

Dealing with Misconduct

at American
Kennel Club Events

Guide for Event Committees

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AMERICAN
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AKC MISSION STATEMENT:

The American Kennel Club is dedicated to upholding the integrity of its Registry, promoting the sport of purebred dogs and breeding for type and function. Founded in 1884, the AKC and its affiliated organizations advocate for the purebred dog as a family companion, advance canine health and well-being, work to protect the rights of all dog owners and promote responsible dog ownership.

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SECTION I

AUTHORITY OF EVENT COMMITTEE

At the time of its event, the Event Committee carries the powers of The American Kennel Club (“AKC®” or “the AKC®”), and the corresponding duty to use its authority to deal with any misconduct that may occur in connection with its event. As used herein, the term “Event Committee” is all encompassing and means Bench Show Committee, Obedience Trial Committee, Field Trial Committee, Hunting Test Committee, and so forth.

ARTICLE XIV, SECTION 1, of *The Charter and Bylaws of the American Kennel Club, Inc.*, gives the Event Committee the right to suspend any person from any or all privileges of the AKC for conduct prejudicial to the best interests of purebred dogs, AKC events, or the AKC, alleged to have occurred in connection with or during the progress of its event, after the alleged offender has been given an opportunity to be heard. When dealing with such matters, the committee represents the AKC and every person who enjoys the sport.

It is the responsibility of Event Committees to deal with misconduct in connection with an AKC event. However, it does not negate the AKC’s authority to take action itself for prejudicial conduct in connection with an events, pursuant to Article XII, of the Charter and Bylaws of the American Kennel Club, Inc.

SANCTIONED EVENTS

The AKC interprets Article XIV, Section 1, as giving the power to suspend to an Event Committee only at licensed or member club events. The committee at a sanctioned event does not have this power, but it has the duty to investigate any alleged prejudicial conduct occurring in connection with or during the progress of its event and to send a report of all facts, including the names and addresses of all participants and witnesses, to the AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016, for its decision as to any action required.

SECTION II

COMMITTEE'S DUTY

It is the duty of the committee, not of the AKC, to deal initially with acts of alleged prejudicial conduct which occur during or in connection with a club's event. The phrase "in connection with" means any incident where the parties involved are there because of the event; for example, at a dinner connected with the event, in a parking lot adjacent to the event grounds, at a hotel facility, or abuse of a hotel facility. Incidents occurring while traveling to, from and between events are not considered to be in connection with an event. While a club can hope that no problem of this nature will arise, its committee *must* be prepared to deal with such incidents in a creditable manner should they occur. The AKC will support a committee which properly executes its powers, but when a committee fails to fulfill its obligations in this respect, serious questions arise as to whether the club should be allowed to hold future events under AKC rules. In situations where the club fails to meet its obligations, the Board of Directors of the AKC, after review, may impose a fine or withhold approval of events, or both.

Jurisdiction for the first club in a cluster of events commences upon the arrival of participants in conjunction with the event and continues until 12:00 midnight following its event. When more than one club is using the same location on consecutive days, jurisdiction for dealing with misconduct passes to the club on the following day at 12:01 a.m. on the day of its event. It is the committee's responsibility to keep on hand copies of the *AKC Charter and Bylaws* and the *Dealing With Misconduct* booklet.

If one of the events is a Sanctioned Event, all incidents which occur during the hours of such event should be handled as outlined in Section I, "Sanctioned Events." Any incident occurring after the Sanctioned Event has ended would fall under the jurisdiction of the next day's licensed or member club's Event Committee.

SECTION III

COMPOSITION OF THE EVENT COMMITTEE

AKC's Rules and Regulations require that the Premium List contain a listing of members of the Event Committee (of which there must be at least five) along with the name and address of the Chair. It is not necessary that every member of the committee participate in the proceedings, but a majority of the committee must participate. (A "majority" is interpreted to mean at least three committee members.) All member(s) must be from the event-giving club and must be in good standing.

No person should serve on an Event Committee unless he or she is prepared to carry out the duties fairly and impartially. Reasons for a committee member's recusal or disqualification include the following: (1) the member will appear as a witness at the hearing; (2) an immediate family or household member of the committee will appear as a witness at the hearing; (3) the committee member has a personal or business relationship with the accused or complainant; (4) the member co-owns a dog or dogs with the accused or complainant; (5) the member does not feel that he or she can be impartial; or (6) the member witnessed the event. A recusal occurs when a committee member voluntarily withdraws from the committee; and a disqualification occurs when a majority of the other committee members affirmatively vote to disqualify a member from further participation in the proceedings.

The Event Committee Chair should attempt to have all available committee members present for the hearing. If the members of the committee have been disqualified or recused themselves, and if the exclusion of these members renders the committee's composition less than three, it is the responsibility of the committee to contact additional club members who are at the event, but did not witness the incident, to fill the vacancy. In the event that this is not possible, the committee should be filled with club members who were not in attendance and the provisions outlined in Section VII should be followed.

In the discretion of the Event Committee Chair, his or her duties as the Chair or solely as the presiding officer at the hearing may be delegated to another Committee member, with the original Chair continuing to serve on the Committee. Specifics as to any such delegation must

be set forth in the Committee's report. In the case of any such delegation and whenever appropriate, a reference in this booklet to Committee Chair shall be deemed to constitute a reference to the Chair's delegatee.

SECTION IV

CONDUCT PREJUDICIAL TO THE SPORT

Proceedings under Article XIV, Section 1, of *The Charter and Bylaws of the American Kennel Club, Inc.*, may involve different types of conduct. One test in connection with any kind of scene or altercation occurring during an event is whether a family attending an event for the first time would be likely to decide, after witnessing such an incident, that the sport is not for them. While the number of people witnessing the incident should be taken into consideration, conduct that is known to only one or two people at an event can also be prejudicial to the sport. Among the kinds of conduct that may occur are: a demonstration of dissatisfaction with a judge's decision, including refusal to accept a ribbon or throwing a ribbon on the ground;* altercations with officials or participants; abusive or foul language in public; and mistreatment of a dog. If there is any indication that a purportedly abused dog is physically injured, it is the duty of the committee to have it examined as soon as possible by a veterinarian, and a detailed report made of the physical injuries.

