

NSDTRC (USA)

Procedure for Investigation of Complaints and Actions

SELECTION OF INVESTIGATOR

After receipt of a complaint, the Secretary will forward, within two (2) weeks of its receipt, by mail a copy of the complaint to all Board members. If the Board determines that the complaint may relate to alleged misconduct prejudicial to the best interests of the club or the breed, the Board will appoint a member of the Board to perform the investigation. In selecting the investigator, the Board will make reasonable efforts to select a member who is not well known to either the complaining party or to the accused. If none of the members of the Board believe they can investigate the case in a fair and impartial manner, the NSDTRC (USA) President shall appoint a member of the Club for the purpose of investigating the complaint. The investigator shall be appointed within four (4) weeks of the complaint being reviewed by the Board.

INITIAL CONTACT BY INVESTIGATOR WITH COMPLAINANT

Within two (2) weeks after being appointed, the investigator will contact the complainant and obtain any supporting materials, including documents, statements from witnesses, etc., that the complainant may wish to submit. The complainant shall have three (3) weeks to provide supporting materials. The investigator should have at least one telephone conference with the complainant in order to explain the investigatory process and clarify the facts and issues involved in the complaint. The investigator should explain to the complainant that she/he has a right to submit any further supporting documentation, but that all of the materials submitted will be provided to the accused in order to allow the accused the opportunity to fully respond to the allegations. The complainant should not submit any materials which she/he does not want to be provided to the accused.

INITIAL CONTACT BY INVESTIGATOR WITH ACCUSED

Within three (3) weeks after receiving all materials from the complainant, the investigator will notify the accused and provide all documents obtained during the course of the investigation to the accused. The investigator will have at least one initial telephone conference with the accused to explain the process and to notify the accused that she/he has an opportunity to provide any documents or witness statements in response to the complaint. The accused will have four (4) weeks within which to respond.

REPORT OF INVESTIGATION TO BOARD OF DIRECTORS

Within three (3) weeks after receiving materials from the accused, the investigator shall submit a written report to the Board of Directors summarizing the investigation and all materials received from the complainant and the accused. Within two (2) weeks, the President will convene an Executive Session in the on-line forum, by conference call, or an in-person meeting to determine whether probable cause exists to believe that a violation of conduct prejudicial to the breed or the club has occurred. A majority of the entire Board must vote in the affirmative for a finding that probable cause is present.

If the Board decides probable cause is not present, and that the appropriate response is to issue an educational letter, it is empowered to do so. No further action is required and the matter is considered closed.

If the Board decides probable cause is present, and that the appropriate response is the consideration of disciplinary action as provided in the Bylaws, Article VII – Discipline, 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.

The Secretary shall also send the complainant a notice of the hearing by certified mail and the assurance that the complainant may personally appear and bring witnesses if he/she wishes.

The Hearing may be held in a telephone conference call with all parties involved being invited to participate or at an in-person meeting.

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. The Secretary will notify the complainant and defendant the Board's determination regarding counsel.

The Procedural Checklist will be used to ensure that due process was followed.

CONFIDENTIALITY

The Board of Directors will use reasonable efforts to maintain the confidentiality of this entire process. The Board of Directors will strive to respect the privacy of the parties during its investigation and make reasonable efforts to avoid inadvertent disclosures. No public announcement will be made by the investigator or Board regardless of its decision. The complainant and the accused will be notified privately by the Board of its decision.

APPEALS

The decision of the Board of Directors or Committee shall be final in all matters related to the handling of complaints. Appeals will only be entertained:

1. If the recommendation is expulsion, the defendant may speak in his/her behalf before the membership at the Annual Meeting and prior to the vote of those members present;
2. Or if serious procedural errors can be substantiated in the handling of a complaint.

MAXIMUM TIMELINE OF EVENTS

Secretary notifies Board of complaint	2 weeks
Board determines if a valid complaint exists and appoints an investigator	4 weeks
Investigator contacts complainant	2 weeks
Complainant submits additional material	3 weeks
Investigator contacts accused and provides documentation from complainant	3 weeks
Accused provides a response	4 weeks
Investigator submits report to Board	3 weeks
Executive Session convened	2 weeks
Board discussion, determination and vote	4 weeks
Hold Hearing	6 weeks
Notification of accused and complainant of decision	1 week
TOTAL	34 weeks