

ASDCA CODE OF ETHICS VIOLATION COMMITTEE GUIDELINES

Approved by the ASDCA BOD 08/15/09

Administrative Revision 11/10/21

*(to adhere to BOD approved guideline format
removing names of committee members)*

Committee Name/Title: Code of Ethics Violation (COEV) Committee

Committee Objective/Purpose: *(Provide a brief statement as to the objective/purpose of the committee)* To evaluate and determine whether reported violations of the ASDCA Code of Ethics (COE) have occurred, involving an individual(s) on or applying to the ASDCA Breeder's List.

Administrative actions by the BOD and the COEV Committee are limited to individual(s) applying to or on the ASDCA Breeder's List.

The COEV Committee will only investigate facts documenting a violation of the ASDCA COE. The COEV Committee will not engage in "fishing expeditions." Therefore, complaints brought forth to the ASDCA BOD must be substantiated by facts, not innuendos. The COEV Committee will not investigate or resolve complaints pertaining to contracts or poor business practices by an ASDCA member(s) which can or should be pursued in a civil court. All other complaints or allegations of wrong doing by ASDCA members will be in accordance with Article VII (Discipline) of the ASDCA By-laws.

Committee Membership: The committee will consist of three members.

Note: This committee investigates alleged violations of the ASDCA COE. Therefore, due to the confidential and sensitive nature of the violations alleged, committee membership will consist of individuals on the ASDCA BOD. The ASDCA President or Vice President shall be the Chairperson of the COEV Committee.

Committee Duties: When a violation of the ASDCA COE is reported to the ASDCA BOD, the complaint will be immediately forwarded to the COEV Committee Chairperson, via the Secretary. (Note: In the event the ASDCA Secretary is the alleged to be in violation of the COE, the complaint shall be forwarded to the President.) The Chairperson will review the allegation(s) and initially determine if the alleged violation falls within the jurisdiction and responsibility of the committee. Complaints to the COEV Committee

shall be submitted using the format reflected in attachment (1), "Report of ASDCA COE Violation." If the Chairperson determines the violation does not fall within the purview of the committee, he will so advise the other committee members and the BOD. The alleged complaint will be returned to the individual submitting the complaint, accompanied with a written explanation by the Chairperson. The Committee Chairperson will advise the other committee members of the action taken. Additionally, the Chairperson will provide a written explanation to the BOD stating why the complaint was returned to the individual submitting it.

If the Chairperson determines the complaint falls within the purview of the committee, he/she will contact the other committee members and forward a copy of the alleged complaint to them. Upon review of the alleged complaint, the COEV Committee will conduct an inquiry into the alleged violation(s) and determine the facts surrounding the alleged complaint. The committee member(s) investigating the alleged violation will contact the individual(s) accused of the violation and discuss the violation(s) (ie conduct an inquiry). Upon determination of the facts surrounding the alleged complaint, the COEV Committee members will vote and determine whether a violation of the ASDCA COE has occurred. If a majority of the committee determines a violation has in fact occurred, a report to that effect will be provided to the BOD. Within that report, the Chairperson will recommend appropriate actions / sanctions to be taken if the BOD concurs with the recommendation of the COEV Committee. Upon receipt of the report from the COEV Committee, the BOD will enter into administrative deliberations regarding the COE violation(s). The deliberations by the BOD will only be conducted in an Executive session, during a BOD meeting.

Unique Expertise Required: (If necessary, identify any special skills required of members, such as computer skills, sound knowledge of ASD working dog duties, sound understanding of ASD confirmation, etc.) Investigative expertise, ability to diplomatically and professionally communicate with the membership;

Unique Requirements: (Such as cell phone capability. Ability to meet semi-annually, special member composition/requirement, etc). Members of the ASDCA BOD are the only individuals authorized to serve on the COEV Committee. Committee members must have the ability to regularly access email.

