

## **NCA WORKING DOG GRIEVANCE PROCEDURES**

**PREMISE:** The NCA Working Dog Committee (WDC) has the responsibility to oversee working tests and to ensure that the NCA Water Test and the NCA Draft Test Regulations are followed. Occasionally, problems arise at tests requiring the attention of the WDC, and these procedures have been established so that the problems may be investigated in an efficient, systematic and thorough manner. The purpose of the WDC Grievance Procedure is to promote quality working tests and, in the event that problems arise, to help clubs, exhibitors and judges improve future tests.

**DEFINITIONS:** "Prejudicial to the sport" is defined as conduct which is detrimental to the working tests. Conduct which could be considered prejudicial to the sport includes, but is not limited to, using foul language, mistreating a dog, and behaving in a manner meant to reduce the chances of another handler and dog passing the test. One test of "prejudicial" is whether someone who was attending a working event for the first time would decide, after witnessing the incident, that the sport is not for him/her.

"Complainant" shall be used to designate an individual filing a grievance.

"Respondent" shall be used to designate an individual accused of alleged misconduct.

"Working Test Committee" (WTC) shall be used in this document to indicate either the Draft Test or Water Test Committee at a particular test.

"Working Dog Committee" (WDC) shall be used to indicate the NCA Working Dog Committee, the general overseer of both NCA Water and Draft Tests.

"Working Test Committee Member" is defined as any of the individuals who have signed the test application or any individual acting in any official capacity during the actual test. Those acting in official capacity during the test include any steward, the Test Secretary, the Test Chairperson, the Safety Officer, and any individual appointed on the day of the test by the Test Chairperson to act at his/her direction.

"Judges' Decisions" are defined as those decisions made by the test judges regarding the scoring of the dogs, determination of lameness, or other matters specifically designated to the judges in the Test Regulations.

### **FILING A GRIEVANCE**

#### **A. When May a Grievance Be Filed?**

A grievance may be filed in the case of an alleged infraction of the NCA Water or Draft Test Regulations at, or in conjunction with, an NCA Working Test; or in the event of alleged "conduct prejudicial to the sport" at, or in conjunction with, an NCA Working Test.

Some examples of conduct which might occur and be subject to a grievance procedure are as follows:

- \*Mistreatment of a dog by its owner or another individual
- \*Swearing in an abusive or foul manner in public
- \*Altercations with, verbal abuse of, or harassment of any show officials, stewards or exhibitors
- \*Overt demonstration of dissatisfaction with judges' decisions
- \*Refusal to follow judges' directions or instructions
- \*Favoritism or prejudice toward a particular dog by a judge, steward, other test committee member, or other participant
- \*Failure to follow NCA regulations
- \*Violation of the official Code of Ethics by a Judge

**THIS DOES NOT CONSTITUTE A COMPLETE LIST.** Other grievances will be considered if they are deemed prejudicial to the sport.

## B. Types of Grievance Procedures

1. Grievance Against an Exhibitor
2. Grievance Against a Judge, Test-Giving Committee or Member of the Test-Giving Committee.

## **GRIEVANCE AGAINST AN EXHIBITOR PROCEDURE**

### I. Duties of the Working Test Committee

The Working Test Committee (WTC) shall act as the official representative of the NCA and must see to the enforcement of this procedure. The WTC has the responsibility to investigate any alleged infraction and to deal initially with any alleged infraction which occurs at or in conjunction with a regional club's event.

The WTC should be prepared to carry out the duties prescribed in a fair, firm and impartial manner. When an incident occurs at or in conjunction with a test, the first duty of the WTC is to investigate it immediately. This investigation should be conducted on the site and in the manner outlined in this document.

### II. Filing a Grievance

The investigation is initiated by the filing of a completed REPORT OF ALLEGED INFRACTION (ROAI) form by an individual or group of individuals who have been in attendance at the test in question.

\* The ROAI forms will be available at the Test Secretary's table throughout the test and for a period of 25 minutes following the completion of judging of the last dog at a water test, or a period of 25 minutes following the completion of the last freight haul at a draft test.

\* The ROAI form must be completely and legibly filled out. The alleged infraction must be described in as much detail as possible by the complainants.

\* The \$15.00 nonrefundable filing fee must accompany the completed ROAI form.

