

The American Cesky Terrier Fanciers Association, Inc.



CONSTITUTION & BYLAWS PROPOSED AMENDMENTS NOVEMBER 2016

www.ceskyterrierfanciers.org
AKC Parent Breed Club since 2007
AKC Licensed Breed Club since 2016

CONSTITUTION

ARTICLE 1- NAME AND OBJECTS

Section 1 - The name of the Club shall be The American Cesky Terrier Fanciers Association, Incorporated and shall be referred to herein as "the Club."

Section 2 - The objects of the Club shall be the following:

- a. To encourage and to promote quality in the breeding of purebred Cesky Terriers and to advance the breed's qualities to perfection.
- b. To encourage the organization of independent local specialty Clubs in those localities where there are sufficient fanciers of the breed to meet the requirements of the American Kennel Club.
- c. To define precisely the true type of the Cesky Terrier in the American Kennel Club breed standard and to urge the adoption of such type as the only standard by which Cesky Terriers should be bred and judged.
- d. To protect and advance the interest of the Breed by encouraging sportsmanlike conduct at dog shows and all Club related events for which the Club is eligible under the rules and regulations of the American Kennel Club.
- e. To conduct sanctioned matches, specialty shows, performance events, and any other event for which the Club is eligible under the Rules and Regulations of the American Kennel Club.

Section 3 - The Club is incorporated as a non-profit organization. As such, the Club must fulfill all requirements of the aforementioned designation with the Internal Revenue Service and the State in which it is incorporated. As a consequence, the Club shall not be conducted or operated for profit.

No part of any income or remainder or residue from dues or donations to the Club shall inure to the benefit of any Club member either individually or collectively. The Club shall be permitted ownership of real or intangible properties for its own use, including the generation of revenues for the sole purpose of supporting activities and acquisitions of the Club.

- a. The Club's Financial Year and the Club's Official Business Year shall begin on January 1 and conclude on December 31.

Section 4 - The members of the Club shall adopt and may revise such bylaws as may be required to carry out these objects.

BYLAWS

ARTICLE 1- MEMBERS/MEMBERSHIP/VOTING/ADMISSION/CLUB REPRESENTATION

Section 1 – *Membership Exclusions*. No one may be denied membership in the Club based on race, religious preference, color, gender, sexual preference or national origin.

Section 2 – *Member in Good Standing*. For the purposes of this Constitution and Bylaws the term “member” is the same by definition as “Member in Good Standing.” Both refer to a person who has joined the Club and adheres to the Club’s Constitution and Bylaws, the Club’s Code of Ethics, and the rules of The American Kennel Club; a person who is current in payment of dues, who owes no other obligations to the Club and who is in good standing with The American Kennel Club.

Section 3 – *Membership Categories* include:

- Regular (Individual) Membership – one person age 18 years or older who, at the time of application, is a resident of the United States and once owned, once co-owned, or currently owns or co-owns a Cesky Terrier that is registered with the American Kennel Club and favors the objects of the Club. They shall enjoy all club privileges including the right to vote and hold office.
- Household Membership – two (2) people, age 18 years or older residing in the same household, are residents of United States and one of whom once owned, or once co-owned, or currently owns or co-owns a Cesky-Terrier that is registered with the American Kennel Club and favor the objects of the Club. They shall each enjoy all club privileges including the right to vote and hold office.
- Lifetime Membership- a Regular (Individual) member who has been a member for a period of 20 years and has been given this designation by an affirmative vote of 50% plus one of those Board Members present. Lifetime members pay no dues but are eligible to vote and hold office.
- Honorary Membership – An individual who has made significant contributions to the sport, the breed, and/or the Club in either the United States or Internationally. They shall pay no dues and are not eligible to vote.

