

Secretary Report, November 2001

November Secretary Report

93:03 ASCA EMPLOYEES-ASCA Handbook

Motion by Davenport, seconded by Gray.

I move that the revised ASCA Employee Handbook be approved as revised and become effective January 1, 2002.

Board Vote: Approve: Davenport, Gray, Warren, Aufox, Toft & DeChant.

Abstain: Adolphson, Trumbull-Clark & Berryessa. The ASCA Employee Handbook is approved.

90:03 SHOW RULES CHANGE - Ch. 7 Sec. 11

Motion by Chris Davenport.

Motion: Denise Creelman, Second: Shelly Hollen

3. Family Member Participation Rule Change Review:

Show Rules: Delete Ch 7 Sec 11 and replace with: A Conformation Judge may not compete with any dog nor can any dog that is owned or co-owned by the Conformation Judge compete under any officiating Conformation Judge with a dog in the same sanctioned Conformation Show he/she is judging. The Conformation Judge shall not judge any dog a member of the immediate family or household owns, co-owns, or has owned, sold, held under lease, boarded, regularly trained, instructed or handled in Conformation ring in the preceding 12 months. "Trained or instructed" applies equally to judges who train professionally or as amateurs. The Judge's immediate family or household includes: spouse, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law or any person residing with the Judge.

Ch 7 Sec 12: Insert conformation before Judge so that the sentence reads:

A Conformation Judge shall not exhibit any dogs at an ASCA sanctioned Conformation Show, in the state of which he is to judge, four(4) days prior to the judging assignment.

Ch 7 Sec 13: Consider deleting current rule and replace with: Immediate family or household members may compete under another officiating Conformation Judge at the same Conformation Show as long as any wins under the other Conformation Judge will not make the dog ineligible to compete further.

Effective Date: January 1st, 2002

FOR: Denise Creelman, Joni Johnson, Teena Meadors, Gemi Brickson, Mary Hellmeister, Liz Gibson, Wendy Finsterwald, Shelly Hollen AGAINST: none ABSTAIN: Beth Peterson

NON VOTING: Kim Cochran, Celeste Telles, Peter Kontos, Andrea Torres.

Board vote: Approve: Aufox, Davenport, Gray, DeChant, Warren, Adolphson & Berryessa.

Disapprove: Trumbull-Clark & Toft. Motion is approved.

93:17 STOCK DOG RULES - CH. 3 Sec. 5 Qualifying Scores

I move to approve the following SDC recommendation. Kathy Warren

Motion by Mackenzie second by Rossy

Comment: There are several additions to this section (Changes to CH 3 Sec. 5 are: #5, 7, & 8 are all new. # 6 was already in the Rulebook as #5) because they were never put in. No changes were made to the required qualifying scores, just trying to give a spot in the book that you can actually find all the qualifying scores for the SD programs.

Sharon Simmons, SDC Chairperson, 6491 Tjossem Rd. Ellensburg, WA 98926 9-24-2001

Re: CH 3 Sec 5 QUALIFYING SCORES

Change CH 3 SECTION 5 - QUALIFYING SCORES to read:

1. A qualifying score shall be comprised of points earned from both course and style as defined for that division and earned at an ASCA sanctioned trial.
2. Started Trial Dogs must earn 69% or more of the total points (69/100). Course points may be awarded for the take pen or gather in Course B, obstacle 1, obstacle 2 and the repen, for a total possible score of 100. The center chute or free-standing pen in Course B is not required for a Started Trial Dog and no course points will be awarded.
3. Open Trial Dogs must earn 70% or more of the total points (88/125). Course points may be awarded for the take pen or gather in Course B, obstacle 1, obstacle 2, chute or free-standing pen in Course B and the repen, for a total possible score of 125. The handler in this division will not be permitted to move beyond an imaginary line drawn across the width of the arena, 26' from obstacle 1 in the sheep and cattle arena and 6' from obstacle 1 in the duck arena. This line (see Appendix A and B) is to be adequately marked on both side fences with something visible to both handlers and judges and shall not interfere with the movement of the stock. This line may not be crossed at any time during the run without a penalty of 15 points.
4. Advanced Trial Dogs must earn 70% or more of the total points (88/125).

Course points may be awarded for the take pen or gather in Course B, obstacle 1, obstacle 2, chute or free-standing pen in Course B and the repen, for a total possible score 125. The handler in this division will not be permitted to move beyond an imaginary line drawn across the entry wings of the center

chute or the gate of the free-standing pen to the fences on either side of the arena. This line may not be crossed during the run without a loss of 50% of the total points earned during the entire run.

