

APPENDIX C—RULES OF CONDUCT & DISCIPLINARY ACTIONS

SECTION C-1. RULES OF CONDUCT

The United States Dog Agility Association, Inc. (USDAA) promotes dog agility pursuant to regulations consistent with international standards as a competitive, spectator sport through the conduct and license of events. Its programs have been developed to foster the sport's growth and also to promote the sport in the community as an activity for family enjoyment, while at the same time conveying a sense of responsible pet ownership.

All competitors, officials and event personnel shall conduct themselves in a professional manner consistent with the foregoing statement of purpose and seek to uphold, and enhance where possible, the image of the sport and USDAA through such conduct and actions.

SECTION C-2. INHERENT RIGHTS, RESPONSIBILITIES AND AUTHORITY

USDAA holds and has reserved unto itself certain inherent rights, privileges and powers in connection with its conduct of business and license of events. Among those rights, privileges and powers are the determination of the manner in which its events shall be conducted. Along with these are the judgment and discretion to take actions, impose penalties and sanctions on an individual, group of individuals, organization or organizations who demonstrate conduct that is deemed contrary to the best interests of USDAA or the sport of agility.

Each competitor and official at an event, including judges, members of the Organizing Committee and other key personnel have the responsibility to read and understand USDAA's rules and regulations, before entering, conducting or officiating an event. Further, each competitor acknowledges through their entry to a USDAA event that their participation in the event is a privilege and not a right. By virtue of their entry in the event, a competitor acknowledges and agrees to comply with all USDAA rules and regulations, and agrees to accept any sanctions or penalties, as defined herein, that may be imposed or assessed for failure to comply herewith.

The host group(s), as represented by the event's Organizing Committee, and the event's judge(s) share in the responsibility for maintaining these standards of conduct. The Organizing Committee may delegate their authority and responsibility by appointing a Disciplinary Action Committee (DAC). The DAC must consist of the Agility Test Chairman, Agility Test Secretary, and at least three but no more than five other responsible individuals. Preferably, these should be members of the Organizing Committee or elected officials of the host group(s). All members of the DAC must be capable of carrying out the provisions of these rules and procedures.

The judge has sole responsibility for determining when it is appropriate to excuse a dog and competitor from the ring, based on the rules of performance or for matters related to competitor misconduct. The judge shall file a written complaint with the Organizing Committee in situations where a competitor may be guilty of an abusive, subversive act or other willful disregard for the rules as defined in Section C-3, or where the appearance of abuse or "aggression" as defined exists. The judge may issue the competitor either a reprimand or a courtesy warning, where an incident was questionable as to its nature, in appearance or in fact, but where no abusive conduct or willful disregard for the rules was displayed, and competitor misconduct was not readily apparent to others.

The Organizing Committee, or Disciplinary Action Committee (DAC) when used, has the responsibility to determine if misconduct should result in expulsion of a competitor and/or dogs from the event. The Organizing Committee or DAC, shall have full authority to hold hearings and execute sanctions as it deems appropriate based upon evidence brought before it. The Committee shall prepare a written report on any actions brought before it and include that report as an attachment to the Organizing Committee Report to be filed with USDAA following the event. Prior to the event, the members of the Committee should review the provisions of the Rules of Conduct and Disciplinary Procedures, so that hearings, if needed, may be carried out as expeditiously as possible. Each Committee member shall be responsible for maintaining confidentiality of all proceedings.

The Chairman of the Committee shall have the authority and responsibility to issue reprimands for minor incidents of misconduct as defined in Section C-3. These are incidents that have no “appearance” of being abusive nor indicate a willful disregard for the rules. They include, but are not limited to, smoking in the ring, displaying a training collar in or about the ring or warm-up area, or similar infractions. The Chairman shall retain all notices of reprimand, whether they were issued by the Chairman or by one or more of the event’s judges, until the conclusion of the event. If two notices for reprimand of similar incidents by the same participant(s) are accumulated, then a Committee hearing shall be called to consider the charge and the failure to respect the judge or Chairman’s authority regarding the initial notice of reprimand.

