



## **Policies and Procedures AAC Discipline and Appeals Committees**

*Section: General*

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### **DEFINITIONS:**

*In this Policy & Procedure*

**“AAC”** means the Agility Association of Canada.

**“Abuse”** shall mean improper treatment which could cause serious injury to a dog or person.

**“Aggressive Dog”** shall mean a dog, that in the absence of any mitigating factor, has demonstrated a propensity, tendency or disposition to attack, bite or cause injury to a person or other animal.

**“Appeal Committee”** means a committee of seven (7) members, one from each Region, appointed by the Board of Directors from the regular membership for a term of three (3) years. No current member of the Board of Directors or Discipline Committee shall be a member of this Committee.

**“Appellant”** shall mean any party appealing the decision of the disciplinary committee.

**“Board”** or **“BoD”** means the Board of Directors of the AAC.

**“Complainant”** shall mean any person who has laid a charge or complaint against another dog, person, host club or organization relative to contravention of the rules, regulations, policies and procedures of the AAC.

**“Courtesy Warning”** shall mean a verbal warning issued by the judge when an incident is marginal, questionable as to its acceptability, or otherwise might escalate to a point of not being acceptable.

**“Cruelty”** shall mean a conscious action or inaction that may endanger the life of or cause serious health consequences to a dog.

**“Defendant”** shall mean any person, host club or organization against whom a charge or complaint has been laid, relative to the contravention of the rules, regulations, policies and procedures of the AAC.

**“Discipline Committee”** means a committee of seven (7) members, one from each Region, appointed by the Board of Directors from the regular membership for a term of three (3) years. No current member of the Board of Directors or Appeal Committee shall be a member of this Committee.

**“Dog”** means a dog of either sex.

**“Just Cause”** shall mean that in an instance before the Discipline or Appeal Committees where just cause must be demonstrated, the following definition shall apply: “The criteria for establishing ‘just cause’ is how a reasonable person without personal bias or prejudice would act.”

**“Misconduct”** shall mean behaviour that violates the generally accepted standards of good taste and propriety.

**“Mistreatment”** shall mean inappropriate treatment or handling unlikely to cause serious injury to the dog, e.g., excessive or severe discipline/training.

**“Mitigating Factor”** means a circumstance that excuses aggressive behaviour of a dog and may include circumstances where the dog was acting in defense to an attack from another animal or was being physically tormented.

**“Neglect”** shall mean inadequate care or voluntary inattention to basic needs or ignoring the safety and well-being of the dog because of haste or ignorance.

**“Written Complaint”** shall mean a written complaint filed by anyone witnessing an incident and filed with the Chair of the Organizing Committee or directly to the AAC. This shall result in a disciplinary hearing.

**“Written Reprimand”** shall mean a written warning issued by the judge or Chair of the Organizing Committee, when an incident warranted immediate dismissal from the ring and when an incident would be deemed unacceptable if it reoccurred. A second reprimand of a similar nature shall be treated as a “Written Complaint” thus resulting in a disciplinary hearing.

This Policy & Procedure shall be read with all applicable changes in gender so that the masculine shall include the feminine and vice versa and the singular shall include the plural if applicable.

## **GENERAL**

### **1. Procedural Fairness**

- a) *The Discipline and Appeal Committees may be defined as “domestic tribunals”. A domestic tribunal of an association investigating charges of misconduct against its members is not generally bound by the same strict rules of procedures as a criminal court and there is a significant difference between the evidence necessary to convict in a criminal court, and that required in an ordinary society. Hearsay evidence, for example, is admissible at hearings of a domestic tribunal, but must be treated with circumspection and it is the question of weight given it by the Committee. Further, there is no need to prove guilt or culpability “beyond a reasonable doubt” but rather of being satisfied on the “balance of probability test” similar to a civil suit.*
- b) *Nevertheless, the Discipline and Appeal Committees frequently finds themselves addressing charges against non-members of the AAC, and important rights and privileges can be affected by their decisions. This power carries with it a strong demand for procedural fairness and natural justice.*
- c) *The procedural fairness of the AAC disciplinary system has its foundation in the provisions of Section 3, Section 4, and Section 5 of the Club’s By-laws. While changes to these procedures will be appropriate and even necessary from time to time, care must be taken when amending them that the procedural fairness of the system is not compromised.*
- d) *The duty of the Discipline and Appeal Committee members is to act fairly and this responsibility is best met by the Committees demonstrating objectivity and maintaining consistency both in their findings and in the penalties imposed for similar offences. The possibility of bias can always be alleged when Club members sit in judgment of others, the more so when the parties to the complaint may be well known throughout the agility world. The members of the Discipline and Appeal Committees must ensure, therefore that their decisions are based only on the evidence*