- Associate Membership – one person age 18 years or older who favors the objects of the Club. They must pay full dues, but may not vote nor hold office, or serve on any committee. Associate member privileges include access to the Newsletter and to the “Member’s Only” section of the ACTFA Website which includes Board Minutes, Special Announcements, and other information.
- Junior Membership – Open to individuals under 18 years of age who favor the objects of the Club. They may not vote nor hold office; their membership may automatically convert to regular membership at age 18. The Junior Member must include their birth date/year on their initial application. No dues are required.
- International Membership – one adult, non-US resident, 18 years of age or older, who favors the objects of the Club. He/She shall be entitled to all Club privileges, except to vote and hold office.
- International Household Membership – two (2) adults non-US residents, age 18 years ~~and~~ or older residing in the same household, who favor the objects of the Club. They shall be entitled to all Club privileges, except to vote and hold office.
- Outreach Membership – one person 18 years of age or older who is a new owner of an AKC registered Cesky Terrier puppy or Cesky Terrier dog. They shall pay no dues for the remainder of the calendar year. They may not vote nor hold office, nor serve on a committee. They shall be entitled to access the Newsletter and to the “Member’s Only” section of the ACTFA Website which includes Board Minutes, Special Announcements, and other information.

Section 4 - *Election to Membership*. Any person who favors the Objects of the Club is eligible to apply for membership. Each applicant shall apply on a form as approved by the Board of Directors which shall provide that the applicant(s) agree(s) to abide by the Club's Constitution and Bylaws and Code of Ethics and the rules of the American Kennel Club. The application shall state the name and address of the candidate and shall carry the endorsement of two Club members in good standing. Along with the application the candidate shall submit dues payment, which is non-refundable for the current year. All applications shall be submitted to the Chair of the Membership Committee. Upon completion of membership requirements, the application is to be presented to the Board of Directors.

The Chair of the Membership Committee shall notify the general membership of the name of the applicant, state of residence and the names of his/her sponsors. Within 30 days of such notice, members may challenge the election of an applicant by submitting written, factual, signed documents establishing the grounds for challenge to the Membership Chair. Members may also submit factual affirmations during this time period to the Membership Chair.

Applicants may be elected to the Club at any meeting of the Board of Directors after the Board has had an opportunity to review the candidate's application and any accompanying data presented by the Membership Committee including challenge and/or affirmation letters from the membership. The presence of five (5) Board Members shall be considered a quorum. A secret affirmative vote by 50% plus one of those Board Members present shall be required to elect an applicant. Every candidate for membership who has been thus elected shall become a member effective with the date of a letter of notification sent by the Membership Chair via email in accordance with AKC policy.

Section 5 - *Membership Denial*. Applicants who do not receive affirmative votes by 50% plus 1 of those board members present will receive a Certified Letter via USPS from the Corresponding Secretary stating the application is denied. The applicant may reapply for membership after six (6) month of the date of the Certified Letter.

Section 6 - *Members Who Vote and Hold Office*. Only the following membership categories are allowed to vote and/or hold office: Regular Members, Household Members and Lifetime Members. Those holding International Membership owning at least one Cesky Terrier may be Committee Heads and work on Committees but may not vote or hold office.

Section 7 - *Membership Resignations, Dues Lapses and Membership Expulsion*. Resignations from the Club must be in writing and addressed to the Corresponding Secretary. A membership may be considered lapsed and automatically terminated if such member's renewal dues remain unpaid 60 days (March 2) after the renewal dues deadline (January 2). A membership may be terminated by expulsion as provided in these Bylaws (Article X of these Bylaws). Under no circumstances may a voting member participate in any vote if that member has resigned, had his/her membership lapse or been terminated as a member but no member may resign when in debt to the club. Obligations other than dues are considered a debt to the club and must be paid in full prior to resignation.

Section 8 - *Membership Roster*. The maintaining of the Club Membership Roster shall be the responsibility of the Membership Chair. The Membership Chair shall provide a current membership roster to the Corresponding Secretary no later than April 1. The use of the Club roster to disseminate information is strictly limited to Club officers, or those designated by Club officers.

Section 9 - *Membership Interest*. The interest of any member in the property of the Club ceases with the termination of that person's membership.

Section 10 - *Representing the Club*. No member or group of members may represent the Club or sponsor an event(s) of any kind in the name of the Club without the approval of the Board of Directors prior to the event.

ARTICLE II - ANNUAL DUES

Section 1 - Annual dues shall not exceed \$50.00 per year. Dues may be remitted via email in accordance with AKC policy or via regular mail by the second day of January each year.

