



Established 1957

## **AUSTRALIAN SHEPHERD CLUB OF AMERICA®**

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### **DISPUTE PROCESS**

If you find the need to file a dispute or find that you are involved in a dispute, what follows is a summary of the ASCA® dispute process.

The ASCA® Complaint Form is included with each sanctioning packet sent to Affiliate Clubs. The Event Committee should have copies of the form on the grounds of all events or the form is available on request from the ASCA® Business Office.

#### **DECIDE WHAT TYPE OF DISPUTE IT IS**

There are 3 types of ASCA® disputes:

- 1) Urgent
- 2) Ordinary
- 3) ASCA® Board jurisdiction – appeals from affiliate disputes and disputes originating with the ASCA® Board regarding the ASCA® Bylaws and ASCA® Registry.

#### **URGENT DISPUTES**

URGENT disputes are for violations in the process of being committed. They involve violations of affiliate bylaws or rules, or ASCA® program rules.

- 1) Complaint is filed on an Official Complaint Form. Only in an extreme emergency may it be filed orally. Oral complaints must be followed up in writing on the Official Complaint Form. NO FEE is required with an Urgent Complaint.
- 2) A hearing body is chosen. This is normally either the club Board of Directors or the Event Committee.
- 3) The complaint is delivered to the accused by the hearing body.
- 4) The hearing body conducts the hearing as soon as possible. The hearing officials will pursue any necessary inquiry. Long investigations and hearings are discouraged in urgent disputes.
- 5) Both parties are allowed to state their case. The hearing body may question both parties.
- 6) The hearing body will reach a decision.
- 7) The hearing body announces their decision as soon as possible. Normally, this would occur immediately following the hearing. In no case will it be delayed more than 24 hours from the filing of the complaint.
- 8) Both parties receive the decision in writing.
- 9) Either party may appeal within 7 days of the decision.
- 10) Appeals are handled as “ordinary disputes.”

#### **ORDINARY DISPUTES**

ORDINARY disputes do not require immediate attention. An Affiliate may designate an urgent dispute as “ordinary” if the dispute is not truly urgent.

- 1) Written complaint is submitted on the Official Complaint Form.
- 2) Form is delivered to an Officer or Director of the affiliate club within 21 days of discovery of the event with a \$20 filing fee.

- 3) Copy of complaint is given to the accused by the party filing the complaint.
- 4) Accused files an answer within 21 days of effective date of complaint (either day of sending by U.S. Certified Mail or common carrier, day of confirmed receipt by fax or day of delivery by personal messenger).
- 5) Affiliate will deliberate within 21 days of last day for filing of an accused person's answer.
- 6) Affiliate reaches a decision within 7 days of start of deliberations.
- 7) Any appeal must be filed within 21 days of the affiliate's decision. Appeals must be filed with the ASCA<sup>®</sup> Board.

### **ASCA<sup>®</sup> BOARD JURISDICTION**

ASCA<sup>®</sup> BOARD JURISDICTION occurs with appeals from Affiliate decisions and violations involving the ASCA<sup>®</sup> Registry Rules or ASCA<sup>®</sup> Bylaws.

- 1) Fill out the Official Complaint Form within 21 days of discovery of the event. In the case of appeals, the form must be submitted within 7 days of the affiliate's decision.
- 2) Deliver to the ASCA<sup>®</sup> Executive Secretary with the \$100 filing fee. (Complaints regarding Registry Rules violations are exempt from the filing fee.)
- 3) Deliver a copy of the complaint to the accused (see section 5 of the Dispute Rules).
- 4) The accused may file a written answer within 21 days of the effective date of the complaint or appeal. The Board must allow the accused a reasonable opportunity to meet the charges.
- 5) The accused may give oral arguments. The Board may require the parties to pay the costs of Board travel and lodging related to an oral hearing.
- 6) The Board deliberates within 21 days of the last day for filing an answer by the accused.
- 7) The Board delivers dated notice of the decision to both parties within 7 days of the deliberation.
- 8) Arbitration concerning a Board decision must be initiated within 21 days of the Board decision (see Dispute Rules – 3.4).

This help sheet is not intended as a substitute for the Dispute Rules. Complete Dispute Rules can be found in the back of every ASCA<sup>®</sup> program rulebook. It is required that copies of the Dispute Rules and Complaint Forms be available at any ASCA<sup>®</sup> sanctioned event.

# Australian Shepherd Club of America®

## Complaint Form

Please try to resolve problems yourself, without a formal complaint, whenever possible. In the event that you are unable to resolve a problem, use this form to bring a complaint before an affiliate or the ASCA® Board of Directors under ASCA®'s "Dispute Rules," which must be read and followed in this formal procedure.

**If you fail to complete all fields, your complaint will not be processed.**

<b>Your Name</b>	<b>Names of parties about whom you are complaining.</b> You must serve a copy of this complaint to everyone you name here (Dispute Rules section 3.2.3 and 3.3.5). The hearing officials will serve these parties for you only in the case of urgent disputes before affiliates (Dispute Rules section 3.1.3).	
<b>Today's Date</b>	<b>Date of event giving rise to this complaint</b>	<b>Date you first learned of the event</b> (Dispute Rules section 3.2.5 and 3.3.7)
<b>State the grounds for your complaint.</b> Include reference to ASCA® rules, regulations and bylaws which have been violated. Confine your statement to this space if possible. Lengthy statements are discouraged.		
<b>Dollar amount of certified check or money order</b> , which accompanies this form (Dispute Rules section 3.2.1 and 3.3.1). No money is required for urgent disputes before affiliates (Dispute Rules section 3.3.1).		\$
<b>Sign here.</b> By doing so you certify that you have attempted to resolve this dispute informally and that you have served parties with this complaint as required.		X