EXCEPTION: While working the free-standing pen, see Chapter 3, Section 11.2g.

5. Post Advanced Trial Dogs must earn 70% or more of the total points (88/125). Course points may be awarded for the take pen or gather in Course B, obstacle 1, obstacle 2, chute or free-standing pen in Course B and the repen, for a total possible score 125. The handler in this division will not be permitted to move beyond an imaginary line drawn across the entry wings of the center chute or the gate of the free-standing pen to the fences on either side of the arena. This line may not be crossed during the run without a loss of 50% of the total points earned during the entire run. EXCEPTION: While working the free-standing pen, see Chapter 3, Section 3.g12.

6. Titles are earned when two qualifying scores are received under two different Judges and when official title is received from the ASCA Business Office.

7. Ranch Trial Dog must earn 75% or more of the total points (100). The trial must include pen work, sorting, chute work and pasture work, for a total possible score 100. This program was set up to simulate ranch type work and no handler restrictions shall be allowed.

8. Ranch Dog Inspection all dogs will be judged on a pass/fail basis.

This program is designed to recognize individual herding dogs that prove themselves to be valuable assistance to their owner in everyday ranch, farm work, day work or in stockyards, auctions, rodeos, day worker, rodeo worker, etc. The location of the test must be where the dog actually works and the work performed will be under normal working situations depending on the type of operation.

Comments: It was felt that we needed to have all Title requirements for the Stockdog program listed in this section for Qualifying Scores.

Voting-SDC Meeting at Nationals September 18th, 2001. A quorum of SDC members were present to conduct business and vote.

Approve: Simmons, Walker, Sutherland, Baker, Holmes, Rossy, Mackenzie

Motion is passed

Board vote: Approve: Aufox, Davenport, Gray, Trumbull-Clark, Toft, Adolphson, Warren &

DeChant. Non-Voting; Berryessa. Motion is approved.

96:17 JR. SHOWMANSHIP Junior Resume

Moved by Berryessa, second by Davenport

I move that Beth Anglemyer be accepted for membership on the Junior Committee.

Comment: The Junior Committee still has openings for Junior and adult members

Board vote: Approve: Unanimous. Ms. Anglemyer is approve for membership on the Junior Committee.

97:09 DISPUTE RULES - Comm. Rec.

Motion by Kris Toft.

Dear Directors,

In accordance with the recommendation from the Membership at its 1998 General Meeting, in January, 1999, the Bylaws Committee sent forward its recommendations for amending the Dispute Resolution procedures. The Board returned these recommendations to the Committee advising the Committee to reduce the size of the Dispute Resolution Committee.

The Bylaws Committee revised the Dispute Resolution procedures by reducing the number on the Dispute Resolution Committee from thirteen (13) to seven (7) members appointed by the Board. As each dispute case arose, the Dispute Resolution Committee would select three of its members to hear each case. The revised Dispute Resolution procedures have been published for the Board's and Membership's review in the July-August, 2001 Aussie Times, p. 28-30.

The Bylaws Committee believes that the Dispute Resolution procedures it has recommended provide an excellent framework for settling disputes. Acting on recommendations from Directors (which also were discussed at the Bylaws Committee meeting with the Board in September, 2001), the Bylaws Committee is recommending that the Board take immediate steps in implementing these Dispute Resolution procedures by adopting them, requesting resumes from the membership for the establishment of the Dispute Resolution Committee, and appointing the Dispute Resolution Committee.

It is the Bylaws Committee's further recommendation that these Dispute Resolution procedures be Board policy for a period of approximately two years so that should it be necessary to refine the procedures during their initial use, the Board could easily implement these improvements. At the end of the approximately two year period, the Bylaws Committee recommends to the Board that it recommend to the Membership the adoption of these Dispute Resolution procedures as part of the Bylaws.

The Bylaws Committee's motion regarding these Dispute Resolution procedures is below.

Respectfully submitted by,

Paul Kirk, Chair

Bylaws Committee

BLC.01.11 Dispute Resolution Procedures.

Moved by Paul Kirk and seconded by Jerry Aufox (Committee vote 6 yes; 0 no; 1 not voting): The Bylaws Committee recommends to the Board that the Dispute Resolution Procedures drafted by the Committee and published in the July-August 2001 issue of the Aussie Times, p. 28-30 be adopted and put in place for an approximate two year period as Board Policy as ASCA's Policy for the resolution of disputes. If at the end of this period of approximately two year duration, the Dispute Resolution Procedures have worked well, the Bylaws Committee recommends that the Board recommend to the Membership the adoption of these procedures as an Article in the Bylaws.

