, positions, and version of facts.
- Collect all written statements that support your position.
- Collect all relevant written material that supports your position.
- Make copies of written materials for all parties and the conciliator(s) that you intend to use during the process and that you want the conciliator(s) to rely upon.
- Provide the conciliator(s) and all parties with a list of witnesses who may have material information relating to the dispute.
- Be prepared to discuss in detail the actions you took to resolve the issue prior to engaging dispute resolution.
- Check with the conciliator(s) to determine if there are additional documents or information you will be required to bring prior to the meeting.
- Turn your phone off during the meeting.
- Keep an open mind and be willing reach a compromise.

Dispute Resolution Checklist for Conciliator(s)

This checklist will assist the conciliator(s) in preparing for the dispute resolution meeting with the parties. Only use the items that are appropriate for the issues to be resolved by the dispute resolution process. Not all items will apply.

- Request each side to prepare a statement outlining their position.
- Request each side to state what result they think should be the outcome of the dispute resolution.
- Set up a meeting that is in a neutral location and at a convenient date and time. Make sure each side has plenty of notice.
- Collect all written statements prior to the meeting and ask for any clarifications.
- Define and analyze the issues involved in the dispute.
- Recognize the parameters of the given situation (what you can realistically expect, time constraints, available resources, costs, local customs, etc.)
- Prepare an agenda for the meeting. Set the order and time each side may present their positions.
- Prepare rules of conduct for the meeting. For example: only one person may speak at a time, no phones allowed, no interruptions, etc.
- Allow each party to completely state their position.
- Keep an open mind and be fair to all the parties.
- Focus on the interests, not the position, of each party.
- Determine courses of action, positions, and tradeoffs and explore a variety of possible solutions with the parties.
- Encourage parties to come to a resolution that they will both agree to.
- Once an agreement is reached, have the parties write it down and sign.
- Make a final report and submit to all the parties.