Section 2 - No member eligible to vote may do so if their dues are not paid for the current year. During the month of October, the Treasurer shall send to each member a statement of dues for the ensuing year.

ARTICLE III - ELECTRONIC COMMUNICATIONS

Each member eighteen (18) years of age and older who is not willing to receive via email in accordance with AKC from the Club shall sign an authorization form requesting only hard copies of such communications. Such authorization, which is revocable, shall release the Club from any liability should the notification be received late or not received by the member due to circumstances beyond the Club's control. The original signed authorization forms shall be maintained by the Corresponding Secretary for purposes of sending any hard copy information to members. The Corresponding Secretary shall provide this list to the Treasurer for purposes of sending dues notices via regular mail.

ARTICLE IV - OFFICERS AND BOARD OF DIRECTORS {and AKC Delegate, when applicable}

Section 1- The Officers and the Directors of the Club, herein referred to in the collective as the Board of Directors, shall govern the Club and provide the general management of the Club's day-to-day affairs. The Club's officers shall serve in their respective capacities both with regard to the Club and its meetings and the Board and its meetings.

Section 2 - The Board of Directors shall consist of five (5) Officers: the President, Vice President, Recording Secretary, Corresponding Secretary and Treasurer and four (4) Directors.

Section 3 - The Board of Directors shall serve without compensation.

Section 4 - Each Officer, Director, Committee Head and Committee member will be provided Board liability insurance. The aforementioned shall therefore not be personally liable for the debts, liabilities or other obligations of the Club under the terms and conditions of the liability insurance policy.

Section 5 - The Board of Directors shall have the power to remove any of its nine members for verifiable conduct that is prejudicial to the best interests of the Club or verifiable actions threatening the survival of the Club. An affirmative vote of 50% plus one of those of Board members present shall be required for this removal.

Section 6 - The Board of Directors may fill any vacancy on the Board of Directors *by an affirmative vote of 50% plus one of those Board members present*. Any person who is so affirmed to complete the term of an Officer or Director shall serve out the remainder of the term of office for that position, except that a vacancy in the office of President shall be filled automatically by the Vice President and the resulting vacancy in the office of Vice President shall be filled by the Board by an affirmative vote of 50% plus one of those Board members present.

Section 7 - The AKC Delegate may be selected from the Board of Directors or the general membership and is appointed by the Board of Directors with the input of the membership and will serve for a term of three (3) years.

ARTICLE V - DUTIES OF THE BOARD OF DIRECTORS {AND AKC DELEGATE}

Section 1 - General Duties. In addition to such duties as may be prescribed by the Board of Directors, the Officers will serve in their respective capacities as follows:

- a. The *President* shall be the Chief Executive Officer of the Club, enforce the provisions of the Constitution and Bylaws, shall preside, engage in discussions and vote at all Board Meetings, shall have the power to call meetings of the Board and the Club and shall also preside over the Annual meeting.
- b. The *Vice President* shall have the duties and exercise the powers of the President in the absence, death or incapacity of the President. The Vice President shall be responsible for informing the webmaster of all club business to be posted on the official website.
- c. The *Recording Secretary* shall keep a record of all meetings of the Club and the Board and of all matters of which the Club shall order a record. The Recording Secretary shall also keep the current membership roster which shall be sent to any member in good standing, upon written request, not more than once every club year. The Recording Secretary shall also maintain records in which Bylaws, special rules of order, standing rules and minutes are entered with the amendments to these documents properly recorded. The Recording Secretary shall provide approved minutes to be published on the Club's website.

- d. The *Corresponding Secretary* shall have charge of correspondence, notify members of meetings, provide new members with a copy of this Constitution and Bylaws and notify Officers and Directors of their election to office.