*put before them and not on other knowledge or beliefs that they may have regarding the parties concerned, and that they perform their duties in a detached manner and do not allow parochial bias to influence them. Their sole consideration must be the person's or dog's conduct on this particular occasion.*

## **2. Conflict of Interest**

- a) *Any member of the Discipline or Appeal Committee who was personally involved, directly or indirectly, in a matter, which is the subject of a complaint, is to withdraw. The minutes of the meeting are to show when a member so withdraws.*

## **3. Confidentiality**

- a) *To ensure procedural fairness, members of the Discipline and Appeal Committees are not to discuss the substance of a case before them with anyone other than another member of their Committee.*
- b) *All deliberations by the Discipline and Appeal Committees are to be kept in confidence; such deliberations, and the views expressed or the position taken by any member during such deliberations shall not be communicated to or discussed with any person.*
- c) *All decisions rendered by the Discipline and Appeal Committees are confidential until the parties to a complaint have received official notification of the decision from the AAC.*
- d) *All Discipline Committee files are confidential and access to them is to be limited to the Club's Legal Council, the members of the Discipline Committee, and members of the Appeal Committee if an appeal has been received.*

## **4. Guidelines for Penalties**

- a) *Because the circumstances and individual motives will vary considerably from case to case alleging the same violation, it is not appropriate to establish fixed penalties for specific misconduct. Nevertheless, consistency in awarding punishment is important to the demand of procedural fairness and natural justice. Attached as Appendix II is a listing of Board-approved guidelines for a range of penalties applicable to a variety of offences.*
- b) *The Discipline Committee has the authority to levy penalties as outlined in Section 4.2 of the By-laws.*

## **5. Publication of Decisions**

- a) *Following expiration of the appeal period, action taken by the Discipline Committee is to be published in On Course. Publication shall include the complainant's name, the defendant's name, locale, offence and the penalty imposed. In cases in which no penalty was imposed or only a letter of warning was issued (i.e., without further sanctions being imposed), this publication requirement does not apply.*
- b) *When the decision of the Appeal Committee is rendered, the action taken is to be published in On Course.*

## **6. Board Notification re: Committee Activity and Decisions**

- a) *The Discipline Committee will provide to the Board, through the President, a monthly report to include a list of complaints received, specifying the name of the complainant, the name of the defendant (dog and handler if the complaint is against the dog), the general nature of the complaint (aggression, abuse, misconduct, unsportsmanlike behaviour, etc.) and the current status of the complaint. Board members will be provided with the results of matters after the deliberations, however such results shall only be released to the members of the Board upon all parties first having been formally advised of the results.*
- b) *Upon receipt of a Discipline Committee decision in which a penalty was imposed, the Board will notify all AAC member clubs of the decision.*
- c) *Members of the Board shall, at all times, be cognizant of the non-involvement requirement as clearly stated in Section 4.5 and Section 5.6 of the By-laws.*

## **DISCIPLINE COMMITTEE HEARINGS:**

*The Discipline Committee shall have the authority conveyed upon it by Section 4.2 of the By-laws.*

