

[A] PREAMBLE:

During 2017, District 72 established and ran a Competition for short 1-2 minute videos. Some members had concerns about the processes followed by the District and complained to the District Director. As the District Director had been involved in the Competition she properly recused herself and delegated Programme Quality Director Toni Sharp QSM DTM to establish an investigation committee under the provisions of Section 3 of Toastmasters International Protocol 3.0: Ethics and Conduct. This is the report of that committee to Programme Quality Director Toni Sharp QSM DTM.

Note on Terminology: It was a “Video Competition”. The terms “Competition” and “Contest” are similar and many people use these terms interchangeably. In our text, we have referred to the “Video Competition”. In extracts from others, the term “contest” should be read as Competition, except where it clearly relates to the TI Speech Contest.

Membership of the investigations Committee:

Murray Coutts DTM	Committee Chair 2012-13 District Governor, current Area Director F6, Current member of the District Procedures and Awards Review Committee.
Ross Kennedy DTM	2015/16 and 2016/17 Division B Director
John Sullivan ACG	Past Division G Governor and a Solicitor

The terms of reference for the committee are:

- (a) To validate that the announced result was the result of the vote. This will involve sighting all the votes and the tabulation of the winners.
- (b) To examine the development of the Competition, its rules, criteria, promotion and administration; with any recommendations regarding: any future district promotions and/or Competitions (apart from Speech Contests).
- (c) To comment as appropriate, on the issues raised by the three complainants Mark Baker, Robert Woolley and Magdalena van Rooyen.
- (d) To establish whether there were any violations of TI Bylaws, Policies and Protocols.
- (e) To conclude if the announced result should stand.

In this report we have included items from emails sent or received. In Appendix 1 there is a listing of emails. Quotes from District Officers and others are in italics, or are shaded a light grey. They are referenced to an email number.

PROCEDURE

The format of this report will be:

Section [B] to work through the Terms of Reference, taking into account the issues from the complainants. We will comment as appropriate on the information.

- Section [C] Comments will be summarised.
- Section [D] Recommendations
- Section [E] Appendices

The committee is aware that:

- [i] The complainants and those mentioned in the report have a right to take the matter further, should they dispute any part of the report. Therefore a clear “audit trail” is desirable.
- [ii] There is a danger that oral communications may be misinterpreted or taken out of context

That is why the committee has had a firm policy of only accepting written communications. Our attitude is that if one is not prepared to put something in writing, it has no standing.

Whilst the complainant/s may not have been in a position to officially know what happened within the Top Table, their statements indicating that certain persons, did or did not do something, have been treated by the committee as assertions to be substantiated. The committee’s role was to determine as far as we could the truth.

We then sent a list of 22 questions to the District Director, with the comment that she may have to seek the answers from other District Officers. Contemporaneously we sent some other questions to every member of the Top Table.

THE COMPLAINTS

Complaints were received from:

Mark Baker ACG ALB member of Northside Toastmasters Club, and
Rob Woolley ACS ALB 2017/18 Division G Director,
and subsequently from:

Magdalena van Rooyen ACG ALB 2017/18 Area A6 Director

The complaints are summarised as:

- 1 Interactions with the Complaints
 - 1.1 Did not address complaints fairly
- 2 Process Issues.
 - 2.1 Did not follow an appropriate process
 - 2.2 Did not allow contestants equal opportunities
 - 2.3 Did not have an objective tally counter
- 3 Oversight
 - 3.1 Did not have proper oversight by District leaders

- 4 TI Governing Documents
 - 4.1 Did not exhibit core values of respect, integrity, service and excellence
 - 4.2 Did not adhere to Toastmasters International's protocols
 - 4.3 Did not make good use of members funds

- 5 Conflicts of Interest
 - 5.1 The conflict/s of Interest
 - 5.2 Did not follow the rule that ineligible Contestants be disqualified from the Competition
 - 5.3 That as the District PRM is a member of the winning club, that club to return all prizes or monetary value of those prizes at retail price.
 - 5.4 That the votes of Judges with a Conflict of Interest and Bias be cancelled

- 6 Post Competition Events
 - 6.1 That there be a recalculation of the results
 - 6.2 Did not deliver prizes as pictured or within a reasonable time
 - 6.3 That those eligible prize winners to keep their existing prizes plus the recalculated prize
 - 6.4 The innocent parties in other clubs to keep their prizes.
 - 6.5 That any Investigation Report be published.

- 7 Other Matters
 - 7.1 A request for an unconditional written and verbal apology from the District Director to the membership regarding the Video Competition
 - 7.2 That the District 72 Public Relations Manager be dismissed
 - 7.3 The Top Table attend an extensive Contest/Judging Workshop

The Top Table:

District Director	Sarah Bate DTM
Programme Quality Director North	Toni Sharp QSM DTM
Programme Quality Director South	Celina Templeman DTM
Club Growth Director South	Fiona Hodge ACB ALB
Club Growth Director North	Neil Stichbury DTM
Immediate Past District Director	David Templeman DTM PDD
District Finance Manager	Tania Fraser DTM
District Public Relations Manager	Stephen Preston DTM
District Administration Manager	Michelle Gerwitz ACB ALB
District Parliamentarian	Chrissy Meyer, DTM PDDG

The committee has received answers to its Questions from all District officers “on the Top Table”. We thank them for their cooperation.

The District Administration Committee.

Membership is the “Top Table” as listed above and the Division Directors.

Division A	Erica Richardson ACS, ALB
Division B	Georgina Templeton ACS, ALB
Division C	Kathryn Duncan DTM
Division D	Bailey Wood CC CL
Division E	Timothy Law DTM
Division F	Sharon Kerr-Phillips DTM
Division G	Robert Woolley ACS, ALB
Division H	Scott Martins ACS, CL
Division J	Colin Leong ACS, ALS

The District Executive is the Admin Committee plus the 60 Area Directors.

Section [B] ADDRESSING THE COMMITTEE’S TERMS OF REFERENCE

First Term of Reference: To validate that the announced result was the result of the vote. This will involve sighting all the votes and the tabulation of the winners.

Our first step was to examine the voting system used and how it changed.

Committees Question # 17. What Judging criteria was provided to the judges? Did this change at any stage? What were the instructions to the judges on how to return “their ballots”?

The following is an extract from the reply to our question from the District Public Relations Manager. Email 59

“The videos were shared through Dropbox with the judges on 18/12/17 and the judges were sent the voting form by the PRM on 19/12/17 with the following instructions:

As discussed on the conference call last night, I added each of you to the share on Dropbox for the National Video Competition folder. This folder

contains 34 videos which were submitted as entries to the competition. 24 of these are in the Promotional Category (prefixed with "P-") and 10 in the Educational Category (prefixed with "E-").

If you could please have a look through these videos and decide a ranking list for each category.

Attached you will find the voting form. This lists the videos in each category with a blank box to the left of each title. The voting will be STV (single transferable vote) so you may rank them as far down as you like, from 1 to 24 in Promotional category and 1 to 10 in Educational category. 1 is the best.

If you could complete the voting form and get it back to me by Saturday evening, 23 December, that would be greatly appreciated.

If you have any questions please feel free to get in touch. "

We note that no guidance was provided regarding the judging criteria. The committee has recommended a new District procedure covering all District incentives, irrespective of type (see page 14 below).

In the committee's view, whilst it is possible that the organiser chose to use the STV method for the tabulation of results because that was the standard voting method used for local bodies in the Wellington Region (where the DPRM lives), perhaps a closer examination of the methodology would have resulted in another voting system being advised.

In Appendix 2, there is an extract which gives information about how the STV system works.

Committee's Question # 18. Once the judges had submitted their results, what tabulation system was used to determine over-all winners? It has been suggested to us that the methodology indicated to the judges, was different from that finally used. Is that so and why?

The following is an extract from the reply to our question from the District Public Relations Manager. Email 59

The tabulation system that was used to tally the final results was a simple average of rankings. While the original plan had been to rank them using STV, this was not feasible as the limited number of votes did not allow for the complexity of an STV system, which requires a much larger quantity of votes to work with any effect. To identify 13 placings would have been virtually impossible. This change of methodology was done at the time of receipt of the voting forms and before tabulation, when it was realised that STV would not provide results, by the District Director and the PRM as it seemed the only reasonable way to identify any fair results.

The system eventually used was to average the scores received.

Committee's Question # 19. Were all judges involved in the determination of the final results? If not who were involved?

