



AUSTRALIAN SHEPHERD CLUB OF AMERICA

6091 E State Hwy 21
Bryan, TX 77801

www.asca.org

asca.execsec@gmail.com

P: (979) 778-1082

F: (979) 778-1898

manager@asca.org

ASCA Conflict Resolution Protocol

EFFECTIVE NOVEMBER 2016

This ASCA Conflict Resolution Protocol replaces the ASCA Dispute Rules, which are no longer in effect.

The purpose of ASCA's rules is to protect and advance the interests of the Australian Shepherd as a purebred dog and to encourage sportsmanlike conduct at dog shows, working, agility, rally, tracking and obedience trials and at any other event where Australian Shepherds participate. The purpose of our rules is to ensure fair participation in our program events, civil conduct among our members and integrity in our registry. Sometimes conflicts and disputes will arise, and, in those cases, the following protocol has been established to resolve such conflicts and disputes. Membership in ASCA is a privilege, not a right. Members may be disciplined or membership may be suspended by the Board of Directors for cause detrimental to the interest of ASCA or to its programs, policies, objectives or the harmonious relationship of its members, as determined by the Board of Directors. Questions not answered by this document should be referred to the ASCA Executive Secretary. The ASCA Conflict Resolution Form is included with each sanctioning packet sent to Affiliate Clubs. Copies of the ASCA Conflict Resolution Protocol and ASCA Conflict Resolution Form must be available at all ASCA-sanctioned events.

FIRST DECIDE WHO SHOULD RECEIVE YOUR REQUEST FOR CONFLICT RESOLUTION

Affiliate Club

It is the duty of the Affiliate to deal initially with conflicts which occur during or in connection with its events. The Affiliate Club should receive these requests for conflict resolution:

- Conflicts, complaints or disputes arising from violation(s) of rules at ASCA-sanctioned events sponsored by an affiliate, including violations of ASCA Bylaws, ASCA program rule books, ASCA Policy, or ASCA codes of conduct
- Conflicts, complaints or disputes arising from affiliate bylaws or rules
- Conflicts arising from the misconduct of a judge (not the decision of the judge)

ASCA Board of Directors, via the ASCA Executive Secretary, should receive these requests for conflict resolution:

- Complaints against judges
- Conflicts or disputes originating with the ASCA Board regarding the ASCA Bylaws
- ~~Conflicts or disputes originating with the ASCA Board regarding the ASCA Registry~~
- Appeals of decisions by an affiliate

PROCESS FOR REQUESTING CONFLICT RESOLUTION AT THE AFFILIATE LEVEL

1. The request for conflict resolution is filed on an official ASCA Conflict Resolution Form. The form must be delivered to the Affiliate President or the Affiliate Member in charge of the event. Ordinarily, requests for conflict resolution must be filed on the day the conflict occurs. If the form is not delivered to the Affiliate President immediately, it must be delivered within 48 hours of discovery of the conflict or 48 hours of the event which incited the conflict. In an extreme emergency, a request may be filed orally. Oral requests must be followed up in writing on the official Conflict Resolution Form. Conflicts filed orally are to be dealt with immediately. In the case of an oral request, the Affiliate President or the Affiliate Member in charge of the event will determine whether immediate action must be taken or whether the request for resolution can be

heard later. The decision to entertain or reject requests for resolution made after an event rests with the Affiliate, but in no case should a request be entertained which is not received by the Affiliate within five (5) days of its event.

2. A hearing body with a minimum of three members is chosen. The Affiliate President will determine the hearing body. If the Affiliate President is not present when an oral request is made, the Affiliate Member in charge of the event will determine the hearing body. This is normally either the Affiliate Board of Directors or the event committee; however, other ASCA members (program judge, experienced competitor, etc.) who are on site but who were not involved in the situation may also be appointed to the hearing body, even if they are not a member of the hosting affiliate. No party to the conflict or his/her immediate family may be a member of the hearing body. The person who determines the hearing body will chair the hearing body.

3. The complaint is delivered to the hearing body.

4. In cases involving an accused party, the chair of the hearing body advises the accused parties of their rights: to know of the testimony against them, to rebut such testimony, to question all witnesses through the investigator, to present witnesses on their own behalf and to testify on their own behalf.

5. The hearing body conducts the hearing as soon as possible. Any necessary inquiry will be pursued by the hearing officials.