- a) *All complaints submitted directly to the AAC must be acknowledged as received and the complainant advised that he has the right to be represented by counsel and produce such evidence and witnesses as he may desire at his own expense. Such evidence shall be in writing and must be delivered by means of registered/certified mail or courier.*
- b) *The defendant must be notified by registered or certified mail of the alleged charge against him and advised that he has the right to be represented by counsel and to produce such evidence as he may desire at his own expense. Such evidence shall be in writing and must be delivered by means of registered/certified mail or courier within four weeks of receipt of the Notice of Complaint.*
- c) *The Chair of the Discipline Committee will ensure that all parties to a complaint are sent copies of the evidence that is before the Discipline Committee (i.e. any written evidence, submission or **witness statements received from either party to a complaint is photocopied and forwarded to the other party**) by means of registered/certified mail or courier.*
- d) *The Discipline Committee will carefully deliberate on the evidence and arguments presented and render a decision within ninety (90) days.*
- e) *A Decision Letter of the Discipline Committee shall be sent to the complainant and the defendant by means of registered/certified mail or courier.*
- f) *When the parties to a complaint are notified of the decision of the Discipline Committee, they are to be advised of their right to appeal and of the procedural requirements for any appeal, and will be provided with a Notice of Appeal form.*
- g) *The Chair of the Discipline Committee shall prepare a statement outlining the reasons for the decision of the Discipline Committee and this statement shall be retained with the file.*

## **APPEAL COMMITTEE HEARINGS:**

### **1. Notice of Appeal**

- a) *When the parties to a complaint are notified of the decision of the Discipline Committee they are to be advised by means of registered/certified mail or courier of their right to appeal and of the procedural requirements for the proper notification of any appeal, and they will be provided with a Notice of Appeal form.*
- b) *The Notice of Appeal form will require the Appellant to state:*
  1. *that the decision of the Discipline Committee is being appealed on one of the following grounds:*
    - a) *the Discipline Committee erred in its findings;*
    - b) *new evidence, which could not have been made available to the Discipline Committee during the allowed time period and which could have influenced the decision of the Discipline Committee, has become available;*
    - c) *the Discipline Committee failed to follow proper procedure or demonstrated bias so compromising the Appellant's right to a fair hearing; and/or*
    - d) *the penalty imposed by the Discipline Committee is inappropriate for the nature and extent of the misconduct involved.*
  2. *the substance of the argument supporting the appeal in sufficient detail to allow the Committee to deal properly with the issues raised.*

### **2. Admissibility of Evidence at an Appeal Hearing**

- a) *Unlike the provisions for a hearing by the Discipline Committee at which the parties have the right to "produce such evidence and witnesses as they may desire," the introduction of new evidence is at the discretion of the Appeal Committee. The Appeal Committee will have been provided with all the documentary evidence that was available to the Discipline Committee, including the statement outlining the reasons for the decision of the Discipline Committee. The failure of one of the parties to submit to the Discipline Committee evidence that could reasonably have been presented, and which might have altered the finding of the Discipline Committee, is not sufficient cause to overturn the Discipline Committee's findings. The introduction of new evidence by one of the parties should only be permitted by the Appeal Committee if it is first established that this*

evidence could not reasonably be made available to the Discipline Committee. Similarly, the statements of witnesses should only be allowed if either:

1. there was a statement from this witness to the Discipline Committee and this statement is directly related to the substance of the appeal; or
  2. the statement presents new evidence which could not reasonably have been presented to the Discipline Committee.
- b) An appeal hearing is not a "trial de nova" (i.e., new hearing or retrial); it is, rather, a hearing to determine whether or not there is just cause to overturn the finding of the Discipline Committee or to alter any penalty imposed. The onus is on the Appellant to convince the Appeal Committee that the Discipline Committee has erred in its decision. Arguments presented by the parties to the complaint during the appeal process should, therefore, be limited to this aspect, and the Appeal Committee must not allow the proceedings to become a retrial.

### **3. Appeal Hearings**

- a) The Chair of the Appeal Committee shall request from the Discipline Committee all evidence and witness statements, including the Reasons for Decision statement for the case under appeal.
- b) Any penalty and/or assessed fees imposed by the Discipline Committee shall be stayed pending the outcome of the appeal.
- c) Photocopies of the Notice of Appeal and reasons for the Decision of the Discipline Committee shall be provided to the original complainant by means of registered/certified mail or courier to allow him the opportunity to present a case for allowing or dismissing the appeal.
- d) All parties to the appeal shall be advised by means of registered/certified mail or courier of the decision of the Appeal Committee within sixty (60 ) days of the filing of the Notice of Appeal.
- e) For each case in which an appeal is allowed in whole or in part, the Chair of the Appeal Committee will submit a statement of the reasons for the Appeal Committee's decision to the Chair of the Discipline Committee and the Board members.