The Committee is advised that PQD Toni Sharp; CGD Neil Stichbury and DAM Michele Gerwitz did not vote on either the Educational or Promotional categories. Toni did not vote because she could not view the Video. We understand that Neil was unable to access the DropBox that contained the videos. Michelle has given no explanation why she did not vote.

There was some confusion in that PQD Celina Templeman and IPDD David Templeman sent in one ballot with them both having identical votes. Celina subsequently advised DD Sarah that her ballot should be counted twice. At this level collusion between voters who might be expected to exercise independent judgment in such a Competition is regrettable.

PQD Celina and IPDD David had technical difficulties viewing two of the Educational Videos, and only voted for the other entries. This brings into question their overall votes, in that there is a possibility that they may have placed the unwatched videos highly if they had indeed watched them.

PRM Steve did not vote in the Educational category, as one of his clubs had submitted an entry.

Out of the 7 votes received for the "Promotion" category 3 of the voters had allocated the same number to more than one entry.

Out of the 6 votes received for the "Educational" category 4 of the voters had allocated the same number to more than one entry.

Comment:

Having viewed the votes and the tally, we validate that the result as published, was in accordance with the votes received by the organiser.

Second Term of Reference: To examine the development of the Competition, its rules, criteria, promotion and administration; with any recommendations regarding: any future district promotions and/or Competitions (apart from Speech Contests).

There were a series of questions submitted to the District Director, and through her to appropriate District officers. For clarity of information in this report, some of these responses to questions are grouped together.

1.01 Committee's Questions

1. We note that there is nothing regarding the Competition in the minutes of the September District Executive, the November District Executive or the Semi-annual District Council. (under meeting law reports which are not included in or appended to the minutes, do not form part of the minutes). Why was the Video Competition not discussed at these meetings?
2. Who first mooted the idea for the Competition, to whom and when?
3. Is the Competition part of the District Success Plan as submitted to WHQ? If not why?
4. When was the decision made to run the Competition? Was it an approval in principle without details, or was there a specific proposal outlining terms and conditions, funding allocations and promotional plans.
5. If there was just an approval in principle without details, please advise the timeline for the development of the various details and who was involved in approving these?
6. Who was involved in the decision to run the Competition? Was the decision made at a meeting and are minutes of that meeting available?
7. What was the purpose of the Competition?
8. Who was designated as the Competition organiser? What level of authority did they have?
9. We note that in the District newsletter, entries were to go to the District Public Relations Manager. Looking at the roles descriptions on the TI website (District Leader Tools), as this Competition is aimed at a club activity rather than district wide activity this the promotional Competition seems to fit more in the Club Growth Directors area and the educational Competition could fit under the programme Quality Directors. Is this a valid comment?

1.02 Responses from District Officers.

The District Director advised ^{Email 59}

The Public Relations Manager, Stephen Preston, first mooted the idea for a National Video Competition at the June Training session for the incoming Executive and clearly explained the purpose and outlined the concept during his session on Public Relations.

This project was viewed as part of the marketing/public relations spend and specific advertising plans are not (generally) discussed in detail at September District Executive, the November District Executive or the Semi-annual District Council, apart from being part of the budget spend. However, I can confirm it was presented as an item on the training meeting schedule in June and September.

Details of the competition, including purpose, basic outline as a competition for PR purposes, categories, and costs were outlined and agreed to prior to submission of the District Success Plan and were approved by the CGD/PRM group, itemised as an action and activity in the District Marketing Plan, and included in the District Budget.

The PR Manager was the competition organiser, as is appropriate to his role under TI guidelines) and was given the authority to run the competition as a PR activity and to report progress to the Top Table.

Extract from the District Public Relations Manager's response ^{Email 59}

Firstly, let us be absolutely clear. This was not a "contest", it was and has always been, a "National Video Competition". This was a PR project, along similar lines to the one run by Toastmasters International in the 2016/17 year. As such, it was mentioned in the Public Relations Manager reports at the September District Executive Meeting and the November District Executive and Semi-annual District Council meetings. These reports were published on the website, tabled at the meetings, and voted on by those present. If there were any further questions at these meetings that were required in relation to this PR project, nobody highlighted them. Additional to this, Stephen Preston did a presentation to the gathered executive committee at both the June and September gatherings and at the DAM in July. This was informed at the meetings you mention in your question, and discussed in more detail at the September Exec and at other relevant meetings where members of the Exec were present. It was also identified as an action and an activity in the District Marketing Plan, which was distributed to all clubs and published on the District website.

To Committee Question # 9 No, that is not a valid comment. This was a PR Competition and member activity, NOT an educational contest, so it certainly did not fall under the auspices of the Programme Quality Directors. It was not directly a club activity either. It only fits into the Club Growth Directors portfolio in that it was aimed as an action to achieve goals that were identified in the District Marketing Plan under Brand Awareness. The PRM is responsible for Brand Stewardship (see p35 of the District Leadership Manual) and it is a PRM responsibility to coordinate/manage projects such as the National Video Competition as per the duties as listed below. (In the Governing Documents)

Club Growth Director (South) advised ^{Email 60}

I learned about the National Video Contest at the September training at the Brentwood. This was announced as part of Stephen's presentation on what he proposed to do in terms of publicity. Once this was announced, we added it to the marketing budget.

In October, Stephen advised the top table that he would be holding the contest starting on the 29th October and closing on the 10th of December.

Club Growth Director (North) advised ^{Email 61}

The proposal around a video contest was brought to both Fiona and me, I believe, in a pre-budget marketing audio-call by Stephen Preston as PRM. The contest was Stephen's idea and seemed worthwhile. I believed I may have expressed concern in a comment as to the amount of the marketing budget that was being allocated for prizes however we decided to go ahead. We could use the resulting video as promotional tools and generate engagement at the club level in marketing activity.

Note: This timing from Neil is imprecise. It does indicate being prior to the September District Executive Meeting where the budget was presented.

Programme Quality Director (South) advised ^{Email 53}

In September at the District Leader Training (DLT or DOT), Steve Preston the PRM (and Sarah's husband) advised us that there was to be a National Video Competition. I later find out that this was the first the CGD's knew of the contest.

1.03 Commentary:

The Video Competition was proposed by the District Public Relations Officer and run by him.

If as stated by the District Director and the District Public Relations Manager the Competition clearly came under the DPRM, why was the funding allocation in the Marketing Budget instead of the Public Relations Budget? There is an unused budget category 7008 Communication & Public Relations Promotional Materials. This question remains unanswered.

We understand that the District Video Competition was included in the District Success Plan (DSP) and the District Budget. These documents were submitted to World headquarters prior to the 30th of September 2017. Both these documents sent to WHQ would have been signed by the District Director, both Programme Quality Directors and both Club Growth Directors.

We note that the District Budget was submitted to WHQ without prior approval by the District Executive. The Budget and Marketing Plan were not issued to the District Executive until early November. This appears to be a violation of TI District Administrative Bylaw Article XI: Committees. Section [a] District Executive Committee. Whilst this departure may have been approved by WHQ it does allow for a lack of oversight.

There is a divergence between the statements from the District Director, District Public Relations Manager, the two Club Growth Directors and the Programme Quality Director (South) regarding when the members of "the quintet" knew of the

Competition and the level to which they were involved in the details of the Competition.

As part of the investigation the committee looked for evidence regarding what information had been provided to the members of these bodies. There was nothing in the minutes of the District Administration Committee, District Executive Committee and District Council meetings between July 1 2017 and November 30 2017. Most of the time the minutes of these meetings are consigned to the dust of history. It is when we have our current situation that they become important.

A law book on Meetings advises that reports to a meeting published prior to the meeting should either be attached to the minutes (i.e. as an appendix to the minutes) or be incorporated in the minutes. Equally any oral updates to a report given at the meeting should be contained in the minutes. The district has been remiss in these areas, admittedly for some years.

Whilst it may be outside of this committee's terms of reference, we suggest that the District considers tightening its practices in this area.

We have also been advised that: the District Public Relations Manager did provide updates on the District Video Competition to District Officers, during District Officer Training where the practice has been not to keep records.