As in any sport, conduct that may, in the opinion of the committee, be prejudicial to the sport, can take other forms that do not fall within these descriptions.

**Judges are advised to report to the Event Committee any abusive language directed to them or any refusal to follow their instructions, as well as any improper suggestions or requests they might receive to favor a particular dog. Such reports are required not so much for the protection of the individual judge, as to protect the integrity of the sport.*

SECTION V

PRELIMINARY INVESTIGATION

When an incident arises at or in connection with an event, the Event Committee Chair is obligated first to advise the AKC representative, if there is one in attendance, of the incident. Then the Event Committee is obligated to investigate. When in attendance at an event, AKC representatives have been instructed to be available throughout the entire process to advise the committee and the accused of the proper procedures. In this regard, the AKC representative is involved only in an advisory capacity to ensure that the procedures are properly followed, not in the substance or decision-making involved in the proceeding.

The purpose of a preliminary investigation is to establish whether the nature of the incident, if proven, would constitute prejudicial conduct, not to establish guilt or innocence of the party or parties involved in the incident.

Anyone can file a complaint alleging prejudicial conduct. Any such complaint alleging prejudicial conduct must be in writing. Anyone can write the complaint, provided it is signed by the complainant. No fee is required. When possible, written statements for the record should be obtained from all principals (complainant, accused, witnesses). Ordinarily, complaints must be filed with the Event Committee on the day the alleged prejudicial conduct occurs. Only in cases of extenuating circumstances, where conditions make it impossible or impractical to file complaints on the day of the event, will the Event Committee entertain a complaint received after the day of the occurrence of the alleged, prejudicial conduct. (Examples of such extenuating circumstances include incidents occurring after event hours, incidents at locations away from event sites, knowledge of the incident not being manifest until after the event, when members of the Event Committee cannot be located after or near the conclusion of an event, complainant being injured, family emergencies, or an injured dog needing immediate care.) The decision to entertain or reject complaints made after an event rests with the Event Committee, but in no case should a complaint

be entertained which is not received by the Event Committee within five (5) days of its event. Jurisdiction for the first club in a cluster of events commences upon the arrival of participants in conjunction with the event and continues until 12:00 midnight following its event. When more than one club is using the same location on consecutive days, jurisdiction for dealing with misconduct passes to the club on the following day at 12:01 a.m. on the day of its event.

When a dog is seriously injured or dies in connection with an event, the Event Committee must conduct a preliminary investigation to determine if negligence or the willful conduct of an individual caused the injury or death. If the preliminary investigation determines that there was no negligence or willful conduct causing the injury or death, then a written report of the findings of the preliminary investigation must be submitted to the AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016 within five (5) days. If the Event Committee determines that negligence or willful conduct may have caused the death or serious injury, the Event Committee must hold an Event Hearing.

If, after investigation, the committee concludes that the nature of the incident, if proven, would *not* constitute prejudicial conduct, the committee need not hold a hearing. A report of the incident and the committee's conclusion must be submitted by the Event Committee Chair to AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016 within five (5) days. Should the committee's investigation indicate that the nature of the incident, *if proven*, would constitute prejudicial conduct, the committee must be prepared to proceed as required under the Rules and as outlined in this booklet.

SECTION VI

NOTICE OF HEARING

The committee shall determine the location and time for the holding of the hearing. In all instances, the Chair shall then notify the accused in person of the specific charges against him or her, *specifying the conduct* alleged to be prejudicial to the best interests of purebred dogs, AKC events, or the AKC. It is the duty of the Chair to provide the accused with a copy of the *Dealing with Misconduct* booklet. The accused must be given a reasonable time to secure witnesses and to prepare for the hearing. If the accused does not feel he or she has been given a reasonable time, then he or she is responsible for requesting additional time from the Chair. Every effort should be made to hold the hearing on the day of the event. The accused does not have the right to have the hearing continued to another date in order to secure an attorney.

SECTION VII

IF ACCUSED DOES NOT APPEAR OR IS UNAVAILABLE AT THE EVENT

If, after having been advised of the charges, the time and location of the hearing, the accused fails to appear, the committee should proceed with the hearing, weighing all testimony of witnesses, reaching a conclusion as it would have had the accused been present. The fact that the accused failed to appear at the hearing must be clearly noted in the report filed with the AKC.

It is suggested that the hearing be held on the day of the incident and during the event, while the accused and witnesses are available. If the accused left the grounds prior to being advised of the charges, it may be necessary that the hearing be held after the close of the event. If the whereabouts of the accused are known, attempts should be made to notify him or her of the charges and the time and location of the hearing.

If the whereabouts of the accused are unknown, the committee must write the accused at his or her last known address, via regular mail and certified mail (return

receipt requested) specifying the conduct alleged to be prejudicial to the best interests of purebred dogs, and that a hearing has been scheduled, giving the accused the specific date, time, location of the hearing, and a copy of the *Dealing with Misconduct* booklet. Certified mail is considered to be personal notification of the hearing and charges. It is recommended that whenever possible, hearings subsequent to an event be held within fourteen (14) to twenty-eight (28) days of the event. Notice of the hearing must specifically describe the conduct which is alleged to have been prejudicial, and must advise the accused of his or her right to be present, to testify, to present witnesses on his or her behalf, and to cross-examine all witnesses. The notice must also provide the accused an opportunity to respond to the charges in writing if he or she is unable to attend. In such a case, the committee has the burden of bringing in its own witnesses or securing affidavits from them as to the facts of the case.

