



EVENT COMMITTEE OVERVIEW

THIS SLIDE PRESENTATION IS A SUMMARY TO ASSIST CLUBS IN HANDLING ALLEGATIONS OF MISCONDUCT. THE PROCEDURES IN *DEALING WITH MISCONDUCT* MORE FULLY SET FORTH THE OBLIGATIONS OF A CLUB AND CONTROL ALL ASPECTS OF THE HANDLING OF AN ALLEGATION OF MISCONDUCT.

- Committee
- Complaint filed
- Gather Resources
- Preliminary Investigation
- Hearing
- Findings and Decision
- Report
- Hearing Subsequent to the Event
- AKC Staff Committee
- Appeal



EVENT COMMITTEE

- Authority in Article XIV of *Charter and Bylaws of The American Kennel Club, Inc.*
- *Right and responsibility* to deal with acts prejudicial to sport “in connection with event”
- The authority extends to anyone attending the event, including spectators and exhibitors



EVENT COMMITTEE COMPOSITION

- At least 5 persons
- Must be club members
- Must be listed in Premium List
- Majority (at least 3) must be present to conduct hearing
- If members are excluded (witnesses, etc.), vacancy must be filled with other club members



COMPLAINT FILED

- Anyone can file a complaint
- Must be in writing
- Complaint can be filed against anyone attending the event whether they are a spectator or an exhibitor
- No written complaint is required if a dog is seriously injured or dies in connection with an event. Committee must conduct a preliminary investigation.
- Must be filed on day of event (unless impossible or impractical – rare cases)
- Committee **MUST** investigate



GATHER RESOURCES

- AKC *Dealing with Misconduct* booklet
- Event Committee Procedural Checklist
- AKC Field Rep
 - Adviser only
 - Help with procedures, not decision-making



PRELIMINARY INVESTIGATION

- “Establish if the nature of the incident, if proven, would constitute prejudicial conduct.”
- *Not* to establish guilt or innocence
- Obtain written statements from:
 - Complainant
 - Accused
 - Witnesses



PRELIMINARY INVESTIGATION

- If conduct, if proven, would not constitute prejudicial conduct
 - No hearing necessary
 - Report with conclusion sent to AKC Executive Secretary to arrive within 5 days
- If conduct would constitute prejudicial conduct:
 - The committee must hold hearing



PREJUDICIAL CONDUCT

- Conduct viewed as being prejudicial to the best interest of purebred dogs, AKC events, or the American Kennel Club
- One test is if a family attending event for first time would be likely to decide, after witnessing such an incident, that the sport is not for them.
- Examples include but not limited to: inappropriate or foul language, failure to properly control a dog, disruptive behavior, public criticism of a judge, mistreatment of a dog, temporary change of appearance of dog being shown, etc.



APOLOGIES

- Apologies cannot undo damage
- Accused's attitude at hearing and any apologies should be included in record



HEARING

- Committee determines time and place
- Chairperson notifies accused, “specifying the exact conduct alleged to be prejudicial”
- Chairperson must provide *Dealing with Misconduct* booklet to accused
- Accused must have time to secure witnesses and prepare
- Every effort must be made to hold hearing the day of the incident



HEARING

- At least 3 Committee members present
- Advise accused of specific charges and rights
- Excuse all persons except:
 - Committee
 - Accused
 - Accused's attorney (to advise accused *only*)
 - AKC Field Rep (procedural advise *only*)



RECORD OF HEARING

- Verbatim transcript not required
- Complete names, addresses, email addresses and telephone numbers of all parties involved required
- Specific charges or alleged conduct
- Comprehensive summary of testimony
- Witness statements - witnesses must testify, can reaffirm their statement but must do so under oath. Witness statements may be admissible without testimony if accused does not object.
- If recorded, this must be noted in the Committee report and a copy of the recording provided to AKC and accused. Only one recording is permitted.
 - All parties must consent to the recording or the matter can't be recorded



WITNESSES

- Call one at a time
- Swear in the accused and each witness prior to testimony
- Chair should interview witnesses and accused
 - While the witnesses can and should identify their written statement they should testify as to what occurred
- Other Committee members may ask questions
- Accused may question each witness
- Accused may make final statement



FINDINGS AND DECISION

- After all testimony, Chair excuses all but Committee
 - Deliberations should not be recorded if recording the hearing
- Based upon evidence presented and with a majority vote, Committee shall determine:
 - Was conduct proven?
 - Was conduct prejudicial?
 - Did it conduct occur in connection with the event?