1.04 The Role of the Top Table

One of the issues that has arisen is the overall stewardship of the district. We are advised by one District Officer

At our international training sessions we were guided by TI CEO Dan Rex to "stay in your lane" i.e. manage your own position and allow other team members to manage and progress their roles as per the guidelines set for us in the (Item 222) District Leader Handbook. Email 44

We support the above statement in relation to management responsibilities. There is however a related issue whereby District Officers also share a collective responsibility for their stewardship of the district. "Staying in your lane" too strictly can fragment the governance team and affect the quality of governance oversight.

One of the issues facing many voluntary organisations in New Zealand today is the differentiation between operations and governance. For organisations, either completely or largely run by volunteer officials, those elected or appointed members have both an operational role as well as sharing in the collective governance role. This can be difficult where the dichotomy is not fully understood.

In a Toastmasters District as indicated by the TI CEO above, District officers each have a clear operational role. An exclusive focus on that role can often obscure the equally crucial role as being part of the collective governance of the organisation.

An extract from <https://clubsnz.org.nz/news-38/club-news/1808-what-is-the-difference-between-governance-and-management-2.html>

An understanding of the difference between governance and management rests on the cornerstone of fiduciary responsibility. Just as corporate boards are accountable to shareholders, the governing body of a not-for-profit organisation has a fiduciary responsibility to see that the organisation is acting in the best interests of the "stakeholders" who are served by the organisation's mission. For a club, the highest-order stakeholders are the members and the community.

The Committee asked the Top Table members "In relation to this Competition, how do you see your fiduciary obligations i.e. the extent of your duty to act in the best interests of Toastmasters International, the district and the members?" "There were a range of responses ranging from avoiding the question, through incredulosity that they were being asked, to lessons "have been learnt".

Drawing on the "*stay in your lane*" analogy by TI CEO Dan Rex, we suggest expanding it.

Assume that one is on a multi-lane motorway and everyone is going in the same direction. It is wise to stay in your lane, and to focus most of your attention there, as many accidents occur because someone either has veered out of their lane or abruptly changed lanes. Yet at the same time a careful driver needs to be aware of what is happening in the other lanes.

It is not our intention to recommend a bureaucratic approach, rather to make a suggestion of when individual members of the Top Table may "need to put on their governance hat".

Indicators might be:

- The strategic direction of the District.
- Does the matter comply with the TI Governing Documents?
- Does the matter comply with the District Procedures and the District Administrative Procedures?
- Is the expenditure within budget?
- Does this decision have the potential to affect a significant number of clubs?
- Are we complying with the District Mission, and the Toastmasters Promise?

It could be that the next step is a discussion within the top table. In other circumstances it might even be that a recommended course of action is copied to the District Administration Committee for approval – perhaps by email.

To an extent by failing to exercise their governance responsibility, all the members of the Top table share some level of responsibility in the problems encountered with the District Video Competition. Specifically:

- The 'stretching' of the requirements of TI Protocol 8.4 relating to the cost of the prizes.

- Not questioning the selection of the STV method of determining the winners, e.g. why was this method selected.
- Not questioning the shortcomings in the rules of the Competition, prior to their publication. Hindsight is a marvellous thing. Foresight is also valuable.

In many aspects of a Senior District Officer's role, they are exercising skills and knowledge that they have gained during their progression from first time club officer to the Top Table. Some times on the Top Table, one is faced with entirely new situations. It is those such situations where the collective wisdom of ones colleagues can be valuable.

The District Video Competition was a new departure for District 72. Previous District Incentives operated in one of three ways:

- [i] every club which met the criteria received the incentive reward, or
- [ii] every club which either; were in the first specified number, or by the deadline in meeting the criteria received the incentive reward.
- [iii] a winner was selected randomly, e.g. like a raffle. IPDD David in his reply to the committee drew our attention to the promotion from Past District Governor Ellie Young DTM year. That particular incentive involved a winner being drawn at random from qualifying entries. Records from the time used the term "will go into a draw".

In conversations with some past DG/DDs there is no recent memory of a Competition of the complexity involved in the District Video Competition. It was very much new ground for the District. It could be said that those involved were creating or approving a new method, without prior experience to draw on.

1.05 Additional Comments regarding District Incentives

As stated previously the Video Competition was a District 72 Incentive. We have looked back at Incentives used in District 72 and at Incentives used by other districts. As mentioned above many incentives are on the basis 'if you meet the criteria, you receive the "prize" or there is some judging or random selection involved.

Many District Incentives are launched at the beginning of the Toastmasters year, and some are introduced during the year to address a district need. One such example in another district is a mid-term incentive based on the proportion of a club's membership who have signed up for Pathways by a specified date.

As some opportunities or instances where a district incentive may make a positive impact on District success, might only arise after the District Budget has been finalised (30th September), it is recommended that there be an allowance in the District Budget for unspecified District Incentives.

We are recommending a new District Procedure covering District Incentives. It is important to note that this will cover all District Incentives, not just those involving a Competition.

Possible new District Procedure.

District __ Incentives

- 1 This District Procedure applies to all District __ Incentive Programmes. It does not apply to Speech Contests, which are TI Protocol and are contained in the annual Speech Contest Rule Book.
- 2 A District Award is an ongoing award as specified in the Appendix to these District Procedures. A District Incentive Programme is a programme established by the District Leadership to run during their year of office.
- 3 District Incentive Programmes may take the forms of:
 - [a] An incentive where every participant meeting the criteria receives the specified recognition or reward, or
 - [b] An incentive where the specified first number of participants meeting the criteria receive the specified recognition or reward, or
 - [c] An incentive where the successful entry is drawn at random, from entries received.
 - [d] A Competition, where entries will be judged and a specified number of prizes awarded.
- 4 The rules of the District Incentive must clearly specify
 - [a] the purpose of the District incentive.
 - [b] the entry criteria, and any exclusions,
 - [c] the time lines,
 - [d] the reward/s,
 - [e] how winners will be determined (for Competitions the judging criteria and practices),
 - [f] anything else which aids transparency and clarity.
- 5 The written rules must be approved by the Top Table.
- 6 Once a District Incentive is launched, changes to the areas specified in sub clause 4 should only be made with the approval of the District Administration Committee.
- 7 Prizes or rewards for District Incentives must meet the criteria specified in TI Policy 8.4 and Protocol 8.4., or have specific prior approval from WHQ. Appropriate funding must have been provided for in the District Budget.

- 8 A District Incentive will come under the auspices of one or more senior District Officer. To ensure that clubs which a District Officer is a member of are not disadvantaged, and to avoid the perception of a conflict of interest, where their club qualifies for or enters the District Incentive, (except in situations covered in 3 [a] above), the District Officer is recused and the District Director or the District Administration Committee appoints an independent person to determine the successful entries.
- 9 For District Awards the procedure in clause 8 also applies for District Officers other than the Immediate Past District Director.

When establishing a District Incentive, the District needs to comply with the guidance in TI Protocol 8.4 (8) which under “incentives”

“Toastmasters International’s non-profit, tax-exempt status depends upon devoting the organization’s resources to its educational and charitable mission. Districts periodically incur non-routine expenses that must be appropriately managed to preserve this status.

Expenses that are essentially personal gifts must provide no more than “incidental private benefit” and must have a reasonable relationship to activities that directly support the mission. Examples are tokens of appreciation, expressions of sympathy and modest incentives. These items are appropriate if they promote goodwill and a positive atmosphere for the delivery of the Toastmasters program, but must never be lavish or excessive.

The following examples are representative of non-routine expenses, but are not all-inclusive.

Tokens of Appreciation

- Thank You cards
- Flowers up to \$25
- Toastmasters gift certificates
- Toastmasters products
- Gifts up to \$25

Expressions of Sympathy

- Sympathy cards
- Flowers up to \$25

Incentives

- Toastmasters products
- Toastmasters gift certificates
- Complementary or discounted registration to District Events, e.g. District Conference.”

As commented elsewhere in this report the prizes in the District Video Competition “stretched” the provisions of this protocol, almost to breaking point.

The committee recommends that:

- [i] The First, Second and Third prizes already announced, be awarded to clubs, not individual members and that the recipient clubs be requested to confirm to the District that the prizes will be used for club activities only, and not for the personal use of any member.
- [ii] As the committee has been unable to identify a normal and regular club use of a “Selfie Stick” as distinct from an individual’s use, the “Selfie Sticks” not be distributed and an appropriate voucher on District 72 supplies be issued instead.

If the Selfie Sticks have been purchased and cannot be returned to the shop, then the district needs to find a way to convert them into cash, even at a discount.

