



UKC[®] HEARING PROCEDURE FORM

Club: _____ Date: _____

Hearing Location Address: _____

Name of Accused: _____

Each step must be initialed by the Hearing Committee Chairperson

THE HEARING

▶ **Step 1.** _____ (initial)

The Hearing Committee Chairperson (hereinafter referred to as Chairperson) shall introduce themselves and the other members of the Hearing Committee.

Hearing Committee Chairperson: _____

Hearing Committee Member: _____

Hearing Committee Member: _____

▶ **Step 2.** _____ (initial)

The Chairperson shall designate a member of the Hearing Committee to keep a written record of the proceedings. The Record Keeper will also be responsible for completing this Hearing Form.

Designated Record Keeper Name: _____

▶ **Step 3.** _____ (initial)

The Chairperson will advise the accused of the specifics of the complaint, and also of the following:

1. The accused may be present during the testimony of all witnesses;
2. The accused may question all witnesses;
3. The accused may present witnesses on their behalf;
4. The accused may testify on their behalf.

The Accused was informed of the subject of this hearing, regarding the following alleged misconduct:

▶ **Step 4.** _____ (initial)

The Chairperson will introduce and swear in¹ the complainant (if present) and witnesses in support of the complaint². Each will, in turn, present their testimony, followed by questions by the accused, and then any questions from the Hearing Committee. Each witness will present their testimony individually, and when finished, will be excused from the hearing.

¹ If a witness is unwilling because of religious or other beliefs to take the traditional oath (Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?), then the following affirmation shall be offered: "Do you promise to tell the truth, the whole truth, and nothing but the truth?"

² If the complainant or a witness is unable to attend in person, they may testify via telephone if a speakerphone is available. Clubs shall make a reasonable effort to provide a speakerphone where a witness is willing to testify but cannot because of distance or other compelling reason. In the alternative, the complainant or witness may make a signed, written statement to be read aloud at the hearing. The accused may not testify via telephone.

► **Step 5.** _____ (initial)

The Chairperson will introduce and swear in¹ the accused (if present)* and witnesses in support of the complaint². Each will, in turn, present their testimony, followed by questions by the accused and/or complainant, and then any questions from the Hearing Committee. Each witness will present their testimony individually, and when finished, will be excused from the hearing.

Name of Accused: _____ Present? Yes No

Summary of Testimony: _____

► **Step 6.** _____ (initial)

Name of Witness: _____

Manner of Testimony (Check One) In Person Speakerphone Written Statement

Summary of Testimony: _____

Name of Witness: _____

Manner of Testimony (Check One) In Person Speakerphone Written Statement

Summary of Testimony: _____

► **Step 7.** _____ (initial)

At the conclusion of all testimony, the accused may present a final statement in response to the complaint. If the accused cannot attend the hearing due to distance or other compelling reason that satisfies the Hearing Committee, they may submit a signed, written response to the complaint to be used at this stage of the hearing.*

**If the accused is not present, and a written response to the complaint is used, please attach the written statement to the hearing form.*

► **Step 8.** _____ (initial)

The Chairperson will then excuse the complainant, witnesses, and the accused to deliberate and make findings.

¹ If a witness is unwilling because of religious or other beliefs to take the traditional oath (Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?), then the following affirmation shall be offered: "Do you promise to tell the truth, the whole truth, and nothing but the truth?"

² If the complainant or a witness is unable to attend in person, they may testify via telephone if a speakerphone is available. Clubs shall make a reasonable effort to provide a speakerphone where a witness is willing to testify but cannot because of distance or other compelling reason. In the alternative, the complainant or witness may make a signed, written statement to be read aloud at the hearing. These options are available for the complainant and witnesses only, not the accused.

▶ **Step 9.** _____ (*initial*)

The evidentiary standard for findings is that of a preponderance of the evidence³. A simple majority is sufficient to make findings and a decision. In coming to a decision, the Committee may not consider the respondent's general reputation or status in the sport of purebred dogs, prior acts of misconduct for which no disciplinary action was taken, nor the extent of the respondent's investment in dogs. The sole consideration must be the specific instance of misconduct with which the respondent is charged.

▶ **Step 10.** _____ (*initial*)

To come to a decision, the Committee must decide:

- a. Whether the alleged misconduct was proven to have occurred; Yes No
- b. Whether the alleged misconduct was prejudicial to the sport of purebred dogs⁴; Yes No
- c. Whether the alleged misconduct occurred in conjunction with a UKC event; Yes No

Decision (check one):

- 1. The Committee found that all three of the elements necessary were not proven and recommends the allegations be dismissed.
- 2. The Committee found that all three of the elements necessary were proven and recommends to UKC that disciplinary action be taken against the accused.

▶ **Step 11.** _____ (*initial*)

Once the Committee reaches a decision, the Chairperson will call the accused back to notify them of the findings of the Committee.

▶ **Step 12.** _____ (*initial*)

Within 10 days of the hearing, the Chairperson must forward this Hearing Form and any attachments, such as written statements, to: United Kennel Club, 100 E Kilgore Rd, Kalamazoo, MI 49002.

Signature, Hearing Committee Chairperson

Signature, Record Keeper

Signature, Hearing Committee Member

³If the amount of evidence needed to be absolutely certain of a fact is equal to 100%, then a preponderance is equal to 51%. In other words, the evidence must be sufficient to convince the members of the Hearing Committee that the fact asserted is more probably true than not true.

⁴Prejudicial to the sport of purebred dogs is that which could cause an average, reasonable person or family to be offended or potentially repelled from the sport of purebred dogs; i.e., conduct incompatible with a family friendly environment.

Complainant Name: _____

Manner of Testimony (check one): In Person Speakerphone Written Statement

Summary of Testimony: _____

Witness Name: _____

Manner of Testimony (check one): In Person Speakerphone Written Statement

Summary of Testimony: _____

Witness Name: _____

Manner of Testimony (check one): In Person Speakerphone Written Statement

Summary of Testimony: _____

Witness Name: _____

Manner of Testimony (check one): In Person Speakerphone Written Statement

Summary of Testimony: _____

(Make copies of this page for additional witnesses)