DISMISSAL

- If *any* of the three elements are not proven, charges *must* be dismissed
- Accused must be informed
- Full report and findings sent to AKC so as to be received within 5 days



SUSPENSION

- If *all three* elements are proven, accused stands suspended
- Accused should be called back and informed of the findings and suspension
- Written notice must be sent (certified mail, return receipt requested)
- Committee does *not* set terms of suspension, but may make a recommendation



STAY OF SUSPENSION

- The Event Committee may stay a suspension **only** if both of the following conditions exist:
 - The mitigated penalty for the violation provides for a reprimand as listed in the AKC Disciplinary Guidelines.
 - The Event Committee recommends that the mitigated penalty be imposed.



EVENT COMMITTEE REPORTS

- Complete report must be sent to AKC Executive Secretary to arrive within 5 days
- If an action is imposed the accused is entitled to copy of report
- Otherwise, report is confidential



LETTER OF MITIGATION

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- It is an opportunity for the accused to submit evidence that the Staff Event Committee shall consider in mitigation of the discipline that might be imposed.



HEARING HELD AFTER THE EVENT

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- If the accused has left the grounds prior to being notified of the charges, the hearing may be held the next day, but should be held within 14 to 28 days.
 - The committee must write the accused, via certified mail (return receipt requested) and inform him of charges “the specific conduct must be described.”
 - The notice must advise the accused of his or her right and opportunity to respond in writing if he or she is unable to attend.
 - A copy of *Dealing with Misconduct* must be included with the notice.
 - The Committee has the burden of bringing in its own witnesses.
 - Hearing may be conducted telephonically.



INFORMING THE AKC OF HEARING SUBSEQUENT TO THE EVENT

- It is the Chairperson's responsibility to make sure that the notice was received by the accused prior to proceeding with the hearing.
- The Chairperson must also submit a copy of the hearing notice to the AKC.
- Staff available to provide procedural advice to Event Committee and Accused – contact Wanda Forlines at wbh@akc.org or (919)816-3546.



AKC STAFF COMMITTEE

- AKC Staff Committee will review the report submitted within 2 business days
- Committee reviews:
 - Rights of accused not abridged
 - Hearing was conducted properly
 - Recorded evidence substantiates findings
- Staff Committee sets penalty within AKC Discipline Guidelines
 - AKC Discipline Guidelines set by AKC Board of Directors



REQUEST FOR RECONSIDERATION

- Accused may request reconsideration
- Event Committee may request reconsideration if Staff Committee overturned findings.
- What is a Request for Reconsideration
 - Request for rehearing is not sufficient
 - Request should be specific and identify serious procedural errors, and/or mitigating circumstances in terms of penalty.
AND/OR
 - The evidence at the hearing does not support the findings



APPEAL

- Accused may appeal
- Event Committee may appeal if Staff Committee overturned findings
- Only for procedural errors or if evidence does not support findings
- Appeal goes to a Trial Board, whose decision is final



REMAND

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- AKC Staff Committee or a Trial Board may remand matter back to Event Committee for rehearing
 - Only for serious procedural issues
 - Only one rehearing is allowed
 - Rehearing follows *Dealing with Misconduct* guidelines



DOG SERIOUSLY INJURED OR DIES IN CONNECTION WITH AN EVENT

- If a dog is seriously injured or dies in connection with an Event
- Event Committee **must** conduct a preliminary investigation to determine if charges should be brought against any individual.
 - If the investigation finds that the conduct **was not** prejudicial to the best interest of purebred dogs, purebred dogs or the AKC, no hearing needs to be held
 - If the investigation finds that the conduct **was** prejudicial to the best interest of purebred dogs, purebred dogs or the AKC, a hearing **must** be held



DOG AGGRESSION

- Event Committee needs to review both the temperament of the dog(s) and the conduct of the individual
 - Conduct of **person** follow *Dealing with Misconduct*
 - Temperament of the **dog** complete *Dog disqualification by Event Committee* form
- Event Committee Requests Vaccination Records
 - The person responsible for the dog at the event must provide the vaccination records
 - Failure to provide vaccination records when requested could be conduct prejudicial