Third Term of Reference: **To comment as appropriate, on the issues raised by the two complainants Mark Baker and Robert Woolley, [subsequently amended to include Magdalena van Rooyen]**

The “issue” is in red. Our comment is in black.

1 Interactions with the Complaints

1.1 Did not address complaints fairly

Rob has commented that as a Division Director he feels that his original concerns were not addressed properly. He asserts that only one PQD managing the investigation is a violation of Protocol 3.0 and that both PQDs should have been involved.

In the early days of the saga, there were several things that exacerbated the situation.

The issue started with a posting on the D72 Facebook page by Kathryn Duncan DTM giving her view on the quality of the winning Educational Video. That posting was subsequently removed and her assertion is that DPRM Steve was the only one able to delete someone else’s postings. We do not know whether DPRM Steve was the one to remove the posting and, if he did, we do not know the reasons for that. Removing a posting from a District 72 website Facebook page, should perhaps involve a communication to those who have commented on it.

Again, it is about managing perceptions. There is a saying that people see something, they give it meaning and that meaning becomes their truth, until an alternative meaning is accepted by them.

The allegation of a Conflict of Interest, whether actual or perceived, is deemed by many people, to be an attack on their personal integrity, often with an understandable

emotive response. In the early days of this investigation and the lead up to it, DPRM Steve's responses to questions were aggressive in defending what he saw as an attack on his personal integrity. This may have "added fuel to the fire".

Later in the process, Steve has been very co-operative in working with the committee.

Kathryn has suggested that Rob's involvement was sparked by her original Facebook post. She states that she does not agree with the approach subsequently taken by Rob and Mark.

The first concern was raised by Mark Baker on the 15th January 2018 in an email to DD Sarah. At that time the DD, both PQDs and both CGDs were out of the country. They had been attending the TI Mid-Year Training for Senior District officers in Europe.

(Note it is the TI Practice to bring the SDOs from two TI Regions together for this training. In different years our region 12 has been grouped with Regions 10, 11, 13 and 14. In 2018, it was with Region 10 Europe, The Middle East and Africa and held in Portugal.)

The first response from DD Sarah to Mark as asking who else he had sent the complaint to. It has been suggested that this request was regarding whether she should discuss it with other members of the Quintet.

She also advised Mark that she would look into the matter on her return. Emails 28 & 51.

DD Sarah returned to NZ on or about 18th January. Her comments to the committee are: Email 51

I received a number of emails from Mark Baker while I was away at training and I responded saying I was away and would address on my return. I recused myself on Thursday 18th January from looking into this issue and asked IPDD David for guidance. He advised me not to discuss the issue any further and he would look into forming a review committee, which I understood he would chair. David confirmed he would tell Robert Woolley and Mark Baker that I was not responding to their emails as I had been advised by him not to. I don't know if he did this as on the 21st of January Mark Baker emailed the Division Directors accusing me of not responding to his emails. On Sunday 21st January Celina in her capacity of PQD removed David from this role and informed me she was taking over. I told her to stand down and insisted Toni take over forming any investigative committee, as Toni did not judge either the educational or promotional competition while Celina and David were involved in both.

IPDD David's Comments in response to the question "What council and guidance did you provide to the district leaders regarding the Video Competition? Please indicate to whom and when" are: [Note there was an extensive reply and we have

only reproduced those statements relating to the complaint that the complaints were not addressed fairly.] ^{Email 54}

I am extremely concerned that you would ask what was discussed. Trust is earned from District Leaders because they know I will not divulge our conversations with anyone. Confidentiality is paramount in being an IPDD, and I will never break that.

Therefore here are the dates and the people I spoke to, but the content will not be shared:

I first came aware of this via a phone call from Rob Woolley (a District Leader), on approx. 16th January when Sarah refused to speak to him over his concerns

I spoke to Fiona and Celina regarding this on the 16th January whilst they were in Lisbon

I had repeated email contact with Sarah whilst she was at Los Angeles airport on her way home from training on the 16th January.

I replied to a Mark Baker email on the 15/16th on behalf of the Top Table, as the Quintet were still in transit.

I had a one-hour phone call with Sarah regarding this on the 18th, and at my insistence an investigation committee was set up. I set up a committee that afternoon.

I contacted all Division Directors via email about the committee, as they had been contacted by Mark Baker

I had another 1-hour call with Sarah on Friday 19th prior to a Top Table Zoom call.

Friday 19th I had a phone call with Tania Fraser and Michelle Gerwitz

Saturday 20th I had a call with Steve Preston

Sunday 22nd I spoke to several Division Directors who had concerns.

Many more calls from Rob Woolley during this period.

On Sunday 21st I held a conversation with both PQDs and advised them that when a complaint is laid against the District Director, that under TI Policy they lead the investigation. I also asked that Chrissy and I be removed from the committee, because as judges we could never be viewed as impartial. I helped PQD Celina select a team that would be unbiased, to the best of our knowledge.

I probably had a further 20 phone calls from Rob Woolley up to this date. This is a strange situation in that I am providing guidance and counsel to the Top Table and Rob Woolley. Yet TI policy states that I assist both as District Leaders, and therefore both sides feel they can trust me and I will provide impartial advice.

DD Sarah recused herself from the Investigation on her return to NZ and has avoided any communication on this matter, except with the Committee.

The Committee's Conclusions:

"Fairness" is one of those terms which depend on a person's concept of what is fair.

The early days of this issue were complicated by the DD and other members of the Quintet being out of the country and about to start the long return trip to NZ. If they had been in NZ perhaps the time between the first communication from Mark and the establishment of this committee would have been reduced.

Some of the early communications from Rob and Mark could be interpreted as aggressive or even bullying. We don't know whether this was their intention, however if it was interpreted that way by recipients, strong responses may have followed.

The tone of some communications have not assisted the early resolution of this matter.

Regarding Rob's assertion that both PQDs should have been involved.

- [i] A District only ever has two PQDs in the year leading up to reformation. On average only a small number of Districts reform each year. Protocol 3.0 (and other Policies and protocols) do not address the situation where, in a district undergoing reformation, some roles are shared. It is up to the District Director to determine the allocation of responsibilities between the two incumbents.
- [ii] PQD Celina was involved in voting for the outcome of the Competition. PQD Toni was not involved.

We believe that DD Sarah's decision to have PQD Toni establish our committee was the right call and in keeping with the wording and spirit of Protocol 3.0

Overall we believe that once the committee was established, the procedures closely followed the TI Protocols, which are designed to ensure a fair approach to all sides.

The committee rejects complaint 1.1 "Did not address complaints fairly".

2 Process Issues.

2.1 Did not follow an appropriate process

The difficulty with this aspect of the complaint is that we have not found any precedent in this District for a Competition with valuable prizes where the entries were judged. A number of long-term members who have served on the district Executive, were consulted by Murray to confirm this. Consequently the process for this Competition was developed using original thought.

Rob has stated that "It has been said that this was not a speech contest but in all actuality it was both a speech contest and videography contest combined run by Toastmasters. As such, Toastmasters processes should have been at play unless there was a compelling reason to vary."

We reject the assertion that the TI Speech Contest Rule Book should have been followed, given the significant differences between the video competition and a speech contest. Rob's assertion that it was a speech contest in addition to a videography contests fails on the grounds that

[i] TI Policy 6.0: Speech Contests (reproduced below)

TI Policy 6.0: Speech Contests

1. Toastmasters International recognizes and supports the following official speech contests: International, Evaluation, Humorous, Table Topics, Tall Tales, and Video (only for members of undistricted clubs). No other contest types, showcases, etc., shall be conducted by districts.
 - A. Districts must conduct the International Speech Contest. The International Speech Contest shall only be conducted in English.
 - B. Districts may conduct up to three additional English speech contests each year.
 - C. Districts may also conduct up to four non-English speech contests each year.
 - I. Each of these contests is conducted in a language selected by the district director and approved by the district executive committee.
 - II. A non-English contest may be conducted using the rules of the International Speech Contest. Such a contest shall be titled using the name of the language. For example: Chinese Speech Contest.
 - III. Non-English contests shall not continue beyond the district level.
2. Contests must originate at the club level and proceed through the area, division, and district levels respectively; only contests following this progression are permitted at each level. All clubs are eligible to advance contestants to the area level in all contests regardless of the contest language or the primary language of the club.

[ii] There was nothing in the information provided to clubs that the “quality” of the spoken words by those appearing in the competition would be judged on the criteria from the various official TI Speech Contest Judges’ forms. If that had been, the case Clubs may well have selected different clips to include in their videos.