## **Appendix I      THE COMPLAINT PROCESS**

*The Discipline Committee receives a formal, written complaint, either:*

- *directly*
- *from a Board member to whom the complaint was submitted, or*
- *from the trial report coordinator in a case in which two or more reports of aggression have been received concerning the same dog or two or more reports of unsportsmanlike conduct have been received concerning the same handler*

*The Committee Chair notifies the President (and through the President, the Board) that a complaint has been filed. This notification should include the name of the complainant, the name of the accused (and the dog involved in the case of an aggression complaint), the nature of the complaint (aggression, abuse, misconduct, etc.) and the stage of proceedings. This information is to be updated as the Committee proceeds. The substance of the Committee's deliberations is not to be shared.*

*The Committee seeks statements from the accused and any witnesses to the incident.*

*The Committee deliberates and reaches a decision.*

*The Committee Chair notifies the complainant and the accused by means of registered/certified mail or courier of the outcome of the deliberations and any sanctions imposed as well as the option for either party to appeal the decision.*

*The Committee Chair notifies the Board of Directors of the outcome of the deliberations and any sanctions imposed.*

*The Board of Directors notifies member clubs of any penalties imposed as part of a decision.*

*After the appeal period has elapsed in cases where sanctions were imposed, the Committee Chair sends a report on the decision to the editor of On Course for publication. If the Committee's decision involves only the sending of a letter to the accused and no punitive sanctions are imposed, the publication requirement and the notification of member clubs does not apply.*

## Appendix II AAC DISCIPLINE GUIDELINES

**Bylaw 4.2:** *The Discipline Committee shall have the authority to:*

- a) *warn, reprimand, expel, suspend or terminate membership of any member of AAC;*
- b) *warn, reprimand and deny Association privileges to any non-member of AAC*
- c) *exclude any dog from trials sanctioned by AAC*

**Note:** *These are guidelines only. The range of Mitigated, Standard and Aggravated penalties covered by this guideline are for first offences. Subsequent infractions by an individual, not necessarily of the same offense, will carry penalties of increasing severity.*

**Note:** *Two separate incidents of Dog Aggression on file with the DC results in the dog being permanently barred for all future AAC events.*

<b>Misconduct Against a Judge</b>			
	<b>Mitigated</b>	<b>Standard</b>	<b>Aggravated</b>
<i>Physical abuse</i>	<i>90 days</i>	<i>180 days</i>	<i>365 days</i>
<i>Verbal abuse (argumentative, abusive or foul language)</i>	<i>60 days</i>	<i>120 days</i>	<i>180 days</i>
<i>Inappropriate public criticism of a Judge, not disruptive, but demonstrating a lack of sportsmanship</i>	<i>Reprimand</i>	<i>30 days</i>	<i>90 days</i>
<i>Public criticism of a Judge's decision that causes a disruption at the trial</i>	<i>Reprimand</i>	<i>90 days</i>	<i>180 days</i>
<i>Unsportsmanlike conduct that demonstrates a lack of respect for a Judge and his authority (e.g. a subversive and ostentatious exit from the ring during or following a performance, failure to follow a Judge's instructions)</i>	<i>Reprimand</i>	<i>90 days</i>	<i>180 days</i>
<b>Disorderly Conduct</b>			
<i>Physical altercation</i>	<i>60 days</i>	<i>180 days</i>	<i>365 days</i>
<i>Abusive or foul language/verbal altercation or verbal confrontation of officials or other competitors</i>	<i>Reprimand</i>	<i>60 days</i>	<i>180 days</i>
<i>Personal property damage</i>	<i>Reprimand</i>	<i>30 days</i>	<i>90 days</i>
<i>Impairing a club's/group's ability to retain a site</i>	<i>90 days</i>	<i>120 days</i>	<i>180 days</i>