It is the Chair's responsibility in those cases where charges were sent to the accused by certified mail (return receipt requested) to be sure that the signed return receipt has been received prior to proceeding with the hearing.

Under Board policy for specific offenses, the AKC will deny registration privileges to any person from or after the date of notification to such person that charges have been preferred against him or her by an Event Committee. Therefore, when notification is sent to the accused that charges have been preferred against him or her, it is the Chair's responsibility to submit a copy of the charges to the AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016.

SECTION VIII

RECORD OF HEARING

A verbatim transcript of the testimony is not required. In all events, complete names, addresses and telephone numbers of the Chair and members of the Event Committee, of the accused, and of all witnesses, must be recorded, together with the specific charges or alleged prejudicial conduct. Additionally, the report must contain a comprehensive summary of testimony offered by each witness as specific evidence of the conduct charged, of the accused's statements admitting or denying the charges, and of evidence offered in rebuttal to the accused's presentation. The Chair is to ensure that the witnesses and accused are questioned so that his or her testimony in the record will include statements on all the pertinent matters relating to the charges. The record must include specific information to show where and when the misconduct occurred, and the degree to which the alleged conduct was witnessed by others. Written statements obtained as part of the hearing must be included with the committee's report.

SECTION IX

THE HEARING

It is not necessary that every member of the committee participate in the proceedings, but three or more members of the committee must attend. Once the committee convenes, the Chair must introduce himself or herself and the members of the committee. The Chair must designate one member to keep a record of the proceedings (Section VIII).

It is very important that the Chair again advise the accused of the specific prejudicial conduct which is being charged.

The Chair must then advise the accused of his or her rights at the hearing, as follows:

1. That the accused may be present during the testimony of all witnesses and may cross-examine all witnesses. Witnesses may testify via telephone when unable to attend the hearing.

2. That the accused may present witnesses on his or her behalf.

3. That the accused may present his or her own testimony.

Once the accused is advised of the charges and of his or her rights, the Chair should prepare a list of all witnesses to be called and then should excuse all persons, except the committee, the accused and (if present) the AKC Event Representative. The complainant and witnesses are excused from the proceedings except when called individually to testify. If the accused has an attorney present, the attorney may remain in the room. The accused's attorney may only advise the accused and in no other way may the attorney participate in the proceedings.

It is essential that the hearing be conducted in a fair, orderly, and impartial manner. The witnesses and the accused are to be sworn prior to their testimony. (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?") Again, no person should serve on an Event Committee unless he or she is prepared to carry out the duties fairly and impartially (Section III).

In the interests of orderly procedure, it is best that only the Chair ask questions of witnesses, but the other members of the committee may ask questions if they believe there is some point that needs clarification. However, under no circumstances should the members of the committee engage in argument, debate, or discussion with a witness or the accused. The hearing must not degenerate into statements by various members of the committee on their views of the alleged conduct of the accused. During the hearing, the members of the committee should not in any manner indicate what their decision may be. It is the Chair's responsibility to ensure that the hearing proceeds in a properly and orderly fashion.

Should an accused person threaten or attempt to coerce the committee, such remarks or behavior should be included in the report, but the committee should not be influenced by them.

After all witnesses have testified, the accused is permitted to make a final statement in response to the charges. The Chair should then request the accused and, if present, the AKC representative to leave the hearing room (both should be advised to remain available to receive the committee's decision). Once the committee has decided, the accused and the AKC Event Representative should be recalled and informed of the decision.

SECTION X

FINDINGS AND DECISION

After all testimony has been taken, the Chair should excuse all persons except the committee. The Chair shall ask the accused to remain available to receive the committee's decision. Based on the evidence presented and by a majority vote, the committee shall determine:

- 1) Whether the charged conduct has been proven;
- 2) Whether the conduct was prejudicial to the best interests of purebred dogs, AKC events, or The American Kennel Club; and
- 3) Whether the charged conduct occurred in connection with, or during, an event.

IMPARTIALITY AND PAST RECORD

In reaching its decision the committee shall not consider the accused's general reputation or status in the sport, or the extent of his or her investment in dogs. Their sole consideration must be the person's conduct on this particular occasion.

APOLOGIES

When a person acts in a manner prejudicial to the sport, the damage cannot be undone by an apology, even though an apology may be acceptable to the individuals directly affected. Neither the committee nor an individual

who might have been the subject of abuse should accept an apology on behalf of others, whose interest might be prejudiced by the conduct. However, the accused's attitude at the hearing and any apologies offered should be included in the record of the proceedings.

DISMISSAL

Should the committee conclude that any of the three elements have not been proven, it must dismiss the charges and inform the accused. However, a full report of the proceedings and findings of the committee must be sent to AKC.

SUSPENSION

Should the committee decide that all three elements of the charges have been proven, the accused should be called back (if still available) and informed of the decision; that he or she stands suspended from any or all privileges of AKC; and that he or she may not participate in any events from that time forward. This verbal notice of suspension should be included in the committee's report, but written notice of the committee's decision must be mailed to the accused by certified mail, return receipt requested, and first class mail, as described in Article XIV, Section 1 of *The Charter and Bylaws of the American Kennel Club, Inc.* It is the Chair's obligation to ensure that the accused received written confirmation of the committee's decision to suspend.

The committee is obligated to determine if the three elements of the charges have been proven. If so, the accused is suspended. The term or length of the suspension is set by the Guidelines adopted by the Board of Directors of the AKC. The committee shall not set the term of suspension. However, when the penalty for the offense as set forth by the Board of Directors provides for a reprimand in certain instances, the Event Committee shall have the authority to stay the suspension, pending a final determination by the AKC. The Event Committee shall only have the authority to grant a stay if the Event Committee recommends that the mitigated penalty of a reprimand be imposed.