Once the video competition had received initial approval the rules / processes were developed by the DPRM. There were shortcomings in the rules.

Every member of the Top Table had at some time been responsible for running speech contests and would have been fully conversant with the Speech Contest rules regarding eligibility (and the thinking behind those rules) and the Judging process. Whilst the Speech Contest Rules are not directly relevant, they should have acted as a filter or reference in the minds of the nine members of the Top Table other than DPRM Steve.

The entire Top Table failed in their governance and or fiduciary responsibilities by not questioning, identifying the shortcomings and ensuring that they were remedied.

We consider the failures were at the lower end of the scale, however. Our rationale here is that there were considerable degrees of difficulty in this situation for the Top Table – it was a novel competition with a tight timeframe and they just didn't turn their minds to the issues, everything being clearer in hindsight.

There is an argument that to some extent the Division Directors also failed in their governance and or fiduciary responsibilities by not questioning and identifying the shortcomings, albeit to a somewhat lesser extent than the Top Table.

2.2 Did not allow contestants equal opportunities

Rob has asserted that the DPRM had opportunities that no other entry had. Given that Steve did not vote for the category that his club had entered, this complaint is rejected.

2.3 Did not have an objective tally counter

The Tally Counter was DPRM Steve. The committee have sighted the original Judges ballots'. We even compared the set of ballots provided by DD Sarah with the ballots provided separately by those who voted. We agree that the outcome generated by the Tally Counter is what we calculated.

On the face of it, DPRM Steve was not an independent Tally Counter, but our investigations have shown that this had no bearing on the result.

Having had an independent Tally Counter would have avoided perceptions of a conflict of interest. In retrospect, perhaps it would have been wiser to use PDDG and DP Chrissy as the tally counter and excluded her from voting.

We uphold this complaint, but note that there was no bearing on the result and that lessons have been learnt for the future.

3 Oversight

3.1 Did not have proper oversight by District leaders

We agree with and uphold this complaint.

We have commented extensively on this aspect in this report in responding to complaint 2.1 and earlier in our report.

4 TI Governing Documents

4.1 Did not exhibit core values of respect, integrity, service and excellence

Respect (for the individual):

There are several instances where communications from both Rob and Mark could be construed as failing to show respect for the DD or DPRM. As mentioned above, some of DPRM Steve's early emails were strong. Whilst it is perhaps natural to show a lack of respect for an individual when one feels that they have not shown you proper respect, that only exacerbates the issues.

Regarding Rob's comment that all members "*are entitled to have their funds treated with care and respect*" the funding for the prizes was included in the District Budget which was certified by the District Director, both programme Quality Directors and both Club Growth Directors. The responsibility is shared for the amount agreed be spent on the prizes. See also 4.3 (ii) below.

Integrity:

The committee finds that although those involved had a lack of experience in some areas and fell short in the areas of governance and personal judgment, there was no violation of the TI value of integrity because there was no dishonesty and nor were there any deliberate wrongful actions.

Service (to the member):

There are three areas where the district felt short in service to the member.

- [i] A very short time was allowed for entries to be submitted. For clubs with no prior experience in producing a video, and in some cases perhaps without a video archive to draw on, the timeline was too tight.
- [ii] From the description of the prizes in the two categories, one could infer that the organiser anticipated at least 13 entries in each category. We consider that the time allowed for the judges to view all entries, make their choices and return them to the DPRM was unrealistically short.
- [iii] The complainants have complained that the winning videos have not all been available to member clubs. To a large extent the complaints themselves have contributed to this short fall in service to the members. The choice was made not to publish the results until the results were validated by this committee.

(Dedication to)Excellence:

In some aspects this value was achieved and in other there were shortcomings. The competition itself was a valuable exercise which resulted in clubs striving for excellence. As such the competition is commended.

The areas where total excellence were not achieved have been covered earlier in this report.

4.2 Did not adhere to Toastmasters Internationals Protocols

These have been covered earlier in this report and also in the Committees Response to their third Term of Reference (below)

4.3 Did not make good use of members funds

In support of this complaint, Rob makes the following points:

- [i] That the videos should be Toastmasters-focused as opposed to club-focused.
The committee's view is that some of the videos produced would have been focused at the clubs own community (in the widest sense). Whilst it was stated that the winning videos would be shown to members, it was not stated anywhere that the purpose was to provide videos for the district.

- [ii] There was little promotional value received by District 72 as a result of the \$4,000 spend.
As far as the committee can determine, the primary objective of the competition was to get clubs using video on their own websites, Facebook pages etc. with a secondary objective of providing videos which the district could use on its website Facebook pages etc.
Over the years there has not been any successful model developed to measure the direct time based impact of a Public Relations campaign. A promotion will have an immediate impact on some people and they are likely to visit a club. For others the promotion adds to their awareness of Toastmasters and they may well visit a club when the need for their education becomes paramount.
In summary a promotional campaign is impossible to evaluate precisely.

- [iii] The choice of a Surface Pro as a prize and its usefulness to a club
Protocol 8.1 allows clubs to "own assets necessary to facilitate the Toastmasters program. Clubs and districts are administered by volunteers who primarily use their own personal equipment."
With advances in meeting technology, many clubs are starting to commonly use electronic devices at their meetings. The issue is the usefulness to a club and whether the club has rules to prevent the asset being used for personal business.
We do question the selection of a Surface Pro as a club prize. Note our comments on page 15.

- [iv] The confusion as to whether the competition was a club and not individual competition.
The committee shared this confusion. We have been assured that the intention was that the prizes would be to a club. We still question the usefulness of a "Selfie Stick" to a club. Note our comments on page 15.

5 Conflicts of Interest

5.1 The conflict/s of Interest

The Toastmasters International Governing Documents have a section on Conflicts of Interest - "Policy 7.2: District Management[2]. District Conflict of Interest". This Policy appears primarily focused on financial matters, where a district officer receives personal benefit from an expenditure of district funds e.g.: a District officer who is a caterer bidding to supply a district event.

The relationship between this policy and a club the district officer is a member of gaining an advantage is somewhat tenuous. A District Officer is expected to focus on the good of their level of the District, rather than favouring a club they may be a member of to the detriment of other clubs.

The voting slips which were sent to members of the Top table did not indicate which club an entry came from.

We note that District Public Relations Manager Steve chose not to vote in the category that his club had submitted an award entry. This was an appropriate course of action, which we commend.

District Director Sara and District Finance Manager Tania are members of Business Communication Club (BCC). Both have stated that they were unaware of the club submitting an entry. Both mentioned, that the clips in the video that they featured in were some years old and not generated specifically for the competition. An analysis of the votes submitted by both Tania and Sarah indicates that that club's entry would have won, even if Sarah and Tania's votes were eliminated.

We specifically asked all the Top Table members about Conflicts of Interest.

- PQD Celina's response was that the question irrelevant to the committee's investigation and did not answer the question.
- IPDD David also challenged the questioned relevance to the committee's investigation and did not answer the question.
- The responses from the other members of the Top Table were to the effect that either the possibility of a conflict of interest did not occur to them during the running of the competition, or if it did, it was during the judging process.

The two Judges who identified the possibility of a conflict of interest during the Judging period, chose to apply the practice that they would have applied in judging a speech contest i.e. the speech contest judges' code of ethics. An examination of their voting forms indicates that they were even handed.

The appropriate time to consider potential conflicts of interest, would have been during the development of the competition rules. This is another example of a lack of collective governance by the members of the Top Table.

An article by the NZ Auditor General (<https://www.oag.govt.nz/2007/conflicts-public-entities>) comments that **the perception of a conflict of interest, even when one does exist or is minor, can be as damaging to an organisation as a real conflict of interest.**

The committee finds that no actual conflict of interest occurred, although there was a perception of one.

5.2 Did not follow the rules (of the competition)

Rule 4 of the competition stated that “*The submitted video must be an original work without copyright infringement. Any infringement will result in disqualification. Toastmasters NZ holds no liability in relation to copyright for submitted videos.*”

The rule is sensible as a guide to clubs entering the competitions. Given the time allowed for the Judging it is difficult to see how this rule could have been applied by the judges. We note that in the instructions to the Judges their role regarding Rule 4 was not mentioned.

The committee has not viewed the entries (just the votes) and has no view whether this rule was followed.