6. When deciding a case of a conflict involving multiple parties, ALL parties shall be notified of the request for conflict resolution and are to be given copies of the form, ALL parties will be allowed to state their case, and ALL parties should be questioned by the hearing body. The hearing body shall make a good faith effort to obtain factual information concerning the conflict, including obtaining information from persons that witnessed the incident other than the person(s) filing the request for resolution or the person(s) involved in the conflict. This provision does not assume or admit that the hearing body is bound by any state or U.S. Constitutional requirement of due process.

7. After all parties have been heard and the investigation is complete, the hearing body will deliberate and reach a decision.

8. The hearing body will announce their decision as soon as possible. Normally this would occur immediately following the hearing. Investigations should be complete within 21 days of the receipt of the request for conflict resolution.

9. If after review and investigation of the conflict or dispute, the hearing body is of the opinion that a rule violation has occurred, the hearing body may take such disciplinary action consistent with the provisions of these rules as it deems appropriate. The hearing body shall refer to the Affiliate Level Disciplinary Guidelines in determining what disciplinary actions to take, if any.

10. All parties involved in the conflict will receive the decision in writing. A copy of this decision, a copy of the request for resolution and a summary of the investigation will be sent to the ASCA Executive Secretary.

11. The decision of the hearing body shall be final and binding unless a written notice of the member's intention to appeal the decision is received by ASCA's Executive Secretary within 7 days of the date of the letter notifying said member of the disciplinary action taken against him/her.

PROCESS FOR REQUESTING CONFLICT RESOLUTION AT THE ASCA BOARD LEVEL

1. The request for conflict resolution is filed on an official ASCA Conflict Resolution Form and sent to the ASCA Executive Secretary (asca.execsec@gmail.com). The form must be delivered **or postmarked** to the ASCA Executive Secretary **by email or postmarked** within 5 days of the discovery of the conflict or within 5 days of the event which incited the conflict. In the case of an appeal of an affiliate decision, the form must be delivered to the ASCA Executive Secretary **by email or postmarked** within 7 days of the receipt of the Affiliate's decision.

Email address: asca.execsec@gmail.com

Postal address: ASCA Executive Secretary, c/o ASCA Business Office, 6091 E. State Hwy. 21,

Bryan, Texas 77808-9652

2. Upon receipt of the request for conflict resolution, the Executive Secretary will forward the request to all members of the ASCA Board of Directors and will assign a Director to head the investigation of the conflict. All parties named in the request for conflict resolution will be notified by the Executive Secretary and be given a copy of the official Conflict Resolution Request Form.
3. In the case of conflicts involving an accused party, the accused party may file a written answer within 14 days of his/her receipt of the Conflict Resolution Request Form. The Director assigned to investigate the conflict will attempt to contact all involved parties so that they may present their sides of the conflict orally. This provision does not assume or admit that ASCA is bound by any state or U.S. Constitutional requirement of due process.
4. The Director will conclude the investigation and will present his/her findings and recommendation in writing to the Board within 21 days of being assigned the request by the Executive Secretary. A summary of each witness's testimony, including the questions asked, should be part of the written recommendation. The Board of Directors will discuss and vote on the findings and recommendation at the next regularly scheduled Board of Directors meeting following the 21 days.
5. Temporary Measures in Emergency Cases: When necessary, the Board may impose immediate temporary measures to remain in effect pending its decision.
6. The Board, through the Executive Secretary, will deliver dated notice of the decision to both parties within 7 days of the Board vote on the motion. There is no appeal from a Board decision.

TIMELINES FOR CONFLICT RESOLUTION

An Affiliate and the Board of Directors may summarily rule against any party who fails to comply with these timelines.

What	When
Filing of Request for Conflict Resolution	A request may be filed immediately for situations requiring emergency action at the Affiliate level. All other requests must be filed within 48 hours of the incident requiring resolution, to the Affiliate (up to 5 days with extenuating circumstances) and within 5 days to the Board, whichever should receive the request.
Notification of Named Parties	Immediately in the case of emergency requests for conflict resolution; before the investigation of the conflict begins
Investigation by Affiliate-Level Hearing Body	Completed immediately for emergency situations; Complete within 21 days of receipt of Conflict Resolution Form for all others
Decision by Affiliate-Level Hearing Body	Completed as soon as possible and provided in writing to all parties involved in the conflict.
Appeal to ASCA Board of Directors	Within 7 days of the date of the letter notifying said member of the disciplinary action taken against him/her.
Investigation by Board of Directors	Completed within 21 days of being assigned
Response from Accused Party	Within 14 days of their receipt of the Conflict Resolution Form
Decision by Board of Directors	At first Board meeting following the 21-day investigation

AFFILIATE LEVEL DISCIPLINARY GUIDELINES

Statute of Limitations: Three (3) years after disciplinary action, is taken against a member ~~will have a clean record~~ such action shall be considered fully satisfied and absolved and a further infraction of the rules after that three-year period ~~will~~ shall be ~~dealt with~~ treated as a first offense.

