

VIOLATION OF DISTRICT POLICY

111

Violations of District Policy

All complaints regarding alleged violations of District Policy shall be filed in writing with the Governor and the District Secretary at the District Office. Upon receipt of the written complaint alleging such a violation, the Governor shall determine if such complaint requires official action and, if so, the Governor shall appoint an Ad Hoc Committee of no less than four Kiwanians, none of whom shall be from the alleged violator(s) division. The Ad Hoc Committee shall be composed of no less than one person from the Policy Committee, one District Trustee, one sitting Lieutenant Governor and one Past Governor. (8/11)

Any potential criminal matter shall be referred by the Governor to the District Secretary Committee chairman who shall give notice of such alleged activity to the member's club president, club secretary, Lieutenant Governor of the Division, Trustee of the Region and the Policy Committee chairman. (8/11)

111.1

Notice, Investigation and Hearing Requirements

No further action shall be taken in the event the Governor determines that no official action is warranted. Should the Governor determine that official action is necessary, the Governor shall notify the District Secretary in writing of such determination. The District Secretary shall, within five (5) days, send a written notice to the alleged violator(s) of the receipt of the complaint and the determination by the Governor to appoint an Ad Hoc Committee to investigate the allegations contained in such complaint. The Governor shall, within five (5) days after making such determination, appoint an Ad Hoc Committee. The Committee shall have forty-five (45) days after its appointment to investigate the circumstances of the alleged violation and determine whether a formal hearing is warranted. (6/12)

If a formal hearing is deemed warranted by the Committee, the Committee shall have twenty (20) days in which to conduct the hearing and present its report to the Governor. The chairman of the Committee shall notify the Governor and District Secretary of the Committee's decision to hold a formal hearing. The District Secretary shall promptly give notice to the alleged violator(s), of the time and place of the hearing and shall provide the alleged violator a preliminary summary of the results of the investigation. The chairman of the Ad Hoc Committee shall determine whether the hearing shall be in person or one conducted by teleconference, weighing the time constraints and geographical location of all involved persons. Should the alleged violator(s) not be available for the scheduled hearing, a one-time continuance of no more than 30 days may be granted upon agreement by a majority of the Ad Hoc Committee members. Any continuance of a hearing shall automatically extend the time requirement for investigation and completion of the hearing by an equal amount to the time granted in the continuance. (8/11)

111.2

Report of the Ad Hoc Committee (8/11)

- and/or "makes no sense"*
- A. At the conclusion of its investigation and/or formal hearing process, the Ad Hoc Committee shall provide the Governor and District Secretary with a report of its findings and recommendations.
 - B. If a majority of the Committee members agree that disciplinary action should be pursued, the Committee shall include in its report the allegations, the nature of its investigation, the information it relied upon in making its recommendation, the information provided by the

alleged violator(s) in either aggravation or mitigation and the Committees findings and recommendations.

- C. If a majority of the Committee members conclude that no disciplinary action should be pursued, the Committee shall submit its report describing the allegations, the nature of the investigation, the information the investigation obtained and the basis for recommending no action.
- D. If a majority of the Committee members are unable to agree that either disciplinary action should be pursued, or no disciplinary action should be taken, the Committee shall submit its report describing the allegations, the nature of the investigation, the information the investigation obtained and the reasons why a majority conclusion could not be reached.
- E. If the Committee fails to timely submit a report to the Governor, the Governor may terminate the investigation or dissolve the Committee and appoint a new Ad Hoc Committee with the timing of the investigation to commence anew from the appointment.
- F. Within ten (10) days after receipt of the Ad Hoc Committee report, the Governor shall review the findings of the Committee and determine if he/she is in agreement with the Committee's recommendations.
- G. If the Governor agrees with the Committee's recommendation that disciplinary action is warranted, the Governor shall forward the Committee report and recommendations, along with the Governor's affirmation, to the Board of Trustees prior to their next scheduled board meeting.
- H. If the Governor disagrees with the Committee's recommendation that disciplinary action is warranted, the Governor shall forward to the Board of Trustees prior to their next scheduled board meeting, the Committee report and recommendations along with a brief statement regarding the Governor's reasons for disagreeing with the Committee's report and recommendations.
- I. If the Committee reports its inability to reach a majority decision, the Governor shall forward the Committee's report and statement regarding reasons for its inability to reach a conclusion to the Board of Trustees prior to their next scheduled board meeting. The Governor shall also be allowed to recommend that no further action be taken or, that the Ad Hoc Committee be dissolved and a new Committee appointed with the timing of the investigation to begin anew from its appointment.

Notwithstanding the recommendation from the Committee and the Governor, the Board of Trustees shall review the findings and recommendations of the Committee and Governor and shall make the final determination of what, if any, disciplinary action shall be taken. Should the Board of Trustees disagree with the Committee and/or Governor's recommendation that no action be taken, the Board of Trustees may by a two-thirds (2/3) vote of the entire Board entitled to vote, override the Committee's findings and allow the Board of Trustees to review all the findings and investigations of the Committee and take whatever action it deems appropriate. The Board of Trustees shall allow the Chairman of the Committee and the Governor (should the Governor agree no action is warranted) to appear before the Board of Trustees and discuss the reasons for their recommendations of no action.

111.3 Appeal Disciplinary Action

The alleged violator(s) shall have the opportunity to appeal to the Board of Trustees any action taken by the Governor by filing a written request with the District Secretary within thirty (30) days after such

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disciplinary action is taken by the Governor. In the event the disciplinary action is taken by the Board of Trustees, the alleged violator shall have thirty (30) days after notification of such disciplinary action in which to file with the District Secretary a written request for reconsideration by the Board. All appeals and requests for reconsideration shall be heard by the Board at the first meeting of the Board of Trustees following receipt of the written request from the alleged violator(s). No oral testimony or additional hearing shall take place. Any additional written evidence, documents, or written testimony by declaration and or written statement of facts by the party filing the request shall be delivered to the Governor and District Secretary within the time frame set by the Board of Trustees for receipt of additional evidence prior to reviewing the appeal. One (1) original and two (2) copies of all such documents must be provided to the District Secretary by the party filing the appeal within such time deadline set by the Board of Trustees. An electronic copy of such materials is acceptable so long as it is legible. The purpose of this review and reconsideration is to allow the alleged violator(s) the opportunity to present new facts, different facts or circumstances, and/or additional evidence and documentation not previously presented at the initial hearing before the Ad Hoc Committee or the Board of Trustees, as the case may be. The Board of Trustees shall have thirty (30) days after the date set for the reconsideration review to render a written decision and present it to the party who filed such appeal. (8/07)

111.4

Application of Section 111

This policy applies to all violations except campaigning for District office (except the office of Lieutenant Governor), which is covered in Policy 191.4. (8/07)