5.3 That ineligible Contestants be disqualified from the competition

There is nothing in the rules of the competition about eligibility. (Rule 1. “Each entry can be by one or more persons from one or more Toastmasters club(s)”.) It assumes but does not state the usual clarification that a member and club must be in good standing – an oversight. There is also no restriction on who can enter.

There was nothing in the published rules of the competitions regarding the non-eligibility of a club who had a Top Table member as a club member.

Because of the weakness of the rules in this area, no one is liable to be disqualified except in the case of a proven breach of Competition Rule 4 (refer to 5,2 above). No such originality has been investigated to the committee’s knowledge.

To retrospectively exclude a club which complied with the rules at the time of entering is unfair and an insult to club members. No club should be punished for entering the competition in good faith. To retrospectively change the rules after the competition has been concluded is in our mind a breach of natural justice.

This complaint is rejected.

5.4 That as the District PRM is a member of the winning club, that club to return all prizes or monetary value of those prizes at retail price.

Prior to the completion of this report, and without any request from the committee, the Business Communication Club had returned the prize they had received for the education category, to District 72 Supplies.

We note that the District Public Relations Manager, who is a member of that club, did not vote for the Education category.

5.5 That the votes of Judges with a Conflict of Interest and Bias be cancelled

As previously stated District Public Relations Manager did not vote for the Education category.

The committee has not found a proved conflict of interest or bias in any other Judge.

6 Post Competition Events

6.1 That there be a recalculation of the results

This is covered under the (Fifth) Term of Reference E.

6.2 Did not deliver prizes as pictured or within a reasonable time

We consider that a reasonably similar product to the one pictured is sufficient. As the prizes had not been purchased when the first publicity was disseminated, the organizer presumably relied on pictures from the supplier's website.

The reason that some prizes have not been delivered within a reasonable time of the announcement of the results, is the time that it has taken to clarify the complaints and for the committee to complete their report.

6.3 That those eligible prize winners to keep their existing prizes plus the recalculated prize

We agree that the announced winners, should retain the announced prizes, given the potential demotivating impact on club members, to have the prizes confiscated.

We have already rejected the suggestion of retrospectively disqualifying clubs.

Regarding the suggestion that the district provide a second set of prizes to all winning clubs, this is doable, however given the critical comments about the

cost of the original prizes from TI WHQ, and the constraints of the district budget, prizes which comply with the provisions of TI Policy 8.4 and Protocol 8.4. are recommended.

6.4 The innocent parties in other clubs to keep their prizes.

Covered in 6.3 above.

There was a suggestion from WHQ that all the prizes be recalled and become District Assets. We understand that the District Top Table has rejected that suggestion. We agree that such a move would be significantly demotivating. There is a concept called “sanctioned expectations” where someone might have been told to expect something, and if then does not eventuate, the upset is significantly greater.

6.5 That any Investigation Report be published.

The committee is following Toastmasters International Protocol 3.0: Ethics and Conduct. Under that Protocol, the committee’s report is to be submitted to Programme Quality Director Toni Sharp QSM DTM. Further publication of the committee’s report is outside the jurisdiction of the committee.

7 Other Matters

7.1 A request for an unconditional written and verbal apology from the District Director to the membership regarding the Video Competition

We find no justification to recommending an unconditional written and verbal apology from the District Director.

7.2 That the District 72 Public Relations Manager be dismissed

The Committee does not have the authority, and cannot be delegated the authority, to either dismiss a District Officer whose appointment has been confirmed by the District 72 Council, or even recommend such a course of action. The authority and procedures for such an action are clearly specified in the Toastmasters International Governing Documents.

7.3 The Top Table attends an extensive Contest/Judging Workshop

The District Video Competition was a 2017/18 District Incentive. It was not in any way related to a Toastmasters Speech Contest. The rules from the TI Speech Contest Rule Book were and are irrelevant to the video competition. Consequently the committee cannot establish any justification for acceding to this complaint.

Fourth Term of Reference: To establish whether there were any violations of TI Bylaws, Policies and Protocols.

- [i] We note that the District Budget was submitted to WHQ without prior approval by the District Executive. The Budget and Marketing Plan were not issued to the District Executive until early November. This appears to be a violation of TI District Administrative Bylaw Article XI: Committees. Section [a] District Executive Committee. Whilst this departure may have been approved by WHQ it does allow for a lack of oversight.

All members of the District Executive, including Division G Director Rob and Area F6 Director Murray share some of the responsibility for allowing this violation.

- [ii] The ‘stretching’ of the requirements of TI Protocol 8.4 relating to the cost of the prizes.

WHQ has commented that they did not notice the amount being allocated to prizes in the district’s budget and if they had would have advised the district to reduce the costs involved.

We further note that in recent years the practice has developed of submitting a “summarised version” of the proposed District Budget to the District Executive instead of the very detailed version, which is sent to WHQ. On one hand, this makes it easier for those members of the DEC who are not accounting orientated to see ‘the big picture’. On the other hand, proposed expenditures in an area which might be considered excessive by some members of the DEC may not be noticed and questioned.

- [iii] The TI Policies and Protocol relating to Conflicts of Interest have not been violated. Note that these mainly relate to financial transactions.

- [iv] Competition rule 2 stated that “Each participant must be aware they are involved in the video and must have agreed to participation. “ This falls short of the official TI Video release form, which can be found at <https://www.toastmasters.org/resources/video-release-form>.

We do note that this TI form is not required to be signed by every participant at say the international convention or other District events. The breach is valid, but insignificant given current practice.

Fifth Term of Reference: To conclude if the announced result should stand.

This area will be finally reported on, once the final results are determined. At that stage the following text will be replaced with the final results.

The committees strong view is that calculation of the results of this competition should be done in a manner which is fairest to all the clubs which entered the competition.

Our interim recommendation is that the method of determining the final winners be determined at the District Administration Committee meeting on Sunday 4th March, by a sub committee made up of the Division Directors, excluding Rob. The other eight Division Directors have largely stayed out of the issues regarding the Video Competition.

They will be asked to consider and select from the following.

Option A That the results as announced stand. This was determined by averaging the votes received.

Option B That the competition be re-judged..

If Option B is selected then the questions are:
"who by"

Option 1 By all the Past District Governors / Directors who are members in good standing and currently resident in New Zealand, other than PDD David T, PDDG Chrissy and PDDG Murray. (Murray would coordinate this and use two past Division Directors as Tally Counters.)

Option 2 By Judges drawn from other Districts. They would decide the methodology to use.

Tally method if using a NZ Option:

Having the judges rank their top ten and then using the Preferential Voting System (PVS). I.e.by allocating second (and if necessary) third or fourth preferences until the three winners in a category are identified.

Note: On Wednesday 28th we consulted the Region 12 Advisor through PQD Toni, who recommended that the competition be re-judged. The committee agrees with the Regional Advisor.

We also considered the validity of those high percentage of votes where the voter had allocated the same number to more than one entry. As stated earlier this is a concern.

Section [C] Comments will be summarised

This section is a summary of comments made by the committee in the body of the report, other than in Section [b]. These are listed below as a service to readers with a page reference. It is important that they be read in the context of the discussion etc. which precedes them.

In the committee's view, whilst it is possible that the organiser chose to use the STV because this was the standard voting method used for local bodies in the Wellington Region, (where the DPRM lives) perhaps a closer examination of the methodology would have resulted in another voting system being advised. [[Page 5]]

There was some confusion in that PQD Celina Templeman and IPDD David Templeman sent in one ballot with them both having identical votes. Celina subsequently advised DD Sarah that her ballot should be counted twice. At this level collusion between voters who might be expected to exercise independent judgment in such a competition is regrettable. [[Page 6]]

We do not agree with the District Public Relations Managers comment that *the limited number of votes did not allow for the complexity of an STV system, which requires a much larger quantity of votes to work with any effect.* We do agree with the comment *"To identify 13 placings would have been virtually impossible."*

The committee recommends that the competition be judged anew. After careful consideration we recommend that the voting be done by members of another District. That there be provided with the videos and they determine the voting methodology to use.