Committee Guidelines: (State in detail what the duties of the committee involve; include any rules and regulations that govern the committee)

1. The ASDCA COEV Committee shall investigate allegations of ASDCA COE violations submitted to the BOD by the ASDCA membership.
2. Non club members submitting allegations of COE violations may be investigated on a case by case basis.
3. Complaints alleging a violation of the ASDCA COE will be forwarded to the ASDCA Secretary, who will immediately notify and forward copies of the complaint to the President / COEV Committee Chairperson. The Secretary will also advise the BOD that a COE complaint was submitted to the COEV Committee. A copy of the complaint may be provided to the BOD if requested.
4. Copies of the complaint provided to BOD members will be annotated “CONFIDENTIAL”.
5. Upon receipt of the complaint from the Secretary, the COEV Chairperson will review the complaint to ensure it adheres to the COEV guidelines. If the complaint is considered to be legitimate, it will be forwarded to the COEV Committee for appropriate action. If the complaint is not considered to have merit, it will be returned to the complainant, accompanied by an explanation.
6. The identity of the complainant shall remain confidential, if the complaint is determined to lack merit.
7. The COEV Committee should make every attempt to conduct and complete their inquiry within 60 days of receipt of the report alleging a COE violation has occurred from the complainant. The ASDCA BOD should render a final decision within 30 days of receipt of the COEV Committee’s recommendation.
8. The alleged violation must have occurred and the complaint submitted to the ASDCA BOD within one year of the incident.
9. Complaints must be submitted in writing, containing the name(s) of the complainant. Complaints must be signed by the complainant.
10. Complainants shall use the format contained in Attachment (1), when submitting a complaint. Attachment (1) reflects the information required by the COEV Committee to properly investigate a complaint. If the minimum information contained in Attachment (1), is not provided, the COEV Committee can not satisfactory investigate the complaint.

11. Reports of COE violations shall be signed and submitted using Attachment (1) via email or correspondence via mail to the ASDCA Secretary.
12. Reports of COE violations must be in writing per Attachment (1), accompanied by specific and detailed facts articulating the alleged violation(s). The facts must clearly support the alleged violation. Information that shall be included in the complaint will consist of:
 - a. Who committed the alleged violation?
 - b. What was the alleged violation (be specific, to include the specific COE article)?
 - c. Where (specific location) the alleged violation occurred?
 - d. When the alleged incident occurred (date and time)?
 - e. How the alleged violation occurred (this must be detailed)?
 - f. How the alleged violation was discovered (this must be detailed)?
 - g. The relationship of the individual making the complaint against the alleged violator (such as neighbor, friend, casual acquaintance, relative, etc.)?
 - h. Any unique issues regarding the alleged violation not previously mentioned that must be pointed out?
13. As a general rule, the COEV Committee will only investigate complaints submitted by ASDCA members alleging a violation of the ASDCA COE against an ASDCA member. Specifically, the complaint must allege a violation of a member on the Breeder's List or a member who has requested to join the Breeder's List. Violations in the latter two categories are the only areas the ASDCA BOD can pursue administrative action. All other complaint(s) regarding inappropriate actions by ASDCA members shall be addressed in accordance with the ASDCA By-laws, Article VII, section 1 (Discipline).
14. Complaints submitted by non ASDCA member(s) against an ASDCA member(s) can be reviewed and investigated if the alleged misconduct is determined to be a violation of the COE. **Note:** This investigation **DOES NOT** resolve contract or poor business practices by an ASDCA member(s) which should be pursued in a civil court.
15. The accused member can be forwarded a copy of Attachment (1) if requested. Identity of the complainant will be deleted if a copy of Attachment (1) is provided.
16. Upon completion of the investigation by the COEV Committee of the complaint, a report from the COEV Committee will be forwarded to the ASDCA Secretary (for club records). The report will include a

copy of the original complaint, dates of the investigation and interviews, who was interviewed and committee members adjudicating the alleged complaint.

17. If the BOD disagrees with the COEV Committee's determination of the alleged complaint, they can direct the Committee to reconsider the complaint. However, this action must be based on evidence / information provided by the BOD that contains new information not previously considered by the committee.
18. If the COEV Committee determines a violation occurred, they will recommend appropriate administrative action to the BOD.
19. Appropriate action for a violation can range from verbal to written reprimand and or removal from the Breeder's List. Note, if an individual is removed from the Breeder's List, they shall be refunded their application fee, prorated. If the action taken by the COEV Committee results in a "verbal reprimand," during the next BOD meeting, a record of that verbal reprimand will be documented by the Secretary in the ASDCA minutes of that BOD meeting.
20. If the BOD determines by a majority vote that a violation of the ASDCA COE has occurred, the ASDCA President or Vice-President shall notify the member of the results. If the BOD determines a "Verbal Reprimand" is the appropriate punishment, then the individual issuing the "Verbal Reprimand" (ie the ASDCA President or Vice-President) to the member will write a Memorandum for the Record (MOR), and read it into the minutes of the next BOD meeting. The MOR shall contain the name of the BOD member issuing the