The committee must send to the AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016 so as to reach its office within five (5) days of the last date of the event or within five (5) days of the date of the hearing if held subsequent to the date of

the event, a complete report of the proceedings, including a copy of the letter mailed to the accused notifying him or her of the suspension (See SECTION VIII-Record of Hearing).

If requested, the accused is entitled to a copy of the completed committee report. The report itself is otherwise considered to be confidential; and, except as provided in this booklet, such report shall not be disseminated to persons other than committee members who participated in the hearing.

As noted in Section II (Committee's Duty) of this booklet, the AKC is prepared to support the decision of the committee provided the rights of the accused were not abridged; that the hearing was conducted fairly; and that the recorded evidence substantiates the findings of the committee.

SECTION XI

CONDITIONS OF SUSPENSION

If the Event Committee sustains the charges, the conditions of suspension begin immediately. This means that an individual is suspended from the time the Event Committee makes its decision until such time as a Trial Board reverses the suspension.

Article XV, Section 3 of *The Charter and Bylaws of the American Kennel Club, Inc.* states: "Any or all privileges of the AKC may be withheld from any person suspended. The terms of suspension shall be defined in the most current published list of penalties approved by the Board of Directors." (See AKC Discipline Guidelines at the back of this booklet.)

A person suspended from event or all AKC privileges may not participate in any event under AKC rules and regulations, except as a spectator. The reference to attending any event held under AKC rules as a spectator is all encompassing. It includes, but is not limited to, prohibiting a suspended person from grooming or in any way preparing a dog for the event; leading a dog anywhere on the event grounds; holding an entered dog on the event grounds; or attempting to influence a dog or a handler in an event. Additionally, a person suspended from event or all AKC privileges may not enter any event held under AKC rules and regulations when the event or

the published closing date for the event occurs before the period of suspension ends. What this means is that a person suspended from event or all AKC privileges cannot make an entry into any AKC event until his or her period of suspension is over.

For individuals suspended from registration or all AKC privileges, the registration facilities of the AKC shall not be available to a suspended person. This means that the AKC will not accord registration of any litter or individual dog or transfer ownership of any dog owned solely or in part by the suspended person. Additionally, the AKC will not register any litter of dogs owned by any other party if the sire of the litter was solely or in part owned by a suspended person and if the mating occurred after the date of notification. Also the AKC will not process any application received where a suspended person appears on the application regardless of when the transaction took place. All applications are held in abeyance until the period of suspension ends. Any transaction which occurs during the term of suspension will never be accorded registry services.

SECTION XII

STAY, STAFF COMMITTEE REVIEW, RECONSIDERATION, APPEAL, REHEARING AND APPLICATION FOR REINSTATEMENT

STAY

When the penalty for the offense as set forth in the AKC Discipline Guidelines provides for a reprimand, the Event Committee shall have the authority to stay the suspension pending the AKC Staff Committee review. The Event Committee shall only have the authority to grant a stay if the Event Committee recommends that the mitigated penalty of a reprimand be imposed.

The President of the AKC, or staff designated to act in the absence of the President, may grant a stay of suspension upon receipt of a written request from the suspended person, specifying the grounds upon which the reconsideration or appeal will be filed.

STAFF COMMITTEE REVIEW

Within two (2) business days of the receipt of the Event Committee report, the AKC Staff Committee, appointed by the President of AKC, will review the report to establish that the rights of the accused were not abridged; the hearing was conducted properly; and the recorded evidence substantiates the findings of the Event Committee. The Staff Committee may contact the Event Committee and the defendant to clarify the report. If all is in order, the Staff Committee will impose a penalty within the guidelines established by the Board of Directors. If the Staff Committee determines that there were serious procedural errors or that the evidence does not support the findings of the Event Committee, it will overturn the findings of the Event Committee and nullify the penalty. The Staff Committee may send the matter back to the Event Committee for a new hearing. Matters may only be sent back to the Event Committee for rehearing if a serious procedural error has occurred. If the matter is sent back for rehearing, the Staff Committee shall identify with particularity the serious procedural errors in the remand order to the Event Committee. A serious procedural error is an error that, if it occurs, could affect the outcome of the hearing or the ability of the accused to adequately defend himself or herself. Having a witness to the event, whether testifying or not, who serves as a member of the Event Committee is an example of a serious procedural error. In either case, both the Event Committee and the accused will be immediately notified, in writing, of the decision. Within five (5) days after the Event Committee hearing, the accused may submit, in writing to the Staff Committee, evidence which the Committee shall consider in mitigation of the discipline which might be imposed.

RECONSIDERATION

An accused or the Event Committee may request reconsideration in writing within thirty (30) days after the Event Committee Hearing. A mere request for reconsideration however, is insufficient. Such request must set forth the bases on which it is made. For example, the accused might claim that he or she did not have an opportunity to appear and testify at the hearing before the Committee, or that the hearing proceeded in an improper or unfair manner, or that he or she was not notified of the purpose or the nature of the charges against him or her so that he or she could

properly defend himself or herself, or that the evidence at the hearing did not support a finding of prejudicial conduct.

The AKC Staff Committee will consider the request for reconsideration within two (2) business days. It may grant the request, send the matter back for rehearing or dismiss the request based solely on the Event Committee's report and documentation filed by the accused or it may require further written documentation from the Event Committee or the accused before rendering its decision. The parties shall be requested to submit such documentation within ten (10) business days and the Staff Committee would reach a decision within two (2) business days after receiving all requested material. The Event Committee and the accused will be notified immediately in writing of this decision.