It should be noted that matters of misconduct extend beyond the ring. Any person may file a written complaint with the Organizing Committee (or DAC) whether the incident occurred inside or outside the performance ring, and whether or not witnessed by the judge.

SECTION C-3. INFRACTIONS, SANCTIONS & APPLICATION

Infractions

The following is a partial list of the more common infractions on which the USDAA and its member groups may take action:

- Abuse of a dog on the grounds
- Actions that may have the appearance of abuse of a dog
- Intimidation and/or impolite confrontation of judges, officials or other competitors
- Willful misconduct or interference with a competitor’s right to show
- Any acts of poor sportsmanship
- Violation of procedural rules (for example: smoking in the ring, display of training collars, etc.)
- Compulsive, correctional training on the grounds
- Creating excessive delays as a failure to respect the authority of event officials
- Willful misrepresentation on entry forms
- Willful misrepresentation of animals at a USDAA sponsored event
- Dog aggression
- Failure to exercise diligence in the control of the behavior of their dog.

Sanctions

The following is a list of possible sanctions:

- *Courtesy Warning* — a verbal warning issued by the judge, Organizing Committee Chairman (or DAC chairman). The decision to reprimand versus issue a courtesy warning shall be based on the perception by the judge or chairman of the situation as it might appear to spectators pursuant to guidelines established herein. Determining factors in favor of issuing a reprimand shall be whether the incident warranted immediate dismissal from the ring and whether the incident is one that would be deemed unacceptable (not in the best interest of the sport) if it recurred. When an incident may be questionable as to its acceptability, or otherwise might escalate to a point of not being acceptable, the judge may excuse the competitor from the ring and issue a courtesy warning. This situation generally relates to an incident where —
 - The incident is not readily visible to others and the competitor is not excused from the ring
 - The incident is marginal, such as when a competitor’s tolerance level is eroding as a result of a performance on the decline. In this case, typically the competitor should be excused from the ring in anticipation of a possible abusive act that could result from a “temporary” loss of control” (see Section 3.3, paragraph 6).
- *Reprimand* — a written warning issued by the judge or Chairman, and held by the Chairman. A second reprimand of a similar nature shall be treated as a “Written Complaint”, thus resulting in a disciplinary hearing.

- *Written Complaint* — a written complaint filed by anyone. This shall result in a disciplinary hearing.
- *Warning* — a formal warning is issued by the Organizing Committee or DAC following a disciplinary hearing, stating that an incident is in violation of the rules of conduct, and a second occurrence of a like incident shall result in expulsion from the event. A second occurrence would be treated as a willful disregard for the rules and authority of the Committee, resulting in immediate expulsion from the show of the competitor and any dogs owned and/or handled by the competitor.
- *Dismissal from the Ring* — determined by the judge based on the rules of performance, and or for matters related to competitor misconduct. This may be accompanied by a courtesy warning, reprimand, or written complaint.
- *Expulsion from the Event* — determined by the Organizing Committee or DAC. This results from a disciplinary hearing held in response to a written complaint or two reprimands. Expulsion shall be for all days of the event, including prior and future days when a multi-day event is being held. All scores earned shall be canceled and all awards forfeited (including any earned on preceding days).
- *Suspension, Fines, and Other Sanctions* — issued by the USDAA Regulations Advisory Board.