- e. The *Treasurer* shall bill, collect and receive all money due or belonging to the Club. The Treasurer shall deposit this money in an account in the name of the Club in a bank designated by the Board in the name of the Club. The Club's books shall at all times be open to the inspection of the Board; and the Treasurer shall report to the Board of Directors at every meeting the condition of the Club's finances and every item of receipt or payment not before reported. At the Annual Meeting of the Club the Treasurer shall render an account of money received and expended during the previous year. Additionally, the Treasurer shall provide, upon request, the Club's finances to an audit committee, or independent auditor appointed annually by the Board between January 1 and January 31. This committee shall be composed of one or more members of the Board of Directors. The Treasurer shall receive from the Committee or independent auditor the audited books and present them to the Board of Directors by March Board Meeting. The Treasurer shall be responsible for ensuring that the financial operations are maintained in accordance with the directives of the State of Incorporation and the Internal Revenue Service as it respects the Club's non-profit status. The Treasurer shall make the determination as to the appropriate filing of financial documents by the appropriate deadlines to the IRS and the State of incorporation with the assistance of the appropriately designated advisors such as the Resident Agent for the State of Incorporation. The Treasurer shall be bonded in such an amount as the Board of Directors determines. All disbursements of the Club shall be made by the Treasurer by check or by Club credit or Debit card. All disbursements exceeding the amount of \$100.00 shall be paid by the Treasurer upon prior approval of the Board of Directors.

- f. The AKC Delegate: Among other duties, the Delegate shall report to the Club all actions and matters discussed at the AKC's Quarterly Meetings.

Section 2 - *Requirements for Participation in Board Meetings*. Any officer or director who fails to attend a minimum of seventy-five (75) percent of Board meetings in a twelve (12) month period may be deemed to have vacated his/her position unless the remaining Board members find that just cause exists for failure to attend. Should not just cause be found, the position is considered vacated and a replacement shall be appointed in accordance with Article IV, Section 5 of these Bylaws. Any officer or director who retires, resigns, or is unable to serve for any reason shall send written notice to the Corresponding Secretary.

**ARTICLE VI- NOMINATION AND ELECTION OF OFFICERS AND BOARD MEMBERS/THE VOTING
PROCESS/TURNOVER OF MATERIALS**

Section 1 - The *Nominating Process*. On or before March 1 in each year, the Board of Directors shall designate a Nominating Committee consisting of three (3) members and two (2) alternates, none of whom may be a sitting member of the Board of Directors. The Board of Directors shall name a Chair for the Committee from among the three members. The Nominating Committee must meet on or before April 1.

Section 2 - The Corresponding Secretary shall immediately notify the Nominating Committee of their appointment via email or hard-copy and receive a confirmation of each acceptance.

Section 3 - The duty of the Nominating Committee is to nominate candidates for Officers and Directors {and delegate to the American Kennel Club}. The Committee should consider geographical representation as well as individual capabilities and may only consider those eligible to hold office on the Board of Directors. The Nominating Committee may conduct its business by regular hard-copy mail, email or teleconference. Members of the Nominating Committee may not be proposed for a nomination in the Nominating Committee's report. This does not prohibit their being nominated during Open Nominations.

Section 4 – No candidate may be considered for an officer or board position unless they have been a full-voting member of the Club for a minimum of two (2) years.

Section 5- Elections shall be held for the following positions as follows:

Four Year Terms for each Officer and Director:

- EVERY FOURTH EVEN YEAR - President, Recording Secretary, and two Board Members.
- EVERY FOURTH ODD YEAR - Vice President, Treasurer, Corresponding Secretary, and two Board Members.

Section 6 - *The Nominating Committee Report.* The Nominating Committee shall file a Report with the Corresponding Secretary of its nominations in writing and signed by all Committee members, no later than May 1. This Report shall include the full name of each nominee, address and brief biographical statement as well as a written and signed acceptance of the nomination. This Report shall contain no more than one (1) nominee for each position on the ballot. No later than May 31, the Corresponding Secretary shall mail a list of the nominees, along with their full name, address, and biographical statement to each member of the Club entitled to vote.

Section 7- *Open Nominations.* Additional nominations of those members allowed to hold office may be made by written petition addressed to and received by the Corresponding Secretary no later than midnight June 30. Such a petition must be signed by at least (5) five voting members who may not be related to the nominee and be accompanied by the written acceptance of the nominee and his/her name and address as well as his/her brief biographical statement. No person shall be nominated for more than one position {Except for the position of delegate}. Additional nominations herein provided shall be made only from those members who have not accepted a nomination of the Nominating Committee. The Corresponding Secretary shall inform the Board of the complete list of candidates and five (5) sponsors for each candidate, as a mailed ballot will become a necessity.