APPEALS

The accused may appeal the decision of the Event Committee and the imposition of a penalty after requesting reconsideration by the Staff Committee. The Event Committee may appeal the reversal of its findings by the Staff Committee after requesting reconsideration by the Staff Committee. In either circumstance, an appeal is not a request to rehear the matter. The appeal must be in writing, filed within thirty (30) days of the final Staff Committee decision and include a deposit of \$200.00. The deposit shall become the property of the AKC if the decision is upheld in whole or in part or shall be returned to the party appealing if the decision is not upheld in whole or in part. The reasons to appeal by the accused may only be that serious procedural errors occurred during the hearing that could have affected the outcome of the hearing, or the ability of the accused to adequately defend himself or herself, or that the evidence presented does not support the findings of the Event Committee. The reasons to appeal by the Event Committee may only be that serious procedural errors did not occur during the hearing that could have affected the outcome of the hearings or the ability of the accused to adequately defend himself or herself or that the evidence presented did not support the findings of the Event Committee.

When the accused or an Event Committee has filed an appeal, the opposing side has fifteen (15) days from the date of receipt of the notice of appeal to submit a written

response addressing the issues raised on appeal. Once the written response is received the record will be sent to the members of the Trial Board selected via rotation from the AKC Board of Directors approved lists or if the matter involves a Performance Event to the Performance Trial Board. The record includes the response of the Event Committee, accused and/or the Staff Committee.

The Trial Board should review the record submitted. It should determine if it has sufficient information on which to determine whether the hearing was conducted properly and that the evidence presented supported the findings of the Event Committee. In reviewing the record, the Trial Board may determine that it needs more information. It may then supplement the record by asking questions of the Event Committee Chair, the accused or the Staff Committee. The Trial Board may also consult with the AKC's Legal Department staff. It may supplement the record with additional testimony as it sees necessary. It should obtain any additional information in the most cost-effective manner. It should not meet in person unless additional testimony needs to be taken, and the parties will not agree to take the testimony via telephone or through affidavits. It should not hold an entirely new evidentiary hearing.

A serious procedural error is an error that, if it occurs, could affect the outcome of the hearing or the ability of the accused to adequately defend himself or herself. Having a witness to the event, whether testifying or not, who also serves as a member of the Event Committee is an example of a serious procedural error.

In determining if the evidence presented was sufficient, the Trial Board should review the evidence in the light most favorable to the Event Committee. The credibility of the witnesses and the determination of who was more credible should be determined by the Event Committee and accepted by the Trial Board unless it is clearly against the weight of the evidence from the record.

If the Trial Board makes the determination that there were no serious procedural errors and that the evidence supports the findings, it should uphold the findings of the Event Committee, and the penalty imposed by the Staff Committee. If the Trial Board determines that there were serious procedural errors or that the evidence does not support the findings of the Event Committee, it should

overturn the findings of the Event Committee and nullify the penalty. If the Trial Board determines that there are no serious procedural errors and the evidence supports the findings of the Event Committee but finds that there are mitigating factors it may modify the penalty. In making its final determination, the Trial Board may only uphold the Event Committee's findings and imposition of the penalty by the Staff Committee, overturn the decision of the Event Committee, modify the penalty imposed by the Staff Committee or may impose a penalty when overturning a Staff Committee's decision to reverse the Event Committee's decision, or may send the matter back to the Event Committee for a new hearing. Matters may only be sent back to the Event Committee for rehearing if a serious procedural error has occurred. The Trial Board shall identify with particularity the serious procedural errors in the remand order to the Event Committee.

All imposed penalties must fall within the guidelines established by the AKC's Board of Directors. A recommendation for penalties outside the guidelines must be referred to the AKC Board of Directors. Such a recommendation should include the reasons for the recommendation.

If a Trial Board reinstates a suspension, and to comply with the *Charter & Bylaws of the AKC*, Article XIII, Section 3, the suspension shall be effective immediately when the accused is notified in person or five (5) days after the date of the written notice with credit for the days previously suspended, if applicable.

The Trial Board should render its decision not more than thirty (30) days after receipt of the record.

The Trial Board may retain the appeal records for three (3) years beyond the date of commencement of the suspension or reprimand after which the records should be destroyed. The records may be shipped to the AKC's Legal Department for retention in compliance with this retention policy.

REHEARING

If one of the reasons for sending the matter back to the Event Committee for a rehearing is the fact that a member

of the Event Committee should not have participated then that member(s) should not participate as a committee member at the rehearing. Matters may only be sent back to the Event Committee for rehearing if a serious procedural error has occurred. A matter may only be sent back one time for rehearing. If serious procedural errors occur in the rehearing, the matter will be dismissed. The rehearing shall follow the same procedures for the hearing, as outlined in this *Dealing with Misconduct* handbook. The rehearing should be held within sixty (60) days of the Event Committee Chair receiving the matter for rehearing. The fact that the matter has been sent back for rehearing shall be sent via certified mail (return receipt requested) to the Event Committee Chair and the accused. The Event Committee shall then notify the accused via certified mail (return receipt requested) and regular mail that the matter has been sent back for rehearing on the original charge(s) and that a new hearing on the charge(s) will take place on a certain date, time and location. The rehearing may be conducted via telephone or teleconference. If the hearing is held via telephone or teleconference, care must be taken to identify the speakers so that an accurate record can be made. A recommended procedure would be to have each speaker identify themselves prior to speaking. Unless otherwise agreed by all parties, the location of the hearing should be in the same locale as the location of the event from which the charges originate. The rehearing report shall contain all the information specified in this *Dealing with Misconduct* booklet and be sent to AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016 so as to reach its offices within five (5) days of the date of the hearing. All procedures that are required to be done at an Event Committee hearing must be done at the rehearing.

APPLICATION FOR REINSTATEMENT

A suspended person or a person from whom privileges of the AKC have been withheld may apply to the Board of Directors for reinstatement or restoration of privileges. The request should be sent to the Executive Secretary of the AKC with a non-refundable fee in the amount of \$200.00. The application will not be acted upon unless the fee is paid.