Application of Sanctions

The application of sanctions will be for one of two categories of infractions:

1. Abusive, subversive act, or other willful disregard for the rules —

Guidelines: This shall include any and all acts demonstrating harshness or abuse toward a dog; a lack of respect for a judge, other official or competitor; publicly exhibiting poor sportsmanship; or undermining the intent of the rules or authority of an official. These include but are not limited to:

- Shouting or screaming harshly at a dog
- Behavior that displays intent to intimidate, threaten, or harm a dog
- Making harsh corrections to a dog in or out of the ring
- Blatant training in the ring, including physically placing the dog on an obstacle or forcing the dog down on the table
- A subversive and ostentatious exit from the ring during or following a performance
- Being argumentative with a judge
- Inciting others to act or otherwise exhibit poor sportsmanship outside the ring
- Any act of dog aggression that indicates a possible risk of injury to a person, another dog or damage to property

Event Sanction: Immediate expulsion from the event. Upon expulsion from an event, all scores earned in that event shall be canceled and all awards forfeited, including those earned on preceding days.

If a dog is found to be aggressive, meaning that there exists a realistic risk of injury to a person, other dog or property, the dog must be removed from the show grounds immediately. Where immediate removal is not possible, the dog must be isolated away from other dogs and people until it can be removed from the show grounds.

2. Other Acts of Misconduct Not Categorized Above —

Guidelines: In many cases, the classification of an infraction may not be well defined. In such cases, the Committee shall look to the intent behind the situation, as well as the act itself in making their evaluation. In seeking to determine intent, a person's sole admission that they were unaware, or that an act was unintended, is insufficient evidence in making a determination of intent. The Committee must collectively weigh the evidence presented, including representations of all parties and witnesses, to determine intent. Based upon their complete evalua-

tion, the Committee shall issue a ruling and order sanctions commensurate with the act in seeking to uphold these Rules of Conduct.

Event Sanction: A formal warning that the incident is in violation of the rules of conduct by the Committee followed by a second occurrence of a like incident shall result in expulsion from the event. (A second occurrence would be treated as a willful disregard for the rules and authority of the Committee, resulting in immediate expulsion of the competitor and any dogs owned and/or handled by the competitor.)

USDAA Sanctions

When a competitor or dog has accumulated two incidents that have resulted in expulsion from an event, the USDAA Board shall automatically impose a suspension of the competitor and/or dog for a period of not less than three (3) months and not more than two (2) years. Upon a recurrence of acts by the competitor and/or dog following the suspension period, the Board shall convene to determine and impose additional sanctions. Those sanctions shall carry a suspension of not less than one additional year to life, depending on the nature of the misconduct.

SECTION C-4. EVENT PROCEDURES

Courtesy Warning: When an incident may be questionable as to its acceptability, or otherwise might escalate to a point of not being acceptable, the judge may excuse the competitor from the ring and verbally issue a courtesy warning.

Reprimand: When an infraction so warranting occurs, the judge or Chairman shall issue a reprimand, filed with the Committee Chairman. Report of the reprimand shall be in writing and must include:

- The name(s) of the competitor(s) and/or dog(s) involved in the incident
- The time and place of the incident
- A description of the incident
- Any known circumstances or actions leading to the incident
- The names of any witnesses to the incident
- The date, name and signature of the complainant

The reprimand shall be filed with the Committee immediately following the incident, or as soon as practical thereafter, so that the matter can be promptly recorded and/or resolved.

Written Complaint: When an infraction occurs at an event, the witnessing party to the incident may file a written complaint with the event's Organizing Committee (or DAC). Report of the infraction shall be in writing and must include:

- The name(s) of the competitor(s) and/or dog(s) involved in the incident
- The time and place of the incident
- A complete description of the incident
- Any known circumstances or actions leading to the incident
- The names of witnesses to the incident
- The date, name and signature of the complainant

The complaint shall be filed with the Chairman immediately following the incident, or as soon as practical thereafter, so that the matter can promptly recorded and resolved.

Notice of Hearing or Waiver Thereof

The Committee Chairman must immediately notify the Accused of the complaint and schedule a disciplinary hearing to take place as soon as possible. The hearing ideally will take place within two hours following report of the incident and absolutely must take place prior to the close of the day.

When a dog is accused of being aggressive, the dog must be confined or otherwise observed, kept under control and non-accessible for safety reasons until a ruling can be made. Where an actual bite of a person is involved, the incident shall be reported to local authorities in compliance with state and local laws.

