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ASCA's Conflict Resolution Protocol

EFFECTIVE NOVEMBER 2016 | REVISED FEBRUARY 2024

This Conflict Resolution Protocol replaces the Dispute Rules, which are no longer in effect.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

The Conflict Resolution Form is included with each sanctioning packet sent to Affiliate Clubs. Copies of the Conflict Resolution Protocol and Conflict Resolution Form must be available at all ASCA-sanctioned events. Questions not answered by this document should be referred to the ASCA Executive Secretary.

First Decide Who Should Receive Your Request:

Affiliate Club

It is the duty of the Affiliate Club to deal initially with conflicts that 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 improper actions by a Judge which are correctable at the time of the event (not the decision of the Judge). If replacing the Judge becomes necessary, a formal hearing with proper documentation must be conducted.

Board of Directors

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

- Conflicts with a Judge that cannot be mediated at the show/trial.
- Conflicts or disputes originating with the ASCA Board regarding the ASCA Bylaws.
- Appeals of decisions by an Affiliate.

Process for Requesting Conflict Resolution at the Affiliate Level:

The request for conflict resolution is filed on an official 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 the 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 5 days of its event.

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.

The complaint is delivered to the hearing body. The hearing body conducts the hearing as soon as possible. Any necessary inquiry will be pursued by the hearing officials.

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.

When deciding a case of a conflict involving multiple parties, all parties will 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 will make a good faith effort to obtain factual information concerning the conflict, including obtaining information from people 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.

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

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 will refer to the Affiliate Level Disciplinary Guidelines in determining what disciplinary actions to take if any.

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 Executive Secretary.

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

Process for Requesting Conflict Resolution at the National Specialty:

Any request for conflict resolution submitted during the National Specialty must be filed on an official Conflict Resolution Form and must be immediately sent to the Nationals Chairperson. Upon receipt, the Nationals Chairperson will forward the Conflict Resolution Form and all accompanying material to the Nationals Board Liaison, the ASCA Executive Secretary, and the ASCA President. All documentation will then be forwarded to the entire Board of Directors. Requests must be delivered within 24 hours of the discovery of the conflict or the event which incited the conflict. This is crucial as delays could impact ongoing events.

In the event complaints without a Conflict Resolution Form are received by any member of the Nationals Committee and those complaints are resolved, the complaint and the resolution must be sent to the Nationals Chairperson and the ASCA Executive Secretary. The ASCA Executive Secretary will forward the information to the Board of Directors.

The Nationals Chair will implement the following Conflict Resolution procedure:

1. A hearing body with a minimum of three members will be chosen by the Nationals Chair. Ideally, the body should include the Nationals or Finals program chair when the conflict involves a particular program. No party to the conflict or their immediate family may be a member of the hearing body.
2. The complaint is delivered to the hearing body to conduct the hearing immediately. Any necessary inquiry will be pursued by the hearing officials.

3. When deciding a case of a conflict involving multiple parties, all parties will be notified of the request 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. If any of the parties are off premises, a phone conference will be arranged. The hearing body will make a good faith effort to obtain factual information concerning the conflict, including obtaining information from people 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.
4. After all the parties have been heard and the investigation is complete, the hearing body will deliberate and reach a decision. Investigations should be complete within 24 hours of the receipt of the request for conflict resolution.
5. All parties involved in the conflict will receive the decision in writing immediately following the hearing. A copy of this decision and a summary of the investigation will be sent to the Executive Secretary to share with the Board.
6. The decision of the hearing body will be final and binding unless a written notice of the member's intention to appeal the decision is received by the Executive Secretary within 48 hours of the date of the notification of the decision.

If the decision of the hearing body is appealed, the following procedure will be followed:

1. When deciding a case of a conflict involving multiple parties, the Executive Secretary will notify all parties of the request 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 Board. If any of the parties are off premises, a phone conference will be arranged. The Board will make a good faith effort to obtain factual information concerning the conflict, including obtaining information from people 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 ASCA is bound by any state or U.S. Constitutional requirement of due process.
2. If the conflict involves a Board Member or the immediate family of a Board Member, that Board Member will state their case and be questioned by the rest of the Board but they must recuse themselves from the remainder of the investigation and the decision making process.
3. When necessary, the Board may impose immediate temporary measures to remain in effect pending its decision.
4. After all the parties have been heard and the investigation is complete, the Board will deliberate and reach a decision. Investigations should be complete within 24 hours of the receipt of the request for conflict resolution.
5. The Executive Secretary will provide all parties involved in the conflict with the decision in writing immediately following the hearing.
6. There is no appeal from a Board decision.

The Board reserves the right to waive or amend these rules in extraordinary situations, where in its judgment, it concludes that there is good cause for doing so and documents a summary of its basis for that finding.

Process for Requesting Conflict Resolution at the Board Level:

The request for conflict resolution is filed on an official Conflict Resolution Form and sent to the ASCA Executive Secretary. The form must be delivered or postmarked to the 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 Executive Secretary by email or postmarked within 7 days of the receipt of the Affiliate's decision.

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.

In the case of conflicts involving an accused party, the accused party may file a written answer within 14 days of their 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.

The Director will conclude the investigation and will present their 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 will discuss and vote on the findings and recommendations at the next regularly scheduled Board meeting following the 21 days.

Temporary Measures in Emergency Cases: When necessary, the Board may impose immediate temporary measures to remain in effect pending its decision.

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	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; completed 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 them
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 the first Board meeting following the 21-day investigation
Conflict Resolution at the National Specialty	Requires urgent adjudication, if possible, at the event

Affiliate Level Disciplinary Guidelines:

Statute of Limitations: 3 years after disciplinary action, is taken against a member such action shall be considered fully satisfied and absolved and a further infraction of the rules after that 3-year period shall be treated as a first offense.

First Offense:	Subsequent Offenses:
<ol style="list-style-type: none"> 1. Letter of instruction, reminding the member of ASCA's rules, OR letter of reprimand 2. Fine not to exceed \$100* 3. Both of the above 	<ol style="list-style-type: none"> 1. Letter of Reprimand 2. Fine of up to, but not to exceed \$1,000* 3. Referral to Board of Directors for further action 4. Combination of the 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: 3 years after disciplinary action, is taken against a member such action shall be considered fully satisfied and absolved and a further infraction of the rules after that 3-year period shall be 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 that 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 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.

Matters Not Subject to This Protocol:

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 unless otherwise provided for in the ASCA Registry Rules.

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 will not be subject to this protocol.

Registry Issues: Conflicts or disputes concerning ASCA's Registry are not subject to this Conflict Resolution Protocol. Conflicts or disputes concerning the Registry must be presented to the ASCA Executive Secretary who will then present them to the ASCA Board of Directors. The Board will make a final determination of any such Registry issue presented to it. The Board 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 will require the affirmative vote of at least seven 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.

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" will be determined by the ASCA Board of Directors. If the Board 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 will require the affirmative vote of at least seven Directors.

Consequence Guidelines

OFFENSE	CONSEQUENCE
<p>Violation of ASCA Rules & 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 sanctions, 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, and public criticism of a judge's decision; depending on the severity of the misconduct and in cases of physical abuse, the consequence will start at the second 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>Including but not limited to abusive or foul language/verbal altercations, and destruction of property; in cases of physical altercation, the consequence will start at the second 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>Actions detrimental to the interest of ASCA</p>	<p>Membership suspended for no less than 25 years and all associated privileges revoked.</p>