PROCEDURAL CHECKLIST

The following outlines the material aspects of this guide in handling matters of misconduct arising at or in connection with an AKC Event. The checklist is available on AKC's Web site. Event Committees are advised to complete it and have the defendant sign the completed checklist.

Please be advised, if an Event Committee receives a complaint alleging that a dog poses a hazard, pursuant to Chapter 11, Section 15 of the Rules Applying to Dog Shows, the committee must complete a Disqualification by Event Committee form. The form is included in each club's Event Kit.

PRE-HEARING

- 1. *Preliminary Investigation.* Investigate all complaints and make a preliminary determination whether, if the alleged conduct was proven true, it is prejudicial to the sport, and it occurred at or in connection with the event.
- 2. Obtain the name and address of the individual making the complaint.
- 3. Get the complaint in writing.
- 4. It was determined that a hearing should be held.
- 5. *Notice of Hearing.* The accused was advised at _____ a.m/p.m on _____ (date).
 - a) The accused was provided a copy of the Dealing with Misconduct at American Kennel Club Events booklet.
 - b) Accused was told he/she was being charged with the following misconduct: _____.
 - c) The hearing will be held at _____ a.m/p.m on _____ (date). (The accused must be given reasonable time to secure witnesses and to prepare.)
- 6. The Chair established the committee as follows (include address and telephone number).

HEARING

- 7. *Introduction.* The Chair introduced himself or herself and the members of the committee and designated one member of the committee to keep a record of the proceedings.

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- 8. *Advisal of Charges*. The Chair again advised the accused of the specific charges (same as 5a above).
 - 9. *Advisal of Rights*. The Chair advised the accused of these rights:
 - a) To hear, confront and question all witnesses;
 - b) To present witnesses on his or her own behalf; and
 - c) To testify on his or her own behalf.
 - 10. *Witness List*. The Chair determined the list of witnesses to be called by the committee and the accused.
 - 11. *Unauthorized Persons Excused*. The Chair excused all persons except the committee, the accused and the AKC Representative. The witnesses were excused from the proceeding, except when they were called on individually to testify.
 - 12. *Witnesses*. The Chair called and swore in the witnesses: first, those named by the committee; then, those named by the accused. The Chair ascertained the full name and address of each witness. The Chair questioned the witness and then allowed the accused to question 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?”)
 - 13. *Accused Statement*. After all the witnesses testified, the Chair permitted the accused to make a final statement in response to the charges.
 - 14. *Close Hearing*. The Chair then excused all persons except the committee and asked the accused to remain available to receive the committee’s decision.

POSTHEARING

- 15. *Findings*. After deliberation and by majority vote, the committee makes these findings:
 - a) As to whether the charged conduct has been proven;
 - b) Whether such conduct was prejudicial to the best interest of purebred dogs, AKC events, or the AKC; and

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- c) Whether the charged conduct occurred in connection with, or during the progress of, its event.
- 16. *Decision.*
- a) The committee found that all three of the elements in charge(s) number ____ were not proven and dismissed the charge(s).
- b) The committee found that all three element in charge(s) ____ were proven and it suspended the accused from any or all AKC privileges.
- 17. *Notice.* After the committee made its decision, the Chair:
- a) Immediately notified the accused of the charges that were dismissed and those that were sustained.
- b) If charges were sustained, the accused was so advised and notified of his or her immediate suspension of any or all AKC privileges.
- 18. *Reminder.*
- a) Committee must notify the accused, in writing, by certified mail return receipt requested and first-class mail, of the committee's decision and of any suspension, if one was ordered.
- b) Send to AKC, so as to be received within five days, a complete report of the proceedings, which includes:
- A copy of the signed written complaint
 - A comprehensive summary of the hearing (*see Section VII of Dealing with Misconduct*)
 - This Procedural Checklist
 - A duplicate copy of the notice of suspension sent to the accused

NOTE: All correspondence and inquiries about Event Committee actions should be addressed to the AKC (Attn: Executive Secretary), 260 Madison Avenue, Fourth Floor, New York, NY 10016.

AKC DISCIPLINE GUIDELINES – EFFECTIVE NOVEMBER 7, 2011

EXPLANATORY NOTATIONS

- Discipline in excess of the aggravated term, or less than the mitigated term, must be approved by the AKC Board of Directors (“Board”). Discipline imposed for cases not covered by guidelines must be approved by the Board.
- Circumstances that could, but would not necessarily result in an act of misconduct being mitigated would include, but not be limited to:
 1. The lack of any prior offense
 2. The lack of experienced as a participant in events.
 3. The minimal nature of the offense.
 4. Recognition of wrongdoing.
 5. The recommendation of the Events Committee.
- Circumstances that could, but that would not necessarily result in an act of misconduct being aggravated would include, but not be limited to:
 1. A record of prior offenses.
 2. Extensive experience as a participant in events.
 3. The seriousness of the offense.
 4. Refusal to acknowledge wrongdoing.
 5. The recommendation of the Events Committee.
 6. The actions of the individual resulted in the death of dog(s).
- An especially egregious offense will result in a more severe length of suspension and/or fine than suggested in the Guidelines.
- Multiple serious offenses may result in a lifetime suspension of all AKC privileges.
- These Guidelines will be reviewed from time to time.
- Event Suspension is a suspension of event privileges for the individual and applies to dogs registered or co-registered at the time of suspension, or subsequently obtained during the term of suspension, which may not be entered or compete in events during the term of suspension unless they are transferred to another individual.
- Registration Suspension is a suspension of registration privileges, which means AKC will not accord registration of any litter, or individual dog or transfer ownership of a dog owned solely or in part by the suspended individual. In addition, AKC will not register any litter of dogs if the