First Offense

- a. Letter of instruction, reminding member of ASCA's rules, OR letter of reprimand
- b. Fine not to exceed \$100*
- c. Both of the above

Subsequent Offenses

- a. Letter of Reprimand
- b. Fine of up to, but not to exceed \$1,000*
- c. Referral to Board of Directors for further action
- d. Combination of a, b, and c above

*Failure to pay a fine will result in a member not being in good standing with ASCA, which will result in loss of member privileges; see section 14 of the ASCA Policy Book.

BOARD LEVEL DISCIPLINARY GUIDELINES

Statute of Limitations: Three (3) years after disciplinary action, is taken against a member ~~will have a clean record~~ such action shall be considered fully satisfied and absolved and a further infraction of the rules after that three-year period ~~will~~ shall be ~~dealt with~~ treated as a first offense. The Board of Directors will use the Consequences Guidelines below as a guide when resolving conflicts.

ENFORCEMENT of BOARD SANCTIONS

All ASCA Affiliates shall honor sanctions imposed by the Board and shall refrain from taking actions which tend to minimize or lessen such sanctions. For example, if a member is suspended from participating in competitions, Affiliates shall prohibit such participation.

NOTICE of SANCTIONS

Final decisions imposing sanctions against any ASCA member shall be published in the official newsletter.

ACTIONS DETRIMENTAL to the INTEREST of ASCA

The protocols outlined in this document are intended to help parties resolve conflicts associated with their participation and membership in ASCA. It is the duty of the ASCA Board of Directors to be active protectionists regarding ASCA. Membership in ASCA is a privilege, not a right. A member may be disciplined or membership may be suspended by the Board of Directors for intentional actions taken by such member which are detrimental to the interests of ASCA or its programs, policies, or objectives, as determined by the Board of Directors.

MATTERS NOT SUBJECT TO THE CONFLICT RESOLUTION PROTOCOL

1. Breeder-Buyer or Co-Owner Disputes: ASCA does not resolve Breeder-Buyer disputes or disputes between co-owners of dogs. ASCA will only take action to enforce the judgments or decisions of a court of competent jurisdiction ~~when any such dispute is raised~~, unless otherwise provided for in the ASCA Registry Rules.
2. Breeder's Code of Ethics: The Breeder's Code of Ethics is a statement of conduct and principles that ASCA requires all breeders of Australian Shepherds to adhere to in order to maintain the integrity of the

Australian Shepherd and ASCA's registry. Any complaint relating to a violation of ASCA's Breeder's Code of Ethics shall not be subject to this protocol.

3. **Registry Issues:** Conflicts or disputes concerning ASCA's Registry are not subject to this Conflict Resolution Protocol. Conflicts or disputes concerning the Registry shall be presented to the ASCA Executive Secretary who shall then present them to the ASCA Board of Directors. The Board of Directors shall make a final determination of any such Registry issue presented to it. The ASCA Board of Directors may impose such discipline as it deems appropriate against any person found to have violated ASCA's Registry Rules, up to and including suspension of membership for up to 25 years and imposition of fines of up to \$10,000. Imposition of a suspension of membership privileges for a period longer than 1 year or a fine of more than \$1,000 shall require the affirmative vote of at least seven (7) Directors. The Board of Directors retains the authority to handle a registry issue at any time without the filing of a formal request for Conflict Resolution.

4. **Gross Misconduct:** Gross misconduct by a member, including, but not limited to, theft of ASCA property, theft of property of an ASCA Affiliate Club, physical abuse of a member, or intentional criminal conduct at an ASCA event, will not be tolerated. What constitutes "gross misconduct" shall be determined by the ASCA Board of Directors. If the ASCA Board of Directors determines that a member has engaged in gross misconduct, the Board may impose a suspension of membership upon such person of up to 25 years and a fine of up to \$10,000. Imposition of a suspension of membership privileges for a period longer than 1 year or a fine of more than \$1,000 shall require the affirmative vote of at least seven (7) Directors.

