**GRIEVANCE POLICY AND PROCEDURES**

Effective 08/01/2021

**ARTICLE I -- Scope of Authority**

1. Pursuant to this document and except as noted below, any individual LV DVG America member, club, region, or the LV DVG America national organization may bring charges against any other individual member, club or region for:

1. Conduct harmful to the interests of the charging member, club, region, LV DVG America or DVG,
2. Major violations of the by-laws of any Region, LV DVG America, or DVG,
3. Major violations of the training policies of DVG, VDH or Federation Cynologique International (“FCI”).

EXCEPTION: Charges against an individual member may only be brought by a club, region, LV DVG America or DVG. No individual member may bring charges against other individual members.

2. When the misconduct alleged in the complaint is in any way associated with potential or pending civil or criminal litigation, consideration of the complaint will be withheld until the conclusion of the legal process. The KG or LV Board(s) who ultimately hear the complaint may consider, but will not be bound by, the decision of the courts.

3. The decisions made by LV DVG America Judges while evaluating the performance of dog and handler teams during officially sanctioned trials are not subject to complaint under these procedures. Any perceived misconduct by a Judge must be referred to the LV DVG America LRO.

4. The number and composition of members of a Hearing Board (both KG and the LV DVG America Board) required to review and adjudicate a complaint under this document will be determined by the Executive Officers (President, Vice-President, Secretary and Treasurer) of the jurisdiction, except that a minimum of three (3) Officers are required for a KG Board adjudication and five (5) Officers are required for a LV Board adjudication.

Only individuals who are serving as a member of the Board of Directors of the body adjudicating the complaint (KG or LV) at the time of the start of the Board Hearing, as specified in Article III, Section 1-C (below), shall be eligible to serve as members of the Hearing Board.

**ARTICLE II – Procedures**

1. Charges should be filed in a timely manner, and must be filed no later than 1 year after the date the alleged misconduct was known, or reasonably should have been known to have occurred.

2. The charging party must submit a notarized signed and dated charging statement setting forth the specific facts of the allegation(s).

3. Charging statements alleging misconduct by an individual member or club must be filed with the Secretary of the region within which the accused member or club maintains their voting membership.

Charging statements alleging misconduct by a region must be filed with the Secretary of LV DVG America.

4. All charging statements alleging misconduct of an individual member must be accompanied by a filing fee of $100.00. Charging statements alleging misconduct by a club or region must be accompanied by a filing fee of $150.00. These fee’s will be refunded if the charges are sustained. Un-refunded fees shall be deposited into the treasury of the jurisdiction within which the original complaint is filed, and shall be utilized as directed by the Board of Directors of that Jurisdiction. Charging statements filed by the President or Secretary of LV DVG America on behalf of the National Organization may be submitted without a filing fee.

5. If the individual LV DVG America member who is accused of misconduct is a member of the KG Board of Directors having jurisdiction over the matter, or other exigent circumstances exist which cause the accuser to feel a fair and honest evaluation by the KG Board is unlikely, the charging statement and filing fee may be submitted directly to the LV DVG America Board of Directors through the LV DVG America Secretary. The National Board of Directors may either accept jurisdiction or refer the matter back to the KG Board.

The National Board of Directors shall follow the same process and time lines as KG Boards in the adjudication of these matters. These are specified in Article III, Section 1 of this document.

6. If the alleged misconduct involves someone on the National Board of Directors, that member will recuse themselves from any involvement in the investigation and adjudication of the complaint, except they may be called to testify as witnesses in the matter.

Additionally, in any complaint before the National Board of Directors involving alleged misconduct by a region, the representative of that region to the National Board shall recuse themselves from all matters concerning the investigation and adjudication of the complaint, except they may be called as a witness in the matter.

7. In instances where the KG / National Board of Directors feels the matter can be resolved at the club level, they may return the charging statement and filing fee to the accusing party(s) with that suggestion. This action shall not preclude a re-filling of the matter with the KG / National Board should the matter remain unresolved.

8. Once the charging statement and filling fee has been accepted by the Board of Directors of the region within which the charging document is submitted (or the LV DVG America Board in instances when a Region is charged with alleged misconduct or the charging statement is submitted directly to them as specified in Article II, Section 5 - above) the board shall carefully and without prejudice examine all facts, documents, witness statements, photographs and other evidence, and shall render a written notification of their findings in the matter according to the time lines within Article III, Section 1 of this document.

**ARTICLE III – Time Lines**

1. The following time lines shall be adhered to unless all parties file notarized, signed and dated documents with the Secretary of the region agreeing to any specific modification(s) or waiving of the required time limits.

1. **Within 15 calendar days** of the receipt of the charging statement and filing fee, the KG/National Secretary shall send a notice to the accused member, club or region by certified, return receipt requested U.S. Mail, advising of the complaint, and the charges specified within the statement.
2. **Within 15 calendar days** of receiving the notice, the accused member, club or region shall respond to the KG/National Secretary acknowledging receipt of the notice, and advising whether the charges will be disputed or agreed to in whole or in part, with or without explanation. If receipt of the notice is confirmed by the U.S Post Office, and no response is received from the accused party within 5 calendar days past the 15-day deadline, the Board shall proceed as specified in Article III, Section 1-C (below).
3. **Within 15 days** of the receipt of accused’s response, the KG/National Secretary shall notify all parties of the determination by the KG/National Board of Directors as to whether the facts and circumstances set forth within charging statement satisfy the jurisdictional requirements within Article I, Section 1-A through 1-C inclusive of this document.