\* The completed form must be given to the Test Chairperson no later than 30 minutes after the completion of judging, as described above.

\* Those filing an ROAI form are urged to have available witnesses who can substantiate the alleged infraction.

**NO REPORT OF ALLEGED INFRACTION (ROAI) form will be considered by the WTC, the NCA WDC, or the NCA Board of Directors which does not meet the aforementioned criteria.**

### III. The Grievance Committee

Upon receipt of a properly completed ROAI form and the required fee within 30 minutes of the completion of judging, the Test Chairperson will immediately call the WTC together to address the allegations. It is the responsibility of the WTC to make certain that there are a minimum of three of its members available after each test to handle this procedure.

\* The WTC Chairperson will lead the Grievance Committee proceedings.

In the unusual case of the absence of the Chairperson, the leadership role will be assumed by the Test Secretary.

\* The Grievance Committee shall consist of a minimum of three members of the WTC of that particular test. If more than three members are present, all available members should participate in the Grievance Committee.

\* The Chairperson will obtain written statements for the record from the principals including the complainant, the respondent, and the witnesses of the alleged infraction.

\* The Chairperson will call the Grievance Committee members to convene a hearing in order to consider if the complaint, should it be proved, would be an infraction of the regulations or prejudicial to the interest of the sport.

\* At the hearing, all witnesses will be sworn, and the Chairperson will call upon each, one at a time, to report.

#### IV. The Hearing

It is preferred that the hearing occur within one hour of the conclusion of the test on the test site, or at a location very near to it. All individuals involved should be notified by the Chairperson of the alleged problem and of the time of the hearing. The respondent (individual accused of the alleged infraction) does not have the right to have the hearing changed to another date. If, for some reason, the respondent or other persons have already left the test site, then they must be notified by the Chairperson via Certified Mail with Return Receipt Requested at their last known address. In the unusual event that this hearing cannot take place on the day of the test, the hearing shall be conducted as described in the GRIEVANCE AGAINST A JUDGE procedure.

#### V. Decisions

The purpose of the hearing shall be for presentation of evidence to the Grievance Committee and for the Grievance Committee decision related to that evidence. Before hearing the evidence, the committee shall determine, by MAJORITY VOTE:

If the charged conduct, should it be proved, is an infraction of the Working Test Regulations or is prejudicial to the sport. If the Grievance Committee decides that the charged conduct, should it be proved, would NOT be an infraction of the Regulations, nor prejudicial to the sport, then the charges shall be dismissed, and no further action shall be taken by the WTC, the NCA WDC or the NCA Board.

If the majority vote indicates that the charged conduct could be deemed an infraction of the Regulations or prejudicial to the sport, the evidence shall be heard. After hearing the evidence the committee shall determine, by MAJORITY VOTE:

- \* If the charged conduct has been proven to have occurred

- \* If the charged conduct was an infraction of the Working Test Regulations or if it was prejudicial to the sport

- \* If the charged conduct occurred at or in conjunction with the NCA Working Test

Should the Grievance Committee decide that all three elements have been proved, the respondent and the complainant shall be informed of the decision. A complete report of the hearing and its outcome shall be sent to the NCA WDC within seven days of the hearing.

Should the Grievance Committee decide that any of the three elements have not been proved, then it shall dismiss the charges and inform the respondent and the complainant. However, a full report of the hearing and its outcome shall be sent to the NCA WDC within fourteen days.

The NCA WDC is prepared to support the decision of the Grievance Committee provided that the rights of all parties were not abridged, that the hearing was conducted properly, and that the recorded evidence substantiates the findings of the Grievance Committee.

### **GRIEVANCE AGAINST A JUDGE PROCEDURE**

I. The Judges' Grievance Procedure is to be used in instances of alleged judging infractions or procedure, as well as in the case of a grievance against the test-giving Working Test Committee or one or more of its members. The NCA WORKING DOG COMMITTEE is the committee in charge of these grievances.

#### II. Filing a Grievance

The investigation is initiated by the filing of a completed REPORT OF ALLEGED INFRACTION (ROAI) form by an individual or a group of individuals who are at the test site. The NCA WDC will only accept completed ROAI forms from individuals who have been in attendance at the test in question.

- \* The ROAI forms will be available at the Test Secretary's table throughout the test and for a period of 25 minutes following the completion

of judging of the last dog at a water test or a period of 25 minutes following the completion of the last freight haul at a draft test.