Consequence Guidelines

Offense	Consequence
<p>Violation of ASCA Program Rules/Regulations or Club Regulations</p> <p>(Affiliate Club Regulation offenses are to be dealt with by the Affiliate first. If the Affiliate recommends the ASCA Board investigate and impose sanction, the following will apply.)</p>	<p>1st offense, letter of education and/or letter of reprimand, depending on offense, intent and whether education seems more appropriate for the situation; in the case of reprimand, a \$100 fine may also be assessed; first offenses deemed severe enough may receive second offense consequences</p> <p>2nd offense, same or similar offense - 6 months suspension and/or \$200 fine</p> <p>3rd offense, same or similar offense - 1 year suspension and/or a fine up to \$1000</p> <p>4th offense, same or similar offense - 5 years to life suspension and a fine up to \$1000</p>
<p>Misconduct against a Judge</p> <p>(Including but not limited to attempting to influence a judge, verbal abuse, public criticism of a judge's decision; depending on severity of misconduct and in cases of physical abuse, the consequence will start at the 2nd offense level)</p>	<p>1st offense, letter of education and/or letter of reprimand, depending on offense, intent and whether education seems more appropriate for the situation; in the case of reprimand, a \$100 fine may also be assessed; first offenses deemed severe enough may receive second offense consequences</p> <p>2nd offense, same or similar offense - 6 months suspension and/or \$200 fine</p> <p>3rd offense, same or similar offense - 1 year suspension and/or a fine up to \$1000</p> <p>4th offense, same or similar offense - 5 years to life suspension and a fine up to \$1000</p>
<p>Unsportsmanlike / unprofessional conduct during an event</p> <p>(Please refer to the Personal Code of Conduct for additional guidance.)</p>	<p>1st offense, letter of education and/or letter of reprimand, depending on offense, intent and whether education seems more appropriate for the situation; in the case of reprimand, a \$100 fine may also be assessed; first offenses deemed severe enough may receive second offense consequences</p> <p>2nd offense, same or similar offense - 6 months suspension and/or \$200 fine</p> <p>3rd offense, same or similar offense - 1 year suspension and/or a fine up to \$1000</p> <p>4th offense, same or similar offense - 5 years to life suspension and a fine up to \$1000</p>
<p>Disorderly conduct at an event</p>	<p>1st offense, letter of education and/or letter of reprimand, depending on offense, intent and whether education seems more appropriate for the situation; in the case of reprimand, a \$100 fine</p>

<p>(Including but not limited to abusive or foul language/ verbal altercations, destruction of property; in cases of physical altercation, the consequence will start at the 2nd offense level)</p>	<p>may also be assessed; first offenses deemed severe enough may receive second offense consequences</p> <p>2nd offense, same or similar offense - 6 months suspension and/or \$200 fine</p> <p>3rd offense, same or similar offense - 1 year suspension and/or a fine up to \$1000</p> <p>4th offense, same or similar offense - 5 years to life suspension and a fine up to \$1000</p>
<p>Registration violations</p> <p>(Including but not limited to submission or intentional falsification or intentional submission of any falsified paperwork (ASCA, OFA, CERF, etc.), submission of application containing a false signature of one of the owners, selling or buying ASCA registration papers, refusing to produce dogs or records, non-compliance with ASCA rules and regulations on recordkeeping and identification)</p>	<p>1st offense, letter of education and/or letter of reprimand, depending on offense, intent and whether education seems more appropriate for the situation; in the case of reprimand, a \$100 fine may also be assessed; first offenses deemed severe enough may receive second offense consequences</p> <p>2nd offense, same or similar offense - 6 months suspension and/or \$200 fine</p> <p>3rd offense, same or similar offense - 1 year suspension and/or a fine up to \$1000</p> <p>4th offense, same or similar offense - 5 years to life suspension and a fine up to \$1000</p>
<p>Actions detrimental to the interest of ASCA</p>	<p>Membership suspended no less than 25 years and all associated privileges revoked</p>

Effective: November 10, 2016

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Request for Conflict Resolution Form

If you find the need to file a request for conflict resolution or find that you are involved in a conflict/dispute, please refer to the Conflict Resolution Protocol, at the back of all ASCA program rule books. Please try to resolve problems yourself, without a formal request for resolution, whenever possible. In the event that you are unable to resolve a problem, use this form to file a formal request for conflict resolution with an Affiliate or the ASCA® Board of Directors under ASCA®'s Conflict Resolution Protocol, which must be read and followed in this formal procedure.

If you fail to complete all fields, your request will not be processed.

Your Name	Names of parties about whom you are complaining. You must serve a copy of this form to everyone you name here.	
Today's Date	Date of event giving rise to this request for resolution	Date you first learned of the event
State the grounds for your conflict. Include reference to ASCA® rules, regulations and bylaws which have been violated. Confine your statement to this space if possible. Lengthy statements are discouraged.		
Sign here. By doing so you certify that you have attempted to resolve this conflict informally and that you have served parties with this form as required.	X	