If the KG Board of Directors determines one or more of these requirements have been met the notice shall also include a date, time and location or method of a Board hearing to examine the charges, testimony and other evidence related to the matter. This hearing should be **no sooner than 45 days, and no longer than 60 days**, from the date of the notification.

Every effort shall be made to accommodate all parties, including witnesses, in the establishment of the hearing date, time, location and method.

The Board of Directors having jurisdiction over the matter may appoint a Board of Inquiry or take other action(s) to investigate the alleged misconduct. In such cases all facts discovered or recommendations made must be received by the Board and made available all parties **no later than 15 days prior to the commencement** of the hearing specified within this Article and Section (above).

**Within 10 days** following the conclusion of this hearing, the KG Board shall issue a written notification to both the person(s) submitting the charging statement and the person(s) accused within the charging statement of the Boards factual findings and decision in the matter, along with any penalties imposed. In addition to any electronic notifications, the findings, decision and penalties shall be sent to both parties by certified U.S. Mail.

In instances where the volume of testimony and other evidence presented is extensive, the Board may exercise its discretion in continuing the hearing to a subsequent date, time, location and method.

Every effort shall be made to accommodate all parties, including witnesses, in the establishment of this continuation.

1. In instances where the accused individual(s) agree the facts set forth in the charging statement are accurate and occurred without justification, and therefore a KG Board hearing to evaluate the evidence is un-necessary, the notice of hearing specified in Article III, Section 1-C (above) shall instead state the Boards findings, specify any penalties imposed, and shall serve as the concluding document, pending the filing of any appeals.
2. If greater than 30 days but within one (1) year following the conclusion of the hearing, as established by the date the KG Board issued the written notification of its’ factual findings and decision, any party to the complaint believes new evidence has become available they may re-file the complaint using all procedures set forth within this document.

**ARTICLE IV – Penalties**

1. If it is determined the accused party(s) committed the actions set forth within the charging statement, the Board of Directors having jurisdiction over the matter may impose the following penalties, either singularly or in any combination.

1. Written warning
2. Written reprimand
3. Fines of up to five hundred dollars ($500.00) for each act of misconduct sustained by the Board
4. Suspension from some or all official DVG events for a specified period as determined by the Board.
   1. Titles awarded by non-DVG affiliated organizations during the period of suspension will not be recognized by DVG following the completion of the suspension.
   2. Suspension from DVG events does not preclude the individual(s) from functioning as the officer of a club or region. Suspending or removing an officer remains the sole purview of the organization they serve.

1. Expulsion from LV DVG America. NOTE: Expulsion of a club requires approval of DVG.

2. In instances where multiple individuals are accused of misconduct, either individually or by virtue of their membership within a club, committee, KG Board of Directors, etc., the Board of Directors having jurisdiction over the matter may impose differing findings and penalties based on the facts pertaining to each induvial accused party.

3. All fines shall be paid to the Treasury of the jurisdiction adjudicating the complaint, and shall be utilized as directed by the Board of Directors of that Jurisdiction.

Fines must be received no later than 60 days following the final adjudication of the complaint or appeal (if filed). Unpaid fines will result in either suspension or expulsion from LV DVG America, as determined by the Board of Directors having jurisdiction over the final decision, and pursuant to Section 1, Sub-Sections D and E of this Article (above).

**ARTICLE V -- Appeals**

1. Either party may appeal the decision of a KG Board of Directors to the Board of LV DVG America by sending a written notice of appeal to the LV DVG America Secretary within 30 days of the appellants receipt of the KG Boards decision.

2. Appeals filed by the original complainant must be accompanied by an additional $100.00 filing fee. Appeals filed by the individual(s) accused within the original charging statement do not require a filing fee.

3. **Within 15 days** of the receipt of the appeal request, the LV DVG America Secretary shall notify all parties of the date, time and location or method of a Board hearing to hear the appeal. This hearing should be **no sooner than 15 days, and no longer than 30 days**, from the date of the notification.

Every effort shall be made to accommodate all parties, including witnesses, in the establishment of the hearing date, time, location and method.

4. All parties are entitled to be heard. At its discretion, the Board may allow testimony from witnesses, either in person or by sworn affidavit.

5. The LV DVG America Board will not consider new evidence during the appeal, and limit its inquiry to a review of the evidence that has been presented to the Region.

If during the appeal process any party to the complaint asserts new evidence is available, the LV DVG America Board may, at its discretion, evaluate the evidence and return the complaint to the Board of Directors of the KG of original jurisdiction. In such a case no new filing fee is required, and all time lines set forth in Article II, Section 1-A through 1-D of this document shall be adhered to.

If within one (1) year following the conclusion of the appeal process, as established by the date the LV DVG America Board issued the written notification of its’ factual findings and decision, any party to the complaint believes new evidence has become available they may re-file the complaint using all procedures set forth within this document.

6. The LV Board may sustain, reverse, or modify a decision of the Region and any penalty imposed by the Region. The decision of the Board is final, subject to approval by DVG in accordance with DVG bylaws.

7. **Within 10 days** following the conclusion of this hearing, the LV DVG America Board shall issue a written notification of the Boards factual findings and decision in the matter, along with any modification or affirmation of previously imposed penalties.

This notification shall be sent to the person(s) filing the appeal, the opposing party, and the Board of the region in which the complaint originated.

In addition to any electronic notifications, the Secretary must send a copy of these findings by certified US Mail to all parties.