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- sire of the litter was owned solely or in part by a person who is suspended on the date the mating occurred.
- Suspension of all privileges would include both event suspension and registration suspension.
 - When discipline guidelines become less punitive, the new penalty (suspension period and conditions and fine, if applicable) will be applied to persons currently under suspension for that offense.
 - For violations denoted with an asterisk (*), reinstatement is contingent on passing an AKC kennel inspection, which will be scheduled only after the associated fine has been paid.
 - **IN THOSE CASES WHERE AN EVENT OR REGISTRATION SUSPENSION IS CALLED FOR, THE AKC MANAGEMENT DISCIPLINE COMMITTEE MAY RECOMMEND THE SUSPENSION OF ALL PRIVILEGES, WHEN WARRANTED BY THE SEVERITY OF THE CASE.**

OFFENSE	MITIGATED	STANDARD	AGGRAVATED
I. Misconduct Against a Judge (Event Suspension)			
a. Physical abuse	3 mo/\$300	1 yr/\$1000	10 yr/\$5000
b. Verbal abuse (inappropriate, abusive or foul language) directed personally to a judge	2 mo/\$100	6 mo/\$500	1 yr/\$1000
c. Inappropriate public criticism of a judge, not disruptive, but demonstrating a lack of sportsmanship	Rep/\$50	1 mo/\$200	3 mo/\$300
d. Public criticism of a judge's decision that causes a disruption at an event	Rep/\$100	3 mo/\$300	6 mo/\$500
e. Unsportsmanlike conduct during an event including but not limited to:			
1. Refusal or throwing down of ribbon	Rep/\$100	3 mo/\$300	6 mo/\$500
2. Leaving ring without permission	Rep/\$100	3 mo/\$300	6 mo/\$500
3. Refusing to continue to compete	Rep	3 mo/\$300	6 mo/\$500
4. Failure to control an unruly dog	Rep	45 d/\$150	3 mo/\$300
5. Failure to follow a judge's instructions	Rep	45 d/\$150	3 mo/\$300
f. Attempting to influence a judge	6 mo/\$200	18 mo/\$500	5 yr/\$1000
II. Disorderly Conduct (Event Suspension)			
a. Physical altercation	2 mo/\$200	6 mo/\$300	2 yr/\$1000
b. Abusive or foul language/verbal altercation	Rep/\$100	1 mo/\$500	3 mo/\$1000

OFFENSE	MITIGATED	STANDARD	AGGRAVATED
II. Disorderly Conduct (Event Suspension) Continued			
c. Personal property damage	Rep/\$100	1 mo/\$500	3 mo/\$1000
d. Impairing a club's ability to retain site	3 mo/\$100	3 mo/\$500	6 mo/\$1000
e. Failure to properly control a dog at an event	Rep/\$200	3 mo/\$500	6 mo/\$1000
f. Sexual harassment	3 mo/\$100	6 mo/\$200	2 yr/\$300
g. Disruptive behavior at an event	Rep/\$100	3 mo/\$300	6 mo/\$500
III. Inappropriate Treatment of Animals (All Privileges)			
a. Physical abuse at or in connection with an event by individual	3 mo/\$300	6 mo/\$1000	5 yr/\$2500
b. Physical abuse at or in connection with an event by club	Rep/\$300	Loss of event/\$500	Loss of event/\$1000
c. Neglect at or in connection with an event by individual	1 mo/\$100	3 mo/\$500	1 yr/\$1000
d. Neglect at or in connection with an event by club	Rep/\$100	Loss of next event/\$500	Loss of next event/\$500
e. Cruelty in connection with an event	5 yr/\$1000	10 yr/\$2000	15 yr/\$3000
f. Improper treatment in connection with an event	Rep/\$100	1 mo/\$300	6 mo/\$500
g. Whelping dogs at event site	Rep/\$200	3 mo/\$500	6 mo/\$1000
h. Judicial or administrative determination of cruelty or neglect to any animal where cruelty to dogs was part of the charge*	5 yr/\$1000	10 yr/\$2000	15 yr/\$3000
i. Unacceptable conditions, dogs and/or facilities*	3 mo/\$500	1 yr/\$1000	5 yr/\$2500

OFFENSE	MITIGATED	STANDARD	AGGRAVATED
IV. Violation of AKC Rules/Regulations or Club Regulations (Event Suspension)			
a. Showing the wrong dog without voluntary correction	Rep/\$300	1 mo/\$500	3 mo/\$1000
b. Substitution	2 yr/\$1000	5 yr/\$3000	10 yr/\$5000
c. Judging Improprieties (the judge himself/herself or complicity with a judge)	1 yr/\$500	2 yr/\$750	Life/\$1000
d. Benching violations	Rep	Rep/\$50	
e. Disregard of published club regulations (e.g., parking, ex-pens, crates in aisle, unauthorized concession, selling puppies, etc.)	Rep/\$100	1 mo/\$500	3 mo/\$1000
f. Entering/exhibiting altered dog (temporary alteration)	Rep/\$500	6 mo/\$1000	1 yr/\$2500
g. Entering/exhibiting altered dog (permanent alteration)	1 yr/\$1000	2 yr/\$2000	5 yr/\$5000
h. Willful refusal to return ribbon or prize after award disallowed	Rep/\$100	1 mo/\$200	1 mo/\$500
i. Gun safety violation (by gunner)	Rep	1 yr/\$500	2 yr/\$1000
j. Gun safety violation (by club)	Rep/\$100	Loss of next event/\$300	Loss of next event/\$500
k. Providing fraudulent information on an entry to show an ineligible dog	3 mo/\$500	6 mo/\$1000	1 yr/\$2000
l. Misuse of a tracking device in connection with a Field Event	6 mo/\$500	1 mo/\$1000	2 yr/\$2500
m. Entering/exhibiting dog that the entrant knew or should have known is ineligible to compete in the event	Rep/\$200	1 yr/\$1000	5 yr/\$5000