If, as stated by the District Director and the District Public Relations Manager, the competition clearly came under the DPRM, why was the funding allocation in the Marketing Budget instead of the Public Relations Budget? There is an unused budget category 7008 Communication & Public Relations Promotional Materials. This question remains unanswered. [[Page 10]]

We understand that the District Video Competition was included in the District Success Plan (DSP) and the District Budget. These documents were submitted to World headquarters prior to the 30th of September 2017. Both these documents sent to WHQ would have been signed by the District Director, both Programme Quality Directors and both Club Growth Directors. [[Page 10]]

There is a divergence between the statements from the District Director, District Public Relations Manager, the two Club Growth Directors and the Programme Quality Director (South) regarding when the members of “the quintet” knew of the Competition and the level to which they were involved in the details of the Competition. [[Page 11]]

Whilst it may be outside of this committee’s terms of reference, we suggest that the District considers tightening its practices in this area (minutes of DAM, DEC, DC). [[Page 11]]

It is not our intention to recommend a bureaucratic approach, rather to make a suggestion of when individual members of the Top Table may “need to put on their governance hat”.

Indicators might be:

- The strategic direction of the District.
- Does the matter comply with the TI Governing Documents?
- Does the matter comply with the District Procedures and the District Administrative Procedures?
- Is the expenditure within budget?
- Does this decision have the potential to affect a significant number of clubs?
- Are we complying with the District Mission, and the Toastmasters Promise?

It could be that the next step is a discussion within the top table. In other circumstances it might even be that a recommended course of action is copied to the District Administration Committee for approval – perhaps by email. [[Page 12]]

To an extent by failing to exercise their governance responsibility, all the members of the Top table share some level of responsibility in the problems encountered with the District Video Competition. Specifically:

- The ‘stretching’ of the requirements of TI Protocol 8.4 relating to the cost of the prizes.
- Not questioning the selection of the STV method of determining the winners, e.g. why was this method selected.
- Not questioning the shortcomings in the rules of the competition, prior to their publication. Hindsight is a marvellous thing. Foresight is also valuable.

In many aspects of a Senior District Officer’s role, they are exercising skills and knowledge that they have gained during their progression from first time club officer to the Top Table. Sometimes on the Top Table, one is faced with entirely new situations. It is those such situations where the collective wisdom of one’s colleagues can be valuable. [[Page 13]]

As some opportunities or instances, where a district incentive may make a positive impact on District success, might only arise after the District Budget has been finalised (30th September), it is recommended that there be an allowance in the District Budget for unspecified District Incentives. [Pages 13/14]]

Section [D] Recommendations

1. That the prizes as announced for the First, Second and Third places in both categories of the District Video Competition stand and go to the clubs as announced.
2. That if the re-judging option is applied, then the different clubs who qualify for the First, Second and Third places in both categories of the District Video Competition based on the new independent judging receive an appropriate prize as indicated.
3. That suitable consolation prizes be developed by the district to replace the advertised prize of a “Selfie Stick”. That these be awarded as previously announced by the District.
4. The committee’s responses to the separate complaints as contained in pages 16 to 27 are recommendations.
5. That each individual member of the District Administration Committee reviews the committee’s comments on “Governance” and contemplates how it may apply to their current role.
6. That the District considers introducing the below as a new procedure applicable to District Incentive Programmes: (See also Page 14).

Possible new District Procedure.

District __ Incentives

1. This District Procedure applies to all District __ Incentive Programmes. It does not apply to Speech Contests, which are TI Protocol and are contained in the annual Speech Contest Rule Book.
2. A District Award is an ongoing award as specified in the Appendix to these District Procedures. A District Incentive Programme is a programme established by the District Leadership to run during their year of office.
3. District Incentive Programmes may take the forms of:
 - [a] An incentive where every participant meeting the criteria receives the specified recognition or reward, or
 - [b] An incentive where the specified first number of participants meeting the criteria receive the specified recognition or reward, or
 - [c] An incentive where the successful entry is drawn at random, from entries received.

- [d] A Competition, where entries will be judged and a specified number of prizes awarded.
- 4 The rules of the District Incentive must clearly specify
 - [a] the purpose of the District incentive.
 - [b] the entry criteria, and any exclusions,
 - [c] the time lines,
 - [d] the reward/s,
 - [e] how winners will be determined (for Competitions the judging criteria and practices),
 - [f] anything else which aids transparency and clarity.
- 5 The written rules must be approved by the Top Table.
- 6 Once a District Incentive is launched, changes to the areas specified in sub clause 4 should only be made with the approval of the District Administration Committee.
- 7 Prizes or rewards for District Incentives must meet the criteria specified in TI Policy 8.4 and Protocol 8.4., or have specific prior approval from WHQ. Appropriate funding must have been provided for in the District Budget.
- 8 A District Incentive will come under the auspices of one or more senior District Officer. To ensure that clubs which a District Officer is a member of are not disadvantaged, and to avoid the perception of a conflict of interest, where their club qualifies for or enters the District Incentive, (except in situations covered in 3 [a] above), the District Officer is recused and the District Director or the District Administration Committee appoints an independent person to determine the successful entries.
- 9 For District Awards the procedure in clause 8 also applies for District Officers other than the Immediate Past District Director.

Section [E] Appendices**Appendix 1 Summary of the attached emails. All external emails.**

#	Date	From	Content
1	22 Jan	PQD Toni	21 Jan to Top table requesting their ballots
2	22 Jan	PRM Steve	Response to Toni re request for ballots
3	22 Jan	PQD Toni	Response to Steve clarifying the request for ballots
4	22 Jan	PRM Steve	Response to Toni
5	22 Jan	PQD Toni	Response to Steve
6	21 Jan	PQD Toni	To Top table History of the investigation to date
7	22 Jan	PQD Toni	To the committee re appointment
8	22 Jan	PQD Toni	Copy of email from Rob to PQD & CGD 21 Jan Copy of DD Sarah's response to Rob
9	22 Jan	PQD Toni	Copy of email from Mark Baker to the Division Directors [First time the committee saw the complaint]
10	22 Jan	Murray Coutts	To Toni responding to her email # 7
11	22 Jan	PQD Toni	Copy of email from Mark 15 Jan Request from Sarah to Mark re who received the email Copy of Mark's reply to Sarah Sarah's reply to Mark Mark's reply to Sarah
12	22 Jan	PQD Celina	Information from Celina Copy of email from Celina to Steve
13	23 Jan	PQD Toni	To the committee
14	23 Jan	PQD Toni	Copy of email from Mark to Toni (#9) Toni's reply to Mark Mark's reply to Toni Copy of email stream to committee
15	23 Jan	PQD Toni	Copy of email from Mark to all the Division Directors and top table
16	23 Jan	Murray Coutts	To Division Directors requesting they remain neutral

District 72 Video Competition Investigation Committee Report

Confidential

Page 34

#	Date	From	Content
17	23 Jan	Murray Coutts	To Mark with letter attached
18	23 Jan	Murray Coutts	Send to Rob a copy of letter to Mark
19	23 Jan	PQD Toni	To top table with terms of reference for the investigation
20	23 Jan	Rob Wooley	To the committee
21	23 Jan	Rob Wooley	To the committee raising question whether he was a complainant.
22	23 Jan	PRM Steve	To Toni about what is the complaint.
23	23 Jan	Mark Baker	To the committee
24	23 Jan	PRM Steve	To Toni about what is the complaint
25	24 Jan	Rob Wooley	To Murray about what is the complaint.
26	24 Jan	PQD Toni Sharp	Copy of Robs email to the PQDs and CGDs
27	24 Jan	Rob Wooley	To the committee re confidentiality
28	25 Jan	DD Sarah	To the committee re requesting Rob not to contact her in this matter
29	25 Jan	PQD Toni	To Rob Wooley asking him to stop contacting the top table in this matter
30	25 Jan	PRM Steve	To Rob Wooley re possible breach of Policy 3
31	26 Jan	Mark Baker	To the committee information for the committee
32	01 Feb	Murray Coutts	From Rob (# 36) Murray Reply To Rob Wooley
33	28 Jan	PQD Toni	To Div Dir Kathryn / includes information from Kathryn Duncan
34	31 Jan	Mark Baker	To the Committee. Questions to consider
35	01 Feb	Rob Wooley	To the Committee. Complaining that the scope is too narrow.
36	01 Feb	Murray Coutts	To Rob Wooley. Acknowledging receipt of email 35
37	02 Feb	Mark Baker	To the committee. Asking for a phone conversation

