NSDTRC (USA) Disciplinary Hearings

PROCEDURAL CHECKLIST

Defendant:	
Address:	
City/State/Zip:	
Date:	

This checklist must be completed by the Committee Chair and initialed and signed. The accused must also sign this document.

This checklist is part of the record of the Hearing, concerning the alleged conduct of a member, and should be submitted with the complete report of the proceedings. The report must be sent so as to be received by the NSDTRC (USA) Secretary within five days of the date of the hearing.

PREHEARING

Complete and Initial

#	Criteria	✓ when	Tu:4: ala
π	Preliminary Investigation. An investigation of all complaints was made	completed	Initials
1.	following club policy/procedure and a preliminary determination was made by the Board of Directors whether, if the alleged conduct was proven true, it was prejudicial to the club and/or breed.	Yes	
2.	Name and address of the individual making the complaint.		
Nam	e:		
Add	ress:		
3.	The complaint is in writing.	☐ Yes	
4.	Appropriate fee submitted with the complaint.	☐ Yes	
5.	It was determined that a hearing should be held.	☐ Yes	
6.	Notice of Hearing. The accused was advised by certified mail on		
	a. Accused was told he/she was being charged with the following misconduct:	Yes	
	b. a.m./p.m. on(date). (The accused must be given reasonable time to secure witnesses and to prepare. The hearing must be held not less than 3 weeks nor more than 6 weeks after notification)	☐ Yes	
	c. The accused was provided with a copy of the complaint.	Yes	
	d. The accused was advised whether counsel could be present.	☐ Yes	
7.	The President established the committee as follows (include address and telephone number): r:	☐ Yes	
Secretary:			

HEARING

Complete and Initial

#	Criteria		Initials
	Introduction . The Chair introduced himself or herself and the members of		
8.	the Committee and designated one member of the Committee to keep a	☐ Yes	
	record of the proceedings. Advisal of Charges . The Chair again advised the accused of the specific		
9.	charges (same as #6A above).	☐ Yes	
10.	Advisal of Rights. The Chair advised the accused of these rights:		
	a. To hear, confront and question all witnesses;	☐ Yes	
	b. To present witnesses on his/her own behalf;	☐ Yes	
	c. To testify on his/her own behalf; and	☐ Yes	
	d. Counsel is/is not allowed to be present.	☐ Yes	
11.	Witness List . The Chair determined the list of witnesses to be called by the complainant and the accused.		
Comp	lainant's Witnesses:	•	
1		1	
		Yes	
	1) YYY.	Yes	
Accus	sed's Witnesses:		
		1	
	Unauthorized Persons Excused. The Chair excused all persons except the		
12.	Committee, the accused, and counsel if allowed. The witnesses were	☐ Yes	
12.	excused from the proceedings, except when they were called on individually to testify.	105	
	Witnesses. The Chair called and swore in the witnesses: first, the		
	complainant and those named by the complainant; then, those named by the		
12	accused. The Chair ascertained the full name and address of each witness.	□	
13.	The Chair questioned the witness and then allowed the accused to question	☐ Yes	
	the witness. (An appropriate oath is as follows: "Do you swear or promise		
	that you will tell the truth, the whole truth and nothing but the truth?")		
14.	Accused Statement . After all the witnesses testified, the Chair permitted the accused to make a final statement in response to the charges.	☐ Yes	
	Close Hearing. The Chair then excused all persons except the committee		
15.	and asked the accused to remain available to receive the committee's	☐ Yes	
	decision.		

POSTHEARING

Complete and Initial

#		Criteria	✓ when completed	Initials
		dings. After deliberation and by majority vote, the committee made	•	
	thes	e findings:		
16.	a.	As to whether the charged conduct has been proven;	Yes	
	b.	Whether such conduct was prejudicial to the best interests of the breed or the Club.	☐ Yes	
		ision.		
			☐ Yes	
17.	a.	The committee found that both of the elements in charge(s) number were not proven and it dismissed the charge(s).	☐ No	
		The committee found that both elements in charge(s) were proven	☐ Yes	
	b.	and determined that the following action be taken:	□ No	
		1) Written reprimand.	☐ Yes	
		2) Suspension from the club for months.	☐ Yes	
		3) Recommendation for expulsion from the club.	Yes	
	Noti	ice. After the committee made its decision, the Chair:		
		Immediately notified the accused of the charges that were dismissed		
18.	a.	and those that were sustained.	Yes	
	b.	If charges were sustained, the accused was so advised and notified of the action taken.	☐ Yes	
		ninder.	103	
	Item	Committee must notify the accused, in writing, by certified mail return		
	a.	receipt requested and first-class mail, of the committee's decision.	Yes	
		Send to the club Secretary, within five days, a complete report of the		
19.		proceedings, which includes:		
1).		1) A copy of the signed written complaint		
		2) A comprehensive summary of the hearing.		
	,	3) This Procedural Checklist	☐ Yes	
	b.	4) A duplicate copy of the notice of action sent to the accused.	Yes	
	c.	Secretary sends letter to complainant of outcome.		
Chai	r Sigr	nature		
Attesting to the fact that all items on this list were completed.				
Defe	ndant	: Signature		
Attesting to the fact that Items 3, 5, 6, 7, 8, 9, 10, 11 and 16 were completed.				

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