Section 8 - *No Open Nominations Received.* If the Corresponding Secretary receives no other valid nominations by June 30, the Nominating Committee's slate shall be declared elected and no balloting will be required. This information shall be validated by the Board of Directors and released by the Corresponding Secretary to the entire membership no later than August 30.

Section 9- *The Voting Process when there are open nominees.* If one or more valid additional nominations are received by the Corresponding Secretary, the Corresponding Secretary shall before midnight on July 30 mail a ballot via regular mail to each member entitled to vote. The Treasurer shall provide a list of voting members to the Corresponding Secretary by August 1 for this purpose. The ballot shall list all nominees for each position in alphabetical order, noting the incumbents, their state of residence and all nominee's (the slate and open) biographical statements. The Board shall appoint an independent teller who shall receive and count all ballots. The independent teller shall report the election outcome to the Board of Directors.

Section 10 - *Invalid Ballots.* In order to be validated, the independent teller must receive all ballots no later than midnight August 30. Any ballots not so received shall be invalid and will not be considered. Any ballot containing write-in names or altered in any manner shall be considered invalid in its entirety.

Section 11 - *Reporting the Ballot Results and Seating of New Board Members.* All valid ballots will be counted by the independent teller and reported to the Board of Directors no later than September 15. The candidates receiving the highest number of votes will be declared elected and will be notified of such by the Corresponding Secretary by letter sent via electronic and regular mail and dated no later than September 25. Newly elected Officers and Board members take their position on the Board of Directors at the adjournment of the Annual Meeting in October.

Section 12 - *Turning Over Materials.* Upon election of the new Officer(s) and/or Director(s), the former Officer(s) and Director(s) shall turn over to their successors all properties and records relating to that office no later than October-30 of the year elected.

ARTICLE VII - BOARD MEETINGS/ANNUAL CLUB MEETING/AGENDAS

Section 1 - *Regular Board Meetings*. Regular Meetings of the Board of Directors shall be held at least 6 times each year. They are called at a time and date determined by the President or a majority vote of the Board. The Recording Secretary is responsible for the posting of the notice of these meetings, requests for agenda items and other pertinent information. The quorum for a board meeting shall be a majority of the board (50% plus one).

Section 2 - *The Conduct of Club Business*. Board members may discuss Club business outside of formal Board meetings. Any information discussed and agreed upon must be presented and confirmed by a majority vote of the Board at a Regular Board Meeting or Special Board Meeting to be considered Board authorized and actionable.

Section 3 - *Special Board Meetings*. Special Meetings of the Board may be called by the President or upon receipt of a written request presented to the Recording Secretary by mail or email by at least five (5) members of the Board. Such Special Meetings shall be held at such an hour and place as may be designated by the President or majority vote of the Board. Written notice of such meetings shall be sent via email to the entire Board by the Recording Secretary at least five (5) days prior to the meeting. Any such notice shall state the purpose(s) of the meeting. The presence of five (5) Board members is considered a quorum.

Section 4 - *Requirements for Board Confidentiality*. Before all Board Meetings the President, or presiding officer, is required to inform the Board that all information discussed at a Board Meeting is considered confidential until the Board in a subsequent meeting approves the minutes of the meeting. The Board is, therefore, bound to this confidentiality. If this confidentiality is broken and the Board Member providing the information is identified, he/she can be removed from the Board in accordance with these Bylaws. If the Board conducts its meetings via teleconference, because of the legality of recording telephone conversations across numerous state lines, the President is required to inform the Board before beginning the agenda that the meeting is being electronically recorded.

Section 5- *The Annual Club Meeting*. The Club shall hold its Annual Meeting in the month of October in conjunction with the Club's Specialty Show, at a date, time and place designated by the Board of Directors. All members shall be advised of the date, time and place no more than (30) days and at least (14) fourteen days in advance thereof. Ten (10) percent of the voting membership shall constitute a quorum.