Committee's Comment: The Committee believes that it would be wise, for a short period of time, for the Dispute Resolution Procedures to be Board Policy so that the Board could easily amend these procedures, if such need arose. If the procedures are found to be good, as the Committee believes them to be, then after a test period of time, the Dispute Resolution Procedures should be placed before the Membership as an Article for adoption in the Bylaws.

Board Vote: Approve: Davenport, Trumbull-Clark, Toft, Berryessa, Adolphson, Aufox & Warren.
Disapprove: DeChant. Abstain: Gray. Motion is approved.

[Copy below of proposed Dispute Resolution Procedures published in the July-August, 2001 Aussie Times, p. 28-30; these proposed Dispute Resolution Procedures were unanimously approved by the Bylaws Committee (7 "yes", 0 "no", 0 "not voting").]

Proposed Amendment to current Bylaws Article XVII - DISPUTE RESOLUTION

SECTION 1 -- PURPOSE

This Article establishes the procedure to handle and resolve all disputes, controversies, claims, complaints, appeals, disciplinary matters or any other action or proceeding (collectively called Matters) occurring between or among ASCA (the Club), Club members, non-club members, affiliates of ASCA ("Affiliates") or relating to ASCA activities, Affiliate actions or activities, or involving actions which occurred pursuant to the Rules and Regulations of the Club. These rules are the exclusive manner of resolving Matters involving ASCA and its policies, rules, regulations and procedures..

SECTION 2--JURISDICTION

ASCA has established these rules so that any and all Matters can be resolved in a fair manner and in a reasonable amount of time. All Matters involving ASCA or Affiliates shall be resolved only in accordance with these rules and procedures and in no other manner.

A. There are four levels for resolving Matters. The four levels are:

1. Proceedings involving an Affiliate, held at the Affiliate level
2. Interpretations of committee rules held at the committee level.
3. Proceedings either appealed to or initiated at the Dispute Committee level.
4. Matters which are appealed from the Dispute Committee*s level to the Board for final determination.

B. Affiliate Jurisdiction. Matters which involve an Affiliate, its bylaws, rules and procedures or its application of any of the ASCA rules and procedures as established by a committee of ASCA, shall in the first instance be presented to the Affiliate for resolution and decision under the rules of the Affiliate club.

C. Committee Jurisdiction. Any Matters which solely relate to an interpretation of a rule or procedure established by an ASCA committee, shall be referred to that committee for a written interpretation and/or application to the specific circumstances brought to the committee*s attention.

D. Dispute Committee Jurisdiction.

1. All Matters other than those listed above or any appeal from decisions rendered by an Affiliate club or committee (except for interpretation of its own rules) shall be handled by the Dispute Committee in accordance with its rules and procedures.
2. The Dispute Committee shall establish rules and procedures to assure that there are no conflicts of interests or bias in any Hearing Panel. Any party to the dispute may file an objection, prior to the hearing, with the Dispute Committee claiming that a member of the Hearing Panel has a conflict of interest. The Dispute Committee must decide a conflict of interest issue prior to any hearing on Matters in dispute.

E. Board Jurisdiction.

1. An appeal from the Hearing Panel Decision shall be addressed to the ASCA Board, which shall review the record and decision of the Hearing Panel. The Board's review, unless clearly contrary to statutory laws enacted in the state of incorporation, is limited to the application of the rules and procedures of ASCA applied by the Hearing Panel to the facts, as determined by the Panel. The Board can disregard any interpretation of a committee rule or regulation if it finds that such interpretation is contrary to the clear language of the rule or procedure.

2. The Board shall have no power not specifically authorized by statute or the Bylaws of ASCA and, without such specific authority, shall not make an independent determination of the facts, but shall accept the facts as determined by the Panel as accurate and correct for all purposes, absent a showing of fraud or misconduct on the part of the Panel. The Board's review shall determine whether the procedures, rules and regulations of ASCA, as set forth in the written records, procedures and rules of the committees and Board policies are properly applied to the facts.

3. In the case of the claim of fraud or misconduct on the part of the Hearing Panel, if found by the Board to be valid, the Board shall remand the case to a different Hearing Panel to decide the matter, de novo (from the beginning).

