

## **2017 TWU ELECTION DISPUTE RESOLUTION RULES AND PROCESS**

### **I. NEUTRAL MONITOR**

TWU is appointing Barbara Deinhardt as a Neutral Monitor. She will be responsible for resolving election disputes that arise prior to the nomination and election of International officers and Executive Board members at the 2017 Convention under the Convention Rules. The Neutral Monitor's jurisdiction includes all disputes about or protests regarding the campaign conduct of candidate(s), slate(s), the International, any Local, or other parties related to this election, except that the Neutral Monitor will not have jurisdiction to resolve disputes which are raised after the close of Convention business on the day prior to the beginning of the nominations process. Any protests, objections and appeals sent to the Neutral Monitor (see below for the email address to use) must be in writing and must be made within the time periods set forth in these Dispute Resolution Rules and Process. It will be the Neutral Monitor's responsibility to resolve these disputes in accord with the TWU Constitution, the Convention Rules adopted by the Convention and applicable law, and any rules promulgated by the Neutral Monitor in resolving a protest. As to all disputes brought to the Neutral Monitor's attention, the Neutral Monitor will have the power prior to making a decision on the protest involved to investigate and determine the facts, and (if the Neutral Monitor determines it to be warranted) to conduct a brief hearing.

### **II. PROTEST PROCEDURES**

A. Subject to the first sentence of Paragraph II.C., below, all protests within the Neutral Monitor's jurisdiction (as described above) must be filed with the Neutral Monitor within seventy-two (72) hours of the time the complainant(s) knows or should have known of the alleged misconduct. **PROVIDED:** the conduct giving rise to the protest must have occurred after adoption of this Dispute Resolution Rules and Process by the International Executive Council ("IEC").

B. Any decision or remedy made by the Neutral Monitor prior to the Convention may be appealed to the IEC by the filing of an appeal (see paragraph "I" below) within 72 hours of receipt by the appellant by email of the decision; except that, for any decision issued on or after September 18, 2017, the appeal must be filed within 24 hours of the receipt by appellant by email of the decision.

C. Protests regarding any alleged improper conduct during the Convention must be filed with the Neutral Monitor as soon as possible, but no later than the close of Convention business on the day prior to the nominations process. Any decision or remedy made by the Neutral Monitor regarding such conduct, or any remedy ordered subsequent to the beginning of the Convention may be appealed to the IEC; any such appeals not ruled on by the IEC prior to the beginning of business on the day of the nominations process shall be considered and ruled on by the IEC elected at the 2017 Convention.

D. A protest must be filed with the Neutral Monitor (see paragraph H below regarding how to file) and must include: (1) a description of the alleged improper conduct, (2) any evidence of the alleged improper conduct, (3) the name(s), e-mail address(es) and telephone

number(s) (cell numbers preferred) of the complainant(s), and (4) the name(s) of the person(s) against whom the protest is filed (and, if known, their email addresses and telephone number(s) (cell numbers preferred). A copy of any protest must also be filed with TWU as set forth below in paragraph H, below. Filing must be by email or, if email is not available, by overnight mail service. The Neutral Monitor shall serve the protest on the affected slate (or a designated representative of the slate) or independent candidate(s) unless it is clear that the protest does not impact on a slate or candidate(s).

E. As soon as practicable after receipt of the protest, the Neutral Monitor shall investigate and evaluate the protest. If the protest is found to be meritorious, the Neutral Monitor shall determine the appropriate remedy. The Neutral Monitor shall issue a written decision on each protest and provide a copy to the complainant(s), any other candidate(s) affected by his/her decision, and TWU General Counsel.

F. All candidates, members, and representatives of TWU and TWU Locals shall cooperate with the Neutral Monitor in her investigations, review of protests, and otherwise carrying out her functions.

G. Participation in the procedures set forth in this agreement shall not be deemed a waiver of the rights of a member under the TWU Constitution or the LMRDA, provided that it is understood that these procedures constitute available internal procedures and remedies as the terms are used in Article XXIII of the TWU Constitution, which must be exhausted before filing any action or proceeding in a court or other forum outside of TWU.

H. **Filing with the Neutral Monitor and TWU.** The Neutral Monitor is Barbara Deinhardt and all protests must be filed with the Neutral Monitor by email ([neutralmonitor@gmail.com](mailto:neutralmonitor@gmail.com)). Copies of all protests must be also be filed with TWU by sending an email to TWU General Counsel David Rosen ([drosen@twu.org](mailto:drosen@twu.org)) as well as to Tinisha Thompson ([tthompson@twu.org](mailto:tthompson@twu.org)). If the individual filing the protest does not have access to email, then a protest of conduct, which occurs prior to September 16, 2017, may be filed by sending the protest by overnight mail to Barbara Deinhardt at 52 3rd St, Brooklyn, NY 11231, with copies to both David Rosen and Tinisha Thompson at TWU, 501 3<sup>rd</sup> St. NW, 9<sup>th</sup> Floor, Washington DC 20001; protests of conduct which occurs on or after September 16, 2017 must be filed by email, or by hard copy to be delivered timely by hand to Barbara Deinhardt, David Rosen and Tinisha Thompson. Any individual who sends a protest by overnight mail or files a protest on or after September 16, 2017, should so advise the neutral monitor by phone at 917-763-0906.

I. **Filing Appeals.** An appeal of a ruling of the Neutral Monitor may be filed by the party wishing to appeal by filing a succinct statement setting forth the nature of the case, and the reasons for overturning the decision of the Neutral Monitor, by email to the Secretary-Treasurer of TWU, Gary Maslanka ([gmaslanka@twu.org](mailto:gmaslanka@twu.org)); the appellant shall simultaneously serve, by email, the other party to the dispute (if the email address is known) and David Rosen and Tinisha Thompson (email addresses set forth above in paragraph H).