If the Accused is willing to sign a statement acknowledging that they are guilty of the act, the infraction must still be evaluated by the Committee. In that case the Committee may forego the investigation phase of the deliberations. The Committee still must determine what sanction is appropriate pursuant to these guidelines.

Disciplinary Hearing

The Committee shall convene a hearing for written complaints or upon receipt of two reprimand notices for similar incidents by the same participants. The following order of process shall be followed as appropriate to the circumstances:

- 1) The Chairman shall appoint a Committee member to take detailed notes of the proceedings.
- 2) The Chairman shall instruct all involved parties that may appear before the Committee that all matters discussed are confidential.
- 3) The Committee shall have the complaint read in the presence of the person against whom the complaint has been brought (hereinafter referred to as the "Accused").
- 4) The Accused shall in turn be provided the opportunity to respond to the complaint and to provide any suitable evidence in support of their position.
- 5) The Committee shall then ask for further comment or clarification from the complainant, if deemed necessary. If further comment is made, the Accused shall be afforded an opportunity to respond to the extent deemed appropriate.
- 6) The Committee shall then call for testimony of witness(es) to the incident to provide an objective account of the incident. The Committee, Complainant and the Accused shall be afforded an opportunity to question the witness(es) to the extent deemed appropriate in order that all relevant facts to the complaint are understood.
- 7) The Committee shall then excuse the Complainant, the Accused and all witnesses. The Committee must then evaluate the evidence and make a determination regarding the incident. If the complaint is not to be upheld, then the Complainant and the Accused shall be notified accordingly, and the hearing closed. If, however, the complaint is to be upheld, then the Committee must determine and issue sanctions pursuant to the guidelines set out in Section C-3.
- 8) The Committee should consider inviting to the hearing a USDAA Board member, if present, and/or an impartial judge to serve as an observer and/or consultant. This person shall not have a vote and shall serve only to provide objective input regarding procedure and/or rules' interpretations as they may apply.

Hearing Documentation

The Committee proceedings shall be documented in detail, noting:

- The names of all Committee members in attendance
- The date, time and description of the incident
- The names of the Complainant and the Accused and their statements and representations
- The names of all witnesses called and their statements and representations

A statement of findings of the Committee including:

- The findings of the Committee
- The rationale in support of such findings
- The manner in which the sanctions were carried out

The record of the proceedings must be signed by the "Secretary" and the Committee Chairman.

Rulings

All Committee warnings must be made by the Chairman to the Accused in the presence of the Committee. Said warnings must include:

- A statement of the nature of the infraction(s)
- The findings of the Committee
- Any sanctions imposed

- The consequences if the infraction(s) persist(s)

Report findings

Within five days of the completion of the event, the Organizing Committee or DAC, and the judge if involved, shall file a written notice with USDAA regarding the incident. The report shall include all documentation collected and recorded regarding the incident as stated above.

USDAA Actions

Once a notice of expulsion is received by USDAA, a letter of reprimand shall be issued to the offending party, with a copy to the Committee. Said letter shall include the nature of the offense as well as the consequences if the offensive conduct continues. The letter shall be sent to the offender by registered mail.

USDAA reserves the right to convene a Board hearing to determine if more severe sanctions are warranted. If a hearing is to be held, the Board shall issue the written notice of further deliberations no later than 10 days after receipt of the Organizing Committee Report. This letter shall include a request for a written response to the charges, and notify the offender that their response must be received at USDAA's office within 10 days of receipt of official notice. Failure to respond as required will be accepted by the Board as acknowledgment of the charges and a plea of no contest to the Board's decision. The Board may also perform its own investigation and query witnesses in arriving at its decision. The Board, upon arriving at a decision, shall notify the offender of their decision. This notification shall be within 10 days of receipt of offender's response or the date upon which the response was due, whichever is earlier. The notices sent by the Board shall be sent to the offender at their address as registered on USDAA official records, or at the address provided on the event entry form, if different. Any actions related to this matter shall be conducted in the State of Texas, unless otherwise approved by the USDAA Board.