SECTION 3--ORGANIZATION

A. The Dispute Committee shall be appointed by the Board from resumes solicited from the General Membership. The Committee shall consist of seven (7) members whose duty it shall be to administer all dispute matters and establish procedural rules and regulations for the hearing of matters which are not inconsistent with these Bylaws. When possible, the Board shall appoint at least one member to the Dispute Committee from each of ASCA's Regions. The Committee shall be empowered to appoint and train Hearing Officers and establish Panels for the hearing of Matters. A Hearing Panel shall consist of three (3) Hearing Officers constituted, as the need arises, from members of the Dispute Committee by the decision of the Dispute Committee.

B. The Dispute Committee shall establish rules and regulations covering the following:

1. Emergency Appeals---Such rules and regulations shall not preclude a full hearing on the matter at a later point in time in accordance with these Dispute Rules.
2. Filing, conduct, procedures and methods for Complaints, Hearings and Appeals
3. Filing Fees for Complaints and Appeals.
4. Time schedules for: (a) the filing of a Complaint; (b) the answer or response thereto; (c) the holding of a hearing; (d) delivery of the written decision to the parties; and (e) filing an appeal to the Board.
5. Conflict of Interest of Hearing Officers and Directors on an Appeal Matter.

C. Interpretations of Rules and Regulations

1. Interpretations of the committee which adopted the rules and regulations which were approved by the Board, shall be followed in all instances. Only the Board shall have the authority

to disregard or change any interpretation of a rule or regulations set forth by a committee as provided in Section 2.E

2. The Dispute Committee and its Hearing Panels shall follow and apply only those rules which are set forth in writing and contained in the policy and procedures manuals or committee rules and regulations of ASCA, and have been duly adopted by the Board, and have been distributed to the Membership and/or published in the Aussie Times and have not been superseded or replaced by any subsequent rules or regulations and those rules required by third parties with respect to the conditions and rules of any event or show..

SECTION 4 --- DISPUTE RESOLUTION OR AWARD REQUIREMENTS

A. All awards shall be in writing, signed by a majority of the Panel, Board or committee rendering the decisions and shall state:

1. The facts found by the committee/Panel
2. The applicable rules and regulations which were applied
3. The conclusions and decision of the Panel in the application of those rules to the facts.

B. Awards which may be granted by the Dispute Committee/Panel or the Board:

1. Fines not to exceed \$1,000
2. Reprimands must be written and delivered to all parties.
3. Revocation of any license, registration, permission or authority.
4. Expulsion from the Membership
5. Suspension of any privilege or right to participate in any sanctioned event.
6. Removal or revocation of any awards or prizes granted.
7. Monetary sanctions against any party who files a frivolous complaint or fails to act in good faith.

C. The nature of the dispute, names of the party or parties and decision(s) of the Dispute Committee/Panel or Affiliates or the Board shall be reported in a timely manner, after all appeal rights have expired, to the Membership.

D. The party initiating any action shall be deemed to have consented to his/her name to be published in reporting the decision.

E. Any party against whom a complaint has been filed which is found to be without merit, frivolous or in bad faith must consent to have his/her name published in reporting the decision.

SECTION 5---DUE PROCESS PROVISIONS

A. The Dispute Committee shall establish rules and regulations assuring all parties receive actual notice, governing the hearing procedure, time limits, exchange of documents, and periods beyond which actions are no longer valid.

B. Any dispute or sanction or complaint filed by any individual, committee, Board or affiliate shall be in writing and a copy shall be served on the other party named in said dispute in accordance with the rules established by the Dispute Committee.

C. The other party shall have the time allotted by the rules and regulations of the Dispute Committee to respond to said complaint, but that time shall not be less than twenty (20) days.

D. Each party shall be entitled to receive from the other party, in accordance with the rules and procedures of the Dispute Committee, all documents, copies of photographs, records and other material which the party intends to use at the hearing as well as a list of the witnesses intended to be called.

E. The Hearing Panel hearing the dispute may allow a matter to be presented solely in written form, or in a telephonic hearing format so long as no party objects. If any party objects to submission in written or telephonic form, a formal hearing with both parties in attendance will be held in accordance with the rules established by the Dispute Committee, which shall also specify the manner or procedure to determine the location of the hearing.

F. The Hearing Panel shall have the time allotted by the regulations and rules of the Dispute Committee to render its decision in writing. The time for rendering such decision shall not exceed thirty (30) days from the hearing date.

G. Historical Files. Every decision of every Dispute Panel shall be maintained by ASCA and may be referred to by any other Dispute Panel, Committee, Director or ASCA member, and used as precedent in rendering any decisions. This is to assure that there is consistency of interpretation and application of rules and regulations.