\* The ROAI form must be completely and legibly filled out. The alleged infraction must be described in as much detail as possible by the complainants.

\* Witnesses must complete the WITNESS STATEMENT form. Only those individuals who have been in attendance at the event in question are allowed to complete the WITNESS STATEMENT form.

\* The \$15.00 nonrefundable filing fee must accompany the completed ROAI and WITNESS STATEMENT forms.

\* The Test Chairperson shall be advised by the Complainant that a Grievance will be filed against a Judge within 30 minutes of the completion of the judging of the final entrant at the working test. The Test Chairperson will immediately notify the judge (s) so that they have an opportunity to collect WITNESS STATEMENTS in the same manner as the Complainant.

\* The completed forms and fee must be sent to the NCA WDC Chairperson by Certified Mail with Return Receipt Requested and **MUST BE POSTMARKED WITHIN THREE DAYS** of the date of the test in question. Items which are not postmarked within three days of the test **WILL NOT BE CONSIDERED. NO GRIEVANCE** which does not meet the specifications above will be considered by the NCA WDC.

### III. The Grievance Committee

Upon receipt of a properly completed Grievance packet, the NCA WDC Chairperson will convene a WDC Hearing or a WDC Mail Hearing, depending on the availability of the WDC to meet in person.

When the grievance is directed to the WDC by the above procedure, the complaint shall be heard by all members of the WDC, with the following exception: If any members of the WDC are parties to the alleged infraction, they will **NOT** be allowed to rule on the matter, but will only be allowed to participate in the manner specified by their role in the proceedings as complainant, respondent, or witness.

#### Purpose of the Hearing

The purpose of the hearing shall be for presentation of evidence to the WDC and for the WDC decision related to that evidence. After reviewing the evidence the WDC shall determine, by a **MAJORITY VOTE**:

If the charged conduct, should it be proved, is an infraction of the Working Test Regulations or is prejudicial to the sport. If the WDC decides that the charged conduct, should it be proved, would **NOT** be an infraction of the Regulation, nor prejudicial to the sport, then the charges shall be dismissed, and no further action shall be taken by the NCA WDC or the NCA Board.

If the majority vote indicates that the charged conduct could be deemed an infraction of the Regulations or prejudicial to the sport, the evidence shall be heard. After hearing the evidence the WDC shall determine, by **MAJORITY VOTE**:

\* If the charged conduct has been proven to have occurred

\* If the charged conduct was an infraction of the Working Test Regulations or if it was prejudicial to the sport.

\* If the charged conduct occurred at or in conjunction with the NCA Working Test

### **The Hearing Process**

Unlike a WTC convened hearing, the WDC Chairperson will not collect additional WITNESS STATEMENTS. The WDC Chairperson, or another WDC member appointed by the Chairperson to act in that capacity, will immediately contact the respondent by Certified Mail with Return Receipt Requested. This contact will include the following:

- \* A cover letter describing the hearing process which will occur
- \* Photocopies of the complaint against him/her
- \* Photocopies of all Witness Statements

The distribution of the above material to the respondent must be postmarked within five days of receipt by the WDC Chairperson.

The Respondent has five days from receipt of the Chairperson's letter and accompanying materials to formulate a written reply to the accusations. The written reply must be sent to the Chairperson by Certified mail with a Return Receipt Requested and must be postmarked within five days of receipt from the Chairperson.

Upon receipt of the Respondent's written response, the WDC Chairperson will photocopy and distribute the response to all members of the WDC (who are not otherwise involved in the complaint as complainant, respondent or witness).

The distribution of the complaint materials and the response of the respondent must be postmarked within seven days of the Chairperson's receipt of the respondent's response.

NCA WDC members will have ten days to consider the complaint and to formulate their opinions in writing. Additional written or telephone correspondence between WDC members is to be encouraged in order to more fully understand the incident. The members of the WDC shall consider evidence as it relates to the three listed purposes of the hearing. Their replies to the Chairperson shall include their individual responses to each of the three listed purposes, plus any other statements they wish to add. Each member will postmark his/her reply to the Chairperson within ten days of receipt of the material.