<i>Failure to properly control a dog at a trial</i>	<i>Reprimand</i>	<i>90 days</i>	<i>180 days</i>
<i>Disruptive behaviour at a trial</i>	<i>Reprimand</i>	<i>90 days</i>	<i>180 days</i>
<b>Inappropriate Treatment of a Dog(s)</b>			
<i>Physical abuse at or in connection with a trial</i>	<i>90 days</i>	<i>180 days</i>	<i>365 days</i>
<i>Neglect at or in connection with a trial</i>	<i>30 days</i>	<i>90 days</i>	<i>365 days</i>
<i>Cruelty at or in connection with a trial</i>	<i>1 year</i>	<i>5 years</i>	<i>10 years</i>
<i>Mistreatment at or in connection with a trial</i>	<i>Reprimand</i>	<i>90 days</i>	<i>180 days</i>
<b>Violation of AAC or Host Club/Group Published Regulations</b>			
<i>Disregard/violation of published club/group regulations (e.g. parking, crating, leash rules etc.)</i>	<i>Reprimand</i>	<i>30 days</i>	<i>90 days</i>
<b>Dog Aggression In the Ring or while being Measured</b>	<b>Responsibility of the Officiating Judge</b>	<b>Discipline Committee</b>	
<i>Dog in the ring leaves and chases, menaces, or threatens a person or dog outside the ring</i>	<i>Dismissal from the class</i>	<i>Suspension</i>	
<i>Dog in the ring displays threatening or menacing behaviour toward the Judge, a ring steward or a dog standing outside the ring</i>	<i>Dismissal from the class</i>	<i>Suspension</i>	
<i>Dog displays threatening or menacing behaviour while being measured</i>	<i>Dismissal from all classes</i>	<i>Suspension</i>	
<i>Dog in the ring leaves and actually <u>attacks</u> another dog</i>	<i>Dismissal from the class AND expulsion from the trial</i>	<i>Suspension</i>	
<i>Dog runs into the ring and <u>attacks</u> the dog on course</i>	<i>Dismissal from the class AND expulsion from the trial</i>	<i>Suspension</i>	
<i>Dog in the ring <u>attacks</u> any person</i>	<i>Expulsion from the trial</i>	<i>Suspension</i>	
<i>Dog attacks any person while being measured</i>	<i>Expulsion from the trial</i>	<i>Suspension</i>	

## Appendix III Conduct of Judges, AAC Board Members, Employees and Appointed Committee Members

The conduct of AAC judges, Board members, employees and appointed committee members is a direct reflection on the professionalism of the AAC. As such, these persons are appointed, hired and/or qualified partially based on their demonstration of their ability to represent the AAC within the agility community at levels of conduct which are beyond reproach at all times and in all circumstances. It is the expectation of the AAC Board that these high standards be upheld. Failure to do so will result in complaint being delegated to the Disciplinary Committee with a higher degree of standards than members of the AAC.

**Note:** The following is a guideline for the Disciplinary Committee's decisions on complaints as they are received and ruled on by the Disciplinary Committee

MISCONDUCT BY A JUDGE, BOARD MEMBER, EMPLOYEE or COMMITTEE MEMBER	Mitigated	Standard	Aggravated
<i>Physical abuse of a competitor, members of the Host club, AAC member, AAC official or spectator</i>	135 days	1 year	2 years
<i>Verbal altercation or verbal confrontation with or without foul language with a competitor, members of the Host club, AAC member, AAC official or spectator</i>	30 days	90 days	1 year
<i>Inappropriate public criticism of a competitor, members of the Host club, AAC member, AAC judge, spectator, not disruptive, but demonstrating a lack of sportsmanship</i>	Reprimand	45 days	120 days
<i>Misrepresentation of the AAC</i>	30 days	60 days	90 days
<i>Physical abuse of a dog(s)</i>	135 days	270 days	2 years
<i>Inappropriate handling of a dog during measurement</i>	Reprimand	135 days	270 days
<i>Cruelty towards a dog</i>	545 days	7.5 years	15 years
<i>Personal property damage</i>	Reprimand	60 days	180 days
<i>Disruptive behavior as a representative of the AAC</i>	90 days	120 days	365 days
<i>Mistreatment of a dog(s)</i>	Reprimand	135 days	270 days