District 72 Video Competition Investigation Committee Report

Confidential

Page 35

#	Date	From	Content
38	02 Feb	Murray Coutts	To Mark Baker & Rob Wooley. Advising there will be no phone calls. / Asking for any further information from them to be received by 10 Feb
39	02 Feb	Murray Coutts	To DD Sarah / Questions from the committee [a] to Sarah [b] to all members of the top table. Note the Top table questions were also sent to the PQDs, CGDs, DPRM, DFM, DAM & Parliamentarian
40	02 Feb	Murray Coutts	Separate questions to IPDD David
41	03 Feb	DP Chrissy	Her answers to the committees questions
42	04 Feb	Murray Coutts	To Rex Humphrey WHQ. Letter and copies of emails 1 to 40
43	05 Feb	Mark Baker	Questions from Mark. Expanding on his questions.
44	05 Feb	PQD Toni	Answers to Committee questions to all Top Table
45	06 Feb	Rex Humphrey	Follow up questions to committee. Requesting update on committee's progress.
46	06 Feb.	Murray Coutts	To Rex Humphrey WHQ. Advising which ballots had been received and the target date for the report.
47	06 Feb	Mark Baker	Questions from Mark. His requests regarding the outcome of the investigation.
48	07 Feb	Rex Humphrey	Follow up. Advising that he was in discussions with the WHQ District finance team.
49	07 Feb	Rob Wooley	Details of his complaint
50	07 Feb	Murray Coutts	Copy of Rob's complaint sent to Rex H, requesting advice.
51	08 Feb	DD Sarah	Initial response to the complaint and providing information.
52	08 Feb	Murray Coutts	Reply to Sarah. Advising that the committee was in a holding pattern until they heard back from WHQ.
53	08 Feb	PQD Celina	Response to Committee questions
54	08 Feb	IPDD David	Response to Committee questions
55	09 Feb	PQD Toni	Advice of suspension of the committee, per WHQ

District 72 Video Competition Investigation Committee Report

Confidential

Page 36

#	Date	From	Content
56	09 Feb	PQD Toni	Copy of email to Toni from WHQ
57	09 Feb	Murray Coutts	Reply to Toni with questions regarding future of prizes.
58	09 Feb	PQD Toni	Toni's answer to Murray
59	09 Feb	DD Sarah	Reply to committees questions to DD & Top Table
60	10 Feb	CGD Fiona	Reply to committees questions to Top table
61	10 Feb	CGD Neil	Reply to committees questions to Top table
62	10 Feb	DPRM Stephen	Reply to committees questions to Top table
63	12 Feb	DFM Tania	Reply to committees questions to Top table
64	13 Feb	DD Sarah	Copy of Magda's complaint
65	13 Feb	Murray Coutts	To Magda acknowledging her complaints
66	13 Feb	PQD Toni	To Magda acknowledging her complaints
67	13 Feb	Murray Coutts	To Rob details of Marks complaint and invitation to add items.
68	13 Feb	Murray Coutts	To Magda re email communication only
69	13 Feb	PQD Toni	Copy of Toni's response to Rob' email to Toni re Rob contacting other clubs.
70	13 Feb	PQD Toni	To Mark Baker re the reinstatement of the committee
71	13 Feb	Rob Woolley	To Toni requesting copies of correspondence between WHQ and Toni
72	13 Feb	Murray Coutts	To Michelle asking her to reply to the committees questions.
73	13 Feb	IPDD David	To Mark Baker advising him to refer his questions to Toni or the Committee
74	13 Feb	Murray Coutts	To Rob an update and acknowledgement of his email of 7 Feb
75	14 Feb	DAM Michelle	Reply to committees questions to the top table
76	14 Feb	Rob Wooley	Request for info about who to not contact
77	14 Feb	John Sullivan	Reply to Robs Request for info about who to not contact
78	14 Feb	Rob Wooley	Robs reply to John

#	Date	From	Content
79	14 Feb	John Sullivan	Reply to Rob, contains full text of TI Policy 3 and TI Protocol 3
80	14 Feb	PQD Toni	To Rob declining the opportunity to talk to him until the committee had completed its work.
81	15 Feb	PQD Toni	To David T re confidentiality
82	15 Feb	Murray Coutts	To Rob, welcome his info and warning re appeals and no privileged conversations.
83	16 Feb	Rob Wooley	Request for more time for his submission
84	16 Feb	Murray Coutts	OK to a small extension
85	16 Feb	PQD Toni	Copies of email from WHQ regarding the prizes
86	18 Feb	Rob Wooley	Confirming that he will put his submission in that night.
87	19 Feb	Rob Wooley	Rob's final submission to the committee.
88	20 Feb	Mark Baker	Requesting progress on the committees report

Note: These are the external emails prior to the committee's report being submitted. Any emails from the complainants and other parties since then are not included.

APPENDIX 2 STV (Single Transferable Vote)

An extract from <http://www.stv.govt.nz/stv/index.htm>

STV - It's Simple To Vote

At elections for district health boards and some local authorities voters use the "Single Transferable Vote" (or "STV"). On this site you can find out:

With STV, voting is easy.

Instead of ticking the candidates you want to vote for, with STV you number the candidates in order of preference. Put a "1" beside the candidate you like best, then a "2" beside your second choice, "3" by your third choice, and so on. You can vote for as many or as few candidates as you like.

So what does the numbering do?

By giving the number "1" to a candidate, you are saying that the candidate is your number one choice.

By ranking candidates in your preferred order - 1,2,3,4 and so on - you are also saying which other candidates you prefer:

- if your top choice doesn't have enough support to get in or,
- if your top choice doesn't need all the votes they received to be elected.

What else do I need to know?

For your vote to be counted there just needs to be a single '1'. After that the numbers you use must be in sequence and there must be only one of each number. If you make a mistake, your vote will be valid up to when you made the error - for example, if you miss out a "4" and just rank 1, 2, 3 and 5, only your first three preferences will be valid.

How candidates are elected

In an STV election, candidates must reach a certain number of votes to get elected. This is called a quota or an absolute majority (in the case of a single vacancy election). The quota is based on the total number of votes and the number of vacant positions.

Here's how candidates are elected:

- The counting process tallies all first preference votes.
- A candidate is elected if they reach the quota.
- If a candidate is elected, they keep only the proportion of the vote they need to reach the quota. The surplus part of each vote is transferred to the voter's second preference.
- The votes are tallied again.
- If another candidate reaches the quota or gets more votes than they need to be elected, the surplus part of each vote for that candidate will be transferred to the voter's third preference.
- If no more candidates have enough support to get elected (i.e. reach the quota), the lowest polling candidate is eliminated and all votes for that candidate are transferred to those voters' next preferences.
- This process is repeated until enough candidates are elected to fill the vacant positions.

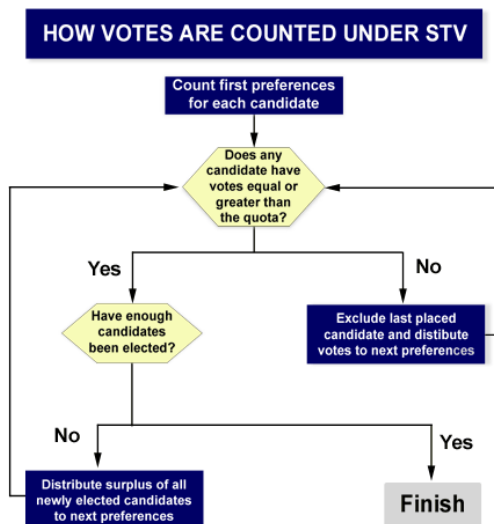
The transfer of votes is done in order of voters' preferences. This means that surplus votes are not "wasted" but are available to help other candidates to get elected.

How votes are counted

Voting is easy with STV. The vote counting is more complex and that's why a special computer programme has been developed.

This diagram gives an at-a-glance view of how votes are counted under STV.

Vote counting diagram



It's a job for a computer

Votes are counted using specially developed computer software - the formulae involved are too complex for counting to be done by hand.

The computer program:

- Works out the [quota](#) needed by each candidate to be elected
- Keeps track of the preferences each candidate receives including transfers between candidates
- Calculates the result.

The [Department of Internal Affairs](#) developed the program (called the STV calculator). It has been independently audited and certified, as required by law. The software is very sophisticated and provides very detailed results.

In 2016 STV is being used to elect members of these local authorities:

- Dunedin City Council
- Greater Wellington Regional Council
- Kaipara District Council
- Kapiti Coast District Council
- Marlborough District Council
- Palmerston North City Council
- Porirua City Council
- Wellington City Council

END OF REPORT