reprimand, the name of the individual given the reprimand, the method the verbal reprimand was conveyed (in person or telephone), a summary of what was conveyed, to include the specific COE violation(s), a brief description of the circumstances/violation, and the date, time and location the verbal reprimand was issued. A copy of the MOR will be provided to the ASDCA Secretary. The notification shall include the specific ASDCA COE violation committed, the evidence of the violation and administrative action (if any) taken by the ASDCA.

21. If the complaint is determined to be valid, then the individual filing the complaint shall only be advised that: “**APPROPRIATE ACTION WAS TAKEN AGAINST THE INDIVIDUAL (S) ACCUSED OF THE VIOLATION.**” The complainant shall not be given any details as to what action if any was taken by the BOD, due to confidentiality issues.

Budget: *(State if there are funds necessary to operate this committee. As a general rule, the committee should strive to be cost free)* No special budget or fund expenditure is required for this committee or anticipated during the upcoming year.

Submission of Report(s): The COEV Committee is required to submit reports on two occasions:

1. To the ASDCA Secretary, at least 30 days prior to the National Specialty / AGM. The Secretary’s report will be in accordance with Attachment (3) of the Committee Guidelines. The report will detail the number of COE complaints made during the year, whether an investigation was conducted, and the number of sustained and not sustained complaints.
2. When the COEV Committee entertains an alleged complaint, whether substantiated or not, a report summarizing the results of the complaint shall be forwarded to the ASDCA Secretary. The report shall be accompanied by a copy of Attachment (1) and contain similar information as required for an MOR.

3. **Other, as needed:** *(This is your opportunity to provide additional comments that the above points do not address and you deem necessary to properly evaluate this complaint)* The conduct of any investigation must remain a private matter. Information determined during the conduct of the investigation shall be considered sensitive and treated as such. Release of the information to anyone other than a BOD member is strictly prohibited.

REPORT OF ASDCA COE VIOLATION **(FORMAT)**

Date: *(Date the report was submitted)*

From: *(Name of complainant(s) reporting the violation, include good telephone number and email address for any questions that may arise)*

To: ASDCA Secretary

Subject: Violation of ASDCA Code of Ethics (COE) by a member of the Breeder's List

COE Violation(s): *(list the specific COE{s} alleged to have been violated as per the below example.*

For Example:

- 1. COE 8, Puppies will not be shipped before 8 weeks of age***
- 2. COE 5, All breeding done will be with the intention of improving the breed and never for purely commercial reasons.)***

Provide a detailed narrative of the alleged incident. Within the narrative you must again list each specific COE violation(s) individually, accompanied by detailed facts articulating the alleged violation(s). The facts must clearly support each alleged violation. Information that shall be included in support of each alleged COE violation will consist of:

- a. Who committed the alleged violation?***
- b. What was the alleged violation (be specific, to include the specific COE article)?***
- c. Where (specific location) the alleged violation occurred?***
- d. When the alleged incident occurred (specific date and time)?***
- e. How the alleged violation occurred (must be specific and detailed)?***
- f. How the alleged violation was discovered (must be specific and detailed)?***
- g. The relationship of the individual making the complaint against the alleged violator (such as neighbor, friend, casual acquaintance, relative, etc.)?***
- h. Any unique issues regarding the alleged violation not previously mentioned that must be pointed out?***

The complaint submitted to the ASDCA BOD must contain the following statement and the signature of the individual(s) submitting the complaint, acknowledging they understand the following statement:

I understand that the individual accused of an ASDCA Code of Ethics violation may receive a copy of this statement. I swear (or certify or affirm) that the information contained within this ASDCA COE complaint is true and correct to the best of my knowledge.

Signature and printed (or typed) name of
individual(s) submitting the COE complaint

Attachment (1)