Section 6 - *Order of Business at Annual Club Meeting*. At each Annual Club Meeting the order of business, so far as the character and nature of the meeting may permit, shall be as follows:

Roll Call

Reading of Previous Annual Meeting Minutes

Reports of Officers

Reports of Committees

Election of new members

Unfinished Business

New Business

Announcement of Board Election Results

Adjournment

Section 7 - *Special Club Meeting*. Special Club meetings may be called by the President or by a vote of 50% plus one of the members of the Board who are present at a meeting of the Board or who vote by mail; and shall be called by the Corresponding Secretary upon receipt of a petition signed by 10 (ten) percent of the voting members of the Club who are in good standing. Such meeting shall be held at such place, date and hour as may be designated by the Board. Written Notice of such meeting shall be mailed or emailed by the Corresponding Secretary at least 14 days and not more than 30 days prior to the meeting. The notice of the meeting shall state the purpose of the meeting and no other Club business may be transacted. The quorum for such a meeting shall be 10 (ten) percent of the voting members in good standing.

Section 8 - *Order of Business at Board Meetings*. At meetings of the Board of Directors the order of business, unless otherwise directed by a vote of 50% plus one of those present, shall be as follows:

Reading of the Confidentiality Rule

Roll Call

Reading of the Minutes of the Previous Board Meeting(s)

Report of the Corresponding Secretary

Report of the Treasurer

Committee Reports

Election of New Members

Unfinished Business

New Business

Date for Next Meeting

Adjournment

ARTICLE VIII- CONFLICTS OF INTEREST

In the course of any Board Meeting any member of the Board of Directors, a Committee Head or a Committee Member recognizing a conflict of interest shall declare the specifics of that conflict of interest for the record. The party involved in the conflict of interest shall abstain from voting on that matter. When the conflict is in doubt, the matter shall be resolved by a simple majority vote of the remaining Board. If there is no simple majority, the matter is considered a conflict of interest and the aforementioned voting abstention is required.

ARTICLE IX - COMMITTEES

Section 1 - *The Creation of Committees*. The Board of Directors may create standing committees (which are considered permanent) to advance the work of the Club in such matters as Dog Shows, Membership, Health, Rescue, Ways and Means, Disciplinary and other specific fields that may be served by such an ongoing committee. Such committees shall always be subject to the final authority of the Board. Special committees (which are assembled to accomplish a specified task) may also be created by the Board of Directors to aid with particular projects, such as revisions of the Constitution and Bylaws or the Breed Standard.

Section 2 - *Committee Heads, Committee Members and Board Liaisons*. The Board of Directors may appoint Committee Heads by affirmative vote of 50% plus one of those Board members present. The Corresponding Secretary will send a written notice to the new Committee Head acknowledging the appointment. The Committee heads may select their committee members. Each Committee may be assigned a member of the Board of Directors who will function as a Liaison between the Board and the Committee and advice on the function of the Committee.

Section 3 - *Termination of Committees, Committee Heads and Committee Members.* Any Committee, Committee Head or Committee Member may be terminated by an affirmative vote of 50% plus one of those of Board Members present with written notice from the Corresponding Secretary to the Committee Head. The Board may appoint successors to those persons whose services have been terminated.

Section 4 - *Committee Responsibilities.* The Committee Head with the assistance of Committee Members is required to submit an outline of intended accomplishments for the coming year no more than 45 days after the Committee Head is appointed. This outline will contain, but not be limited to, a goal, objectives and a budget for the Committee. The outline must be reviewed by the Board and approved before it can be implemented.

Section 5. - *Committee Meetings.* Committees can conduct business in person, email, or regular mail, or by other means of communication as agreed upon by all committee members.

Section 6. - *Reports to the Board.* Committee Heads shall submit to the Board a quarterly report of their activities.

ARTICLE X - DISCIPLINE

Section 1 –*AKC Suspension.* Any member who is suspended from any of the privileges of the American Kennel Club shall automatically be suspended from the privileges of the Club for a like period of time.