Upon receipt of the opinions of the WDC members, the Chairperson shall summarize their responses. Should the majority of the WDC decide that all three elements have been proved, the respondent and the complainant shall be informed of the decision by Certified Mail with a Return Receipt Requested. This response may also include suggestions from the WDC for improvement at future events. The Chairperson shall keep copies of the written evidence and the WDC members votes as part of the permanent record.

Should a majority of the WDC members decide that any of the three elements have not been proved, then it shall dismiss the charges. The WDC Chairperson will inform the respondent and the complainant in writing by Certified Mail with a Return Receipt Requested. The Chairperson shall keep the written evidence and the WDC member votes as part of the permanent record.

## **DISCIPLINE**

### **Grievance Against an Exhibitor**

If the alleged infraction has been substantiated by the findings of the WTC Hearing Committee and the NCA WDC the complainant may then submit the decision of the WDC, along with a \$100 filing fee, to the NCA Board to be handled in accordance with the NCA Bylaws.

### **Grievance Against a Judge, Working Test Committee or its Members**

If the alleged infraction has been substantiated by the decision of the NCA WDC Hearing Committee the complainant may then submit the decision of the WDC, along with a \$100 filing fee, to the NCA Board to be handled in accordance with the NCA Bylaws.

**\*\*The official Code of Ethics for Judges are as follows:**

\*Working Test Judges will bring the highest degree of professionalism to every test, whether acting as judge of that test, exhibitor, test committee, steward or spectator. We will remember that other judges, other exhibitors and spectators will look up to us to set an example in how we conduct ourselves. If we set a high standard for our own conduct, others will do likewise.

\*We will provide impartial judging to all exhibitors. We will never show favoritism to those exhibitors whom we know personally, nor will we judge dogs exhibited by other judges according to a higher standard than

we use for the others entered.

\*We are the mentors of this sport and we will judge all exhibitors by the high standard that has been set in the appropriate Regulations. We are conscious that we are looked up to by others who are in attendance at working tests.

\*It sends the wrong message to other exhibitors to bring our list of “what ifs” to a test where we will be handling a dog. We know the rules already. Therefore, we should confine our questions to a few areas of clarification. We will not subject another judge to harassment during the question and answer period or during any other portion of a working test.

\*If we observe situations where hostility or anger is directed towards another judge, an exhibitor or others, we will support any efforts made to diffuse the situation.

\*We will refrain from “Back seat driving” or tactics that “judge” those who were approved to judge a given working test. If asked whether we would have made the same decision on a given call, we should remind fellow exhibitors and spectators that ours was not the opinion paid for that day. We might impress upon others that close calls are made by judges from the angle they are observing the exercise or from the vantage point of their combined expertise.

\*If we disagree with a judgment call made concerning our own dog, we will maintain the demeanor that will set an example for others. Whether asking the judges to review a given rule or whether we totally disagree with a ruling, we will remain as courteous with one another as possible. Official avenues for disagreement remain open to us, whether formal Grievance, exhibitor comment sheets, etc., without compromising our standard of professionalism.

\*When we accept a judging assignment, we are at the disposal of the test giving club for the duration of the test giving weekend. We will not accept judging assignments where giving the test club our total attention is interfered with by personal commitments or other time constraints for that weekend. We will make time to meet with the other judge to fully discuss rules and procedures prior to testing time. We will make time to be completely familiar with the test grounds in enough time prior to the testing time to make any changes called for in the Regulations or by the premium list sent to exhibitors. If we are assigned an observer for a given test, we will make time to discuss rules and procedures with him/her ahead of the test and will answer and ask questions of the observer after the test is completed to be able to fairly evaluate his/her readiness to judge on the provided evaluation sheets.

\*It is important to clearly communicate with the other judge, stewards and exhibitors. We will take enough time to make certain our directions are understood before proceeding on a given exercise. If an exhibitor fails, we will take a moment to explain the reason for the decision, citing the appropriate regulation to provide clarity. We will attempt to use a positive attitude in our explanations, mentioning portions of the exercise that were performed correctly, with flair or enthusiasm by the dog. When possible, we will encourage the handler to remain positive about the performance his/her dog has given, even if an exercise was failed.

\*We will treat all exhibitors equally, whether novice or experienced, giving the same degree of encouragement, courtesy, empathy, sympathy and impartial judging according to the Regulations to the best of our ability. This is especially true when there is an additional connection between ourselves and individual exhibitors, such as the breeder of our dog, good friend, host during the test weekend, etc.