When a suspension is imposed, USDAA shall send a letter to the individual(s) or organization, via registered mail, regarding the pending suspension. The individual(s) or organization has a period of 10 days from receipt of notification to appeal the decision of the Board; this notice of appeal must be received in writing at the USDAA office as specified in Section C-6 of these regulations. When the appeals period has passed, the offender's name, address and list of all owned dogs registered with USDAA shall be published in USDAA's official publication, indicating the reason for and term of the suspension. Notification of the suspension shall be made to all USDAA member groups.

SECTION C-5. GENERAL COMPLAINTS

Any individual, club or association may file a complaint against another individual, club or association for conduct deemed against the best interests of the USDAA or the sport of agility. Any complaint that arises at an event must be filed with the event's Organizing Committee for due process. Other complaints may be filed in writing, within 10 days of the incident at the USDAA office along with a fee of \$150.00. If the complaint is upheld, the fee will be refunded to the Complainant.

A Complainant shall file a written complaint with the USDAA, in a form comparable to a complaint to be filed with an event's Organizing Committee as set forth in Section C-4. No verbal complaints shall be accepted. The USDAA Board shall review and respond to a complaint within 30 days following its receipt. Upon acceptance of the Board to hear the complaint, the charged individual or organization shall then be formally notified of the charges by certified mail. The charged party shall then provide a written response to the alleged charges no later than 10 days after receipt of notification. The Board shall make a preliminary ruling and notify the two parties accordingly. If further evidence is offered, then the Board shall reconvene in order to evaluate any additional evidence. After evaluation of the evidence, the Board shall issue a ruling regarding the merits of the complaint and take appropriate disciplinary action. These disciplinary actions may vary from written reprimands (public or private), suspensions, sanctions, fines or other penalties levied against the individual or organization. The action shall be dependent upon the severity, nature and frequency of the infraction(s), subject to guidelines

established herein. Once the pending course of action has been ruled upon, USDAA shall provide a written notification to the Complainant and the Accused.

SECTION C-6. APPEAL OF SANCTION OR SUSPENSION

Upon receipt of notice of sanction or suspension, or during the suspension period, an individual or organization may appeal to the USDAA Board to have a case further reviewed. Such appeal must be made in writing, accompanied by a fee of \$150.00, which shall be delivered to the USDAA office. If the appeal results in a complete reversal of sanctions, 50% of the fee shall be refunded. If the Board upholds the sanctions or suspensions, said actions will be retroactive to the date of the incident. If the individual or organization declines to file an appeal with USDAA within 10 days following receipt of notice of suspension, such inaction shall constitute acceptance of the proposed sanction. In such cases, the impending actions against the individual or organization shall be automatically implemented.

During the appeals process, the individual or organization may present any additional evidence, including testimony of witness(es) if any, regarding the incident. Once received by the USDAA, the Board will examine all evidence regarding the incident(s) and infraction(s). A written notice of the decision of the Board shall be issued to the offending individual or organization. The decision of the Board shall be final. If the individual or organization has participated in any USDAA sanctioned events since the incident, all placements, titles and awards obtained during the suspension period shall be forfeited.

SECTION C-7. AUTOMATIC SUSPENSION

Where a dog bites a person and a puncture wound is found, there shall be an automatic one-month suspension and a report filed with the USDAA office the next business day following the incident. The report shall include statements from concerned parties (i.e., dog owner/handler, person attacked, physician, veterinarian and any principal witnesses), as well as a summary of actions taken by the Event Organizing Committee.

Upon review of the evidence, the Board may extend the suspension for such an occurrence to be one year suspension. Where mitigating circumstances are found (e.g., person intervenes into an encounter between two dogs), discretion may be exercised in rendering judgment regarding long-term suspension.