

NSDTRC (USA) POLICY STATEMENT – DISCIPLINE

On becoming a member of the NSDTRC (USA), applicants signed an agreement to abide by the NSDTRC (USA) Bylaws, the rules of the American Kennel Club, and the NSDTRC (USA) Code of Ethics. The agreement is an affirmation of how members should conduct themselves and these policies provide direction in the handling of alleged violations of conduct. Filing a complaint is a very serious matter and should never be taken lightly by the membership.

To assist in the handling of complaints and potential actions, the current edition of *Robert's Rules of Order Newly Revised* shall govern the Club in cases to which they are applicable and in which they are not inconsistent with the Bylaws and any special rules of order the Club adopts through these policies and procedures.

As provided in Article VII: Discipline of the Nova Scotia Duck Tolling Retriever Club (USA) Bylaws, the Board of Directors has sole power in areas related to disciplinary matters coming before it except in those cases that occur in relation to AKC member club events. AKC member club events sponsored by NSDTRC (USA) are bound by the American *Kennel Club Charter & Bylaws* and the publication, *Dealing with Misconduct at AKC Events*.

Enforcement

Alleged violations of conduct should be reported to the Board of Directors in writing. The Board of Directors will investigate the report, following a published procedure that provides for due process. Complaints will be handled by sending a copy to the subject of complaint and giving him/her an opportunity to respond.

After consideration and/or formal investigation, the Board of Directors may choose:

1. If the charge is unsubstantiated or outside the bounds of authority of the NSDTRC (USA), a letter will be sent to the complainant and the accused stating such.
2. If the charges are such that reasonable proof cannot be established or the Board of Directors believes the alleged violation is not of a sufficient degree to require formal disciplinary action, an educational letter may be sent to the parties involved.
3. If there is a reasonable belief that the charges could be proven and/or the number (more than one in any twelve (12) month period or three (3) in any three (3) year period) or seriousness of the complaint(s) against a member rises to the level requiring formal discipline, Article VII of the Bylaws shall be invoked. After a hearing and the charges substantiated, the Board of Directors or Committee may take one of the following actions: 1) Reprimand; 2) Suspension from all privileges of the Club for not more than six (6) months from the date of the hearing, or until the next Annual Meeting if that will occur after six months; 3) Recommend to the membership that the penalty be expulsion, and may be accomplished only at the Annual Meeting of the Club pursuant to Article VII, Section 4 of the Bylaws.
4. Any substantiated violations of AKC Rules and Regulations will be forwarded to the AKC by the Board of Directors.
5. Enforcement actions taken by the Board will be published in the Club newsletter to keep the membership informed; however information identifying said member(s) will be omitted, except in the case where expulsion is recommended and would therefore be identified in the proceedings of an Annual Meeting as documented in the Minutes.
6. If a member is suspended from the privileges of The American Kennel Club, member shall automatically be suspended from the privileges of this Club for a like period.
7. If a member chooses to file charges in a legal civil court action against another member, the Club will not entertain jurisdiction on like charges until the case is adjudicated by the courts.

Filing a Complaint

1. Charges of alleged misconduct prejudicial to the best interests of the Club or the breed must be in writing with specifications and filed in duplicate with the Secretary along with a deposit as defined in the Club Bylaws.
2. Complaints may be only filed by members of the club against another member of the Club.
3. Complaints may NOT be filed in an email.
4. Duplicate copies is defined as the number of copies equal to the number of members of the Board of Directors as well as an additional copy to be provided to the accused.

Complaints from Non-Members

1. Written complaints against a member of the club received from non-members are generally not within the scope of authority of the Board of Directors.
2. If the number (more than one in any twelve (12) month period or three (3) in any three (3) year period) or seriousness of the complaints against a member rises to a level of sufficient concern that formal discipline is contemplated (i.e. conduct prejudicial to the breed or the Club), the NSDTRC (USA) Board of Directors will consider preferring charges.
3. Alleged infractions of a lesser degree or not within the authority of the Board of Directors will be dealt with by an educational letter sent to the parties involved.
4. The Club has no jurisdiction over individuals not members of the Club and will take no formal action on any complaints received.

NSDTRC (USA) BYLAWS ARTICLE VII - DISCIPLINE

Section 1. American Kennel Club Suspension.

Any member who is suspended from the privileges of The American Kennel Club automatically shall be suspended from the privileges of this Club for a like period.

Section 2. Charges.

Any member may prefer charges against a member for alleged misconduct prejudicial to the best interests of the Club or the breed. Written charges with specifications must be filed in duplicate with the Secretary together with a deposit of \$10 which shall be forfeited if such charges are not sustained by the Board or a Committee following a hearing. The Secretary shall promptly send a copy of the charges to each member of the Board or present them at a Board Meeting, and the Board shall first consider whether the actions alleged in the charges, if proven, might constitute conduct prejudicial to the best interests of the Club or the breed.

If the Board considers that the charges do not allege conduct, which would be prejudicial to the best interests of the Club or the breed it may refuse to entertain jurisdiction. If the Board entertains jurisdiction of the charges, it shall fix a date of a hearing by the Board or a Committee of not less than three (3) members of the Board, not less than three (3) weeks nor more than six (6) weeks thereafter. The Secretary shall promptly send one (1) copy of the charges to the accused member by certified mail together with a notice of the hearing and assurance that the defendant may personally appear in his/her own defense and bring witnesses if he/she wishes.

Section 3. Board Hearing.

The Board or Committee shall have complete authority to decide whether counsel may attend the hearing, but both complainant and defendant shall be treated uniformly in that regard. Should the charges be sustained after hearing, all the evidence and testimony presented by complainant and defendant, the Board or Committee may, by a majority vote of those present, reprimand or suspend the

defendant from all privileges of the Club for not more than six (6) months from the date of the hearing, or until the next annual meeting if that will occur after six months. And, if it deems that punishment insufficient, it may also recommend to the membership that the penalty be expulsion. In such case, the suspension shall not restrict the defendant's right to appear before his/her fellow members at the ensuing Club meeting which considers the recommendation of the Board or Committee. Immediately after the Board or Committee has reached a decision, its finding shall be put in written form and filed with the Secretary. The Secretary, in turn, shall notify each of the parties of the decision and penalty, if any.

Section 4. Expulsion.

Expulsion of a member from the Club may be accomplished only at the Annual Meeting of the Club following a hearing and upon the recommendation of the Board or Committee as provided in Section 3 of this Article. The defendant shall have the privilege of appearing in his/her own behalf though no evidence shall be taken at this meeting. The President shall read the charges and the findings and recommendations, and shall invite the defendant, if present, to speak in his/her own behalf. The members present shall then vote by secret written ballot on the proposed expulsion. A two-thirds (2/3) vote of those present and voting at the annual meeting shall be necessary for expulsion. If expulsion is not so voted, the suspension shall stand.