Section 2 - *Charges.* Any individual Club member (complainant) may prefer charges against another individual Club member for misconduct prejudicial to the best interests of the Club or the Breed. Written charges with specifications must be filed in duplicate with the Corresponding Secretary. Specifications are defined as documentable items that present a reasonable belief that misconduct has occurred. These items include detailed descriptions including “who, what, where, when, how” and other specifics such as named witnesses. The charges shall be submitted with a deposit of \$200.00 or in an amount annually set by the Board of Directors. This deposit shall be forfeited if such charges are not sustained following a Board hearing. The Corresponding Secretary shall promptly send, via Registered/Certified Mail, a copy of the charges to each Board member or present them at a special Board meeting.

The Board shall first consider whether the actions alleged in the charges, if proven, constitute conduct prejudicial to the best interests of the Club or the breed. If the Board considers by an affirmative vote of 50% plus one of those Board members present that the charges do not allege conduct that would be prejudicial to the best interests to the Club or the breed, it will refuse to entertain jurisdiction. The Corresponding Secretary shall notify the complainant of the Board's decision via Registered/Certified mail.

If the Board entertains jurisdiction of the charges the deposit shall be returned to the complainant. The Board shall fix a date of a hearing by the Board not less than three (3) weeks or more than six (6) weeks thereafter. The Corresponding Secretary shall promptly send one copy of the charges to the accused member (defendant) by registered mail, together with notice of the hearing and an assurance that the defendant may personally appear in their own defense with witnesses, if they wish. Email and regular mail notification of the hearing shall also be provided to the complainant. The hearing date may be postponed due to extenuating circumstances at the request of the Board or the complainant or defendant. A postponement may not exceed 14 days from the date of the scheduled hearing. Only one (1) postponement shall be granted.

Section 3– *Retaining Counsel*. The Board shall have complete authority to decide whether counsel for the defendant may attend the hearing, but both complainant and defendant shall be treated uniformly in this regard.

Section 4 – *Conduct of the Hearing*. The hearing may be conducted by teleconference and shall be recorded by the Recorded Secretary. Written consent of the recording shall be required of all participants. Each side will be given equal time to present their positions with the complainant proceeding first. The Board may make inquiries at any time during the proceedings. Upon conclusion of the presentation each party may have five (5) minutes for a closing summary. Immediately after the Board has reached a decision by an affirmative vote of 50% plus one of the Board present, its findings shall be put in written form by the Recording Secretary and filed with the Corresponding Secretary.

Section 5 – *If the Charges are not Sustained*. Should the charges not be sustained, the Corresponding Secretary shall notify the complainant and defendant of the Board's decision via Registered/Certified mail.

Section 6 – *If Charges are Sustained*. Should the charges be sustained, the Board may impose any of the following penalties:

- Written reprimand – A written reprimand directed exclusively to the member may be detailed, but an official (published) reprimand shall only indicate that subsequent to a Board hearing “...member (X) was officially reprimanded as a result of charges filed by member (Y).”
- Suspension of the defendant from all privileges of the Club for up to 6 months from the date of the hearing or until the next annual meeting if that will occur after six (6) months.
- Expulsion - The Board's recommendation for expulsion shall carry with it the automatic suspension of the member until the annual Club meeting or such time as a special Club meeting held for the purpose of a vote by the membership on the question of the expulsion. The suspension shall not restrict the defendant's right to appear before his fellow members at that Club meeting which considers the recommendation of the board or board committee.

Immediately after the Board has reached a decision, its findings shall be put in written form by the Recording Secretary and filed with the Corresponding Secretary who shall in turn notify each of the parties via Registered/Certified mail of the decision and penalty, if any.

Section 7 - *Expulsion*. Expulsion of a member from the Club may be accomplished only at a meeting of the Club following a Board hearing and upon the Board's recommendation as provided in Section 5 of this Article. Such proceeding will occur within 60 days and not earlier than 30 days of the Board's recommendation of expulsion and will be conducted at the annual Club meeting or a special Club meeting.

The defendant shall have the privilege of appearing on his/her own behalf though no evidence shall be taken at the meeting. The President shall read the charges and the Board's findings and recommendation, and shall invite the defendant, if present, to speak on his/her own behalf.