H. Enforcement. All Affiliates will honor all decisions made by the Dispute Committee or Dispute Panel and shall not take any action which would tend to mitigate, diminish, remove or ignore such sanctions or

awards. Any affiliate or individual found to be in violation of this enforcement procedure may be fined not less than \$1,000 by the Board.

I. Communications. All communications shall be in writing and directed to any party, committee or person at their last known address. Such notices must be mailed or transmitted or delivered in accordance with the rules of the Dispute Committee, but said committee shall not disallow delivery by the United States mails return receipt requested.

01:22 - DNA Complaint Resolution Form

Motion by Gray.

Attached, in Word format, is the form the DNA Committee decided upon to resolve complaints involving DNA. Please provide any comments you have. Jo, you can assign a date comments due back. Let me know if any of you can't open it and I'll fax it to you.

Board vote: Approve: Adolphson, Toft, Davenport, Gray, Trumbull-Clark, Warren, Berryessa & DeChant.
Disapprove: Aufox. Motion is approved.

89:14 ASCA BREEDER JUDGE

Annette Cyboron approved as: ASCA Senior Breeder Judge

Board vote: Approve: Aufox, Toft, Gray, Berryessa, Trumbull-Clark, Davenport, DeChant & Warren. Non-Voting: Adolphson.

Ken Silveira approved as: ASCA Approved Breeder Judge

Board vote: Approve: Aufox, Toft, Gray, Berryessa, Trumbull-Clark, Davenport, DeChant & Warren. Non-Voting: Adolphson.

Beth Alden approved as: ASCA Senior Breeder Judge

Board vote: Approve: Aufox, Toft, Gray, Berryessa, Trumbull-Clark, Davenport, DeChant & Warren. Non-Voting: Adolphson.

Laura Shivers approved as: ASCA Senior Breeder Judge

Board vote: Approve: Aufox, Gray, Davenport, Berryessa, Warren, DeChant, Trumbull-Clark & Toft. Non-Voting: Adolphson.

96:16 PR POSITION - PR/Ad Volunteer

Board: I had hoped to have a consensus on the appointment of Nancy Miller. However, I have only heard from six members and one feels that this is not the appropriate method to take. Since it is not an overwhelming majority, I think emergency motions is appropriate.

I move the following emergency motion to be voted on by November 12, 2001 which is seconded by Kathy Warren: Nancy Miller, who has volunteered her services, be appointed to solicit commercial advertisements for the Aussie Times and propose placements and a budget for ads promoting the Australian Shepherd Club of America in print publications. ASCA will reimburse her for expenses incurred in performing this function. Her activities will be monitored by the Aussie Times Committee and the Executive Vice President.

Comment: We need to immediately begin to seek advertisements to cover the costs of publishing the Aussie Times. Given our financial position to wait for a solicitation for volunteers in the Aussie Times and review of applicants and subsequent appointment would be financially onerous. Nancy Miller is well qualified to do this task as her experience shown below demonstrates.

Ms. Miller states: "I used to be a Marketing and Advertising executive for a food company in Los Angeles. I designed boxes and point of sale, did a newsletter, trade shows, purchased magazine ads, put together Ad campaigns with billboards, radio and demos. I did a wide range of marketing type stuff with P.R. and advertising firms for creative and backup. After that I worked in cable TV doing promotions with co-op dollars and dealer groups."

Cynthia will help with making a list of potential advertisers.

Jerry

Board vote: Approve: Gray, DeChant, Davenport, Warren, Aufox, Adolphson and Berryessa.

Disapprove: Trumbull-Clark and Toft. Motion is approved.

ASCA Business Office Monthly Report - November

REGISTRY

Ind. Regs 500

Non Breeding 42

Litters 256

Transfer 58

Lease 12

LEP 5

Duplicates 17

Hardships 8

Pedigrees 22

New Kennels 5

Renew Kennels 2

Judges Apps 0

E-mail requests 2510

DNA Kits mailed 17

DNA Tests done 35

MEMBERSHIP

New-Single 55

New – Dual 6

New-Foreign 1

New-Canadian 2

Renew-Single 147

Renew-Dual 50

Renew-Foreign 0

Renew-Canadian 11

JR Times 5

Affil. New 0

Affil Renew 0

SHOW/STOCK

Sanc. Rec d 16

Sanc. Proc. 8

Sanc.Pend 5

Results Recd 35

Results Proc. 28

Results Pend. 6

S&T Subscrip. 6

Certificates 746

SHOWS HELD:

of Con/Obed 49

of Stock 16

of Ranch 1

of Agility 10

of Tracking 0