OFFENSE	MITIGATED	STANDARD	AGGRAVATED
V. Registration Violations (Registration Suspension)			
a. Submission of a false application to register or transfer (not signature forgeries), which do not affect the Stud Book	1 yr/\$200	3 yr/\$300	5 yr/\$500
b. Signing AKC applications to register or transfer in blank; failure to properly complete an AKC document to show the name and address of the individual to whom the dog was directly transferred and the date of the transfer*	Rep/\$300	3 mo/\$500	1 yr/\$2000
c. Failure to complete supplemental transfers (i.e., jumping transfers). Failure to complete proper chain of registration on an AKC registered or registrable dog*	Rep/\$300	3 mo/\$500	1 yr/\$2000
d. Submission of application containing a false certification as to the signature of one of the owners (this includes making false complaints.)	6 mo/\$500	1 yr/\$1000	5 yr/\$2000
e. Signing AKC documents on behalf of another without filing a properly completed Power of Attorney form	Rep	3 mo/\$500	1 yr/\$1000
f. Attempting to register a litter whelped outside the US	Rep/\$200	6 mo/\$500	1 yr/\$1000
	(If now living within the US, six months; if residents are still outside the US, indefinite, with an application for reinstatement upon return to the US.)		

<u>OFFENSE</u>	<u>MITIGATED</u>	<u>STANDARD</u>	<u>AGGRAVATED</u>
VI. Registration Violations (All Privileges)			
a. Submission of a false application to register or transfer (not signature forgeries), which affect the Stud Book*	3 yr/\$500	5 yr/\$1000	Life/\$5000
b. Selling or buying AKC registration papers*	5 yr/\$500	10 yr/\$1000	Life/\$5000
c. Refusing to produce dogs or records*	6 mo/\$500	5yr‡/\$1000	Life‡/\$3000
d. Non-compliance with AKC's Rules and Regulations on Record Keeping and Identification	Rep/up to \$50	6 mo/up to \$500	Up to Life/\$3000†
e. Submission of an AKC litter application which the individual should have known contained a false certification as to the sire and/or dam of the litter (DNA exclusion)*	2 Exclusions/5yrs	3 Exclusions/5yrs	4 Exclusions/5yrs
†The actual fine assessed shall be sufficient to cover all reinstatement costs but in no instance shall it exceed the maximum amount indicated.			
‡(If reinstated, must start with a new colony, or in lieu thereof, bring back dogs from the old colony for which a DNA profile is recorded with the AKC and is positively identified via microchip or tattoo.)			AKC Board Determination

<u>OFFENSE</u>	<u>MITIGATED</u>	<u>STANDARD</u>	<u>AGGRAVATED</u>
VII. Misconduct Against a Club (All Privileges)			
a. Judicial or administrative determination of, or a signed admission of, unauthorized use of club funds.	1 year/\$1000	5 yr/\$2000	10 yr/\$5000
VIII. Circumvention of Suspension			
a. Circumvention of Suspension*	Rep/Double Original Fine	Double Original Suspension and Fine	Up to Life/\$5000
b. Aiding and abetting the circumvention of an AKC suspension of registration or all privileges. (All Privileges)*	Rep/\$500	5 yr/\$1000	Life/\$5000
c. Aiding and abetting the circumvention of an AKC suspension of event privileges (Event Suspension)	Rep/\$500	6 mo/\$1000	1 yr/\$5000
<u>DEFINITIONS OF OFFENSES</u>			
CRUELTY:	Conscious action or inaction that may endanger life or cause serious health consequences to animals.		
ABUSE:	Improper treatment which could cause serious injury to animals.		
NEGLECT:	Inadequate care or voluntary inattention to basic needs, ignoring the safety and well being of animals because of haste or ignorance.		
IMPROPER TREATMENT:	Inappropriate treatment or handling of animals not likely to cause serious injury, e.g. excessive or harsh discipline/training.		

AKC CODE OF SPORTSMANSHIP

PREFACE: The sport of purebred dog competitive events dates prior to 1884, the year of AKC's birth. Shared values of those involved in the sport include principles of sportsmanship. They are practiced in all sectors of our sport: conformation, performance and companion. Many believe that these principles of sportsmanship are the prime reason why our sport has thrived for over one hundred years. With the belief that it is useful to periodically articulate the fundamentals of our sport, this code is presented.

- Sportsmen respect the history, traditions and integrity of the sport of purebred dogs.
- Sportsmen commit themselves to values of fair play, honesty, courtesy, and vigorous competition, as well as winning and losing with grace.
- Sportsmen refuse to compromise their commitment and obligation to the sport of purebred dogs by injecting personal advantage or consideration into their decisions or behavior.
- The sportsman judge judges only on the merits of the dogs and considers no other factors.
- The sportsman judge or exhibitor accepts constructive criticism.
- The sportsman exhibitor declines to enter or exhibit under a judge where it might reasonably appear that the judge's placements could be based on something other than the merits of the dogs.
- The sportsman exhibitor refuses to compromise the impartiality of a judge.
- The sportsman respects the AKC bylaws, rules, regulations and policies governing the sport of purebred dogs.
- Sportsmen find that vigorous competition and civility are not inconsistent and are able to appreciate the merit of their competition and the effort of competitors.
- Sportsmen welcome, encourage and support newcomers to the sport.
- Sportsmen will deal fairly with all those who trade with them.
- Sportsmen are willing to share honest and open appraisals of both the strengths and weaknesses of their breeding stock.
- Sportsmen spurn any opportunity to take personal advantage of positions offered or bestowed upon them.
- Sportsmen always consider as paramount the welfare of their dog.
- Sportsmen refuse to embarrass the sport, the American Kennel Club, or themselves while taking part in the sport.

Complete text of booklet available at: www.akc.org

To order booklet(s), contact AKC at:
The American Kennel Club Order Desk
8051 Arco Corporate Drive, Suite 100
Raleigh, NC 27617-3390
Tel: (919) 233-9767
E-mail: orderdesk@akc.org

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