The members present shall then vote by secret ballot on the proposed expulsion. An affirmative vote of 50% plus one of those present and voting at the meeting shall be necessary for expulsion. Upon expulsion, the member shall forfeit all interests in the Club. If expulsion is not so voted, the suspension shall stand.

Section 8 - *Liability As a Consequence of Expulsion*. Those involved with the expulsion procedure shall not be liable for the decisions rendered, put in effect, or published as provided for in these By Laws with respect to the discipline of a member; nor shall those involved either directly or indirectly in the expulsion be liable for any action or related expenses that are incurred pertaining to same.

ARTICLE XI- AMENDMENTS TO THE CONSTITUTION AND ~~BY-LAWS~~ BYLAWS and BREED STANDARD

Section 1 - Amendments to the Constitution and Bylaws and the Breed Standard may be proposed by the Board of Directors or by written petition addressed to the Corresponding Secretary and signed by twenty (20) percent of the voting members. Amendments proposed by either the Board or Membership petition shall be promptly considered by the Board of Directors and must be submitted to the membership along with the recommendations of the Board for a vote within three (3) months of the date when the petition was received by the Corresponding Secretary.

Section 2 - The Constitution and Bylaws and Breed Standard may be amended at any time provided that a copy of the proposed amendment(s) has been mailed via email or regular mail by the Corresponding Secretary to each voting members of the Club accompanied by a ballot on which the member may indicate a choice of for or against the amendment(s) to be made. The notice shall specify a date not less than thirty (30) days after the post-marked date of the mailing by which the ballots must be returned to the Independent Teller appointed by the Board.

Section 3 - The Constitution and Bylaws, as well as the Breed Standard, can only be amended by an affirmative vote of 50% plus one of those persons voting and returning valid ballots to the Independent teller.

Section 4 – The Independent Teller shall forward the results to the Corresponding Secretary within 15 days of the deadline date for receipt of the ballots. The Corresponding Secretary shall notify the entire membership of the results within 14 days of receipt of the ballot results from the Independent Teller.

Section 5 - No amendment(s) to the Constitution and Bylaws or the Breed Standard shall become effective until approved by the Board of Directors of the American Kennel Club.

ARTICLE XII-INTERPRETATION OF THE CONSTITUTION AND BYLAWS

The Board of Directors shall be the sole interpreter of the Club's Constitution and Bylaws.

ARTICLE XIII - OWNERSHIP OF DOGS

In the event a dog is owned by a partnership or by a kennel, composed of one or more owners, at least one member of said partnership or kennel must be a member of the Club before the dog is eligible to compete for Club Awards.

ARTICLE XIV - PARLIAMENTARY PROCEDURE

The Rules of Parliamentary Procedure contained in the most recent edition of "Robert's Rules of Order, Newly Revised" shall be the authority governing all meetings of the Club and of the Board of Directors. When this authority is not conclusive or is unclear the Board of Directors may call upon the American Institute of Parliamentarians for a resolution. Any resolution from these quarters, however, must always be subject to the existing laws of the State of incorporation and these Bylaws.

ARTICLE XV – DISSOLUTION

Section 1 – The Board of Directors may recommend the dissolution of the Club by an affirmative vote of 50% plus one 2/3 of the Board members present. This recommendation will be presented to the Membership for a vote. If dissolution is upheld by a 2/3 affirmative vote of the membership, the Board must follow the laws for dissolution of a non-profit corporation of the State of incorporation in place at the time of the recommendation.

Section 2 – In the event of the dissolution of the Club, other than for the purposes of reorganization whether voluntary or involuntary or by the operation of law, none of the property of the Club nor any proceeds thereof nor any assets of the Club shall be distributed to any member(s) of the Club, but, after payment of the debts of the Club, its property and assets shall be given to a charitable organization for the benefit of dogs selected by the Board of Directors.

Presented to ACTFA Board at January 2016 meeting
By Joan Murko and Dennis Loy, CBL Committee
REVISED 11-28-2016

CBL Amendments/Approvals:
July 2007
October 2013

AKC approval of these ACTFA Constitution and ByLaws – January 2017.