

# **AMERICAN COCKER SPANIEL CLUB OF CANADA**

## **Constitution and By-Laws July 2021**

### **Preamble:**

The American Cocker Spaniel Club exists to promote and advance the breed and future of purebred American Cocker Spaniels. The Club maintains a standard of excellence for the guidance of all its members and promotes the education of judges and the public at large. The Club is inclusive and welcomes members from all parts of the country representing all ages, ethnicities, genders and backgrounds. Members treat each other with respect and dignity. The Club also supports and encourages its members to participate in a wide variety of formal and informal activities and sports that show and promote the versatility of the breed to the public at large.

## **CONSTITUTION**

### **Article I**

#### **Name**

The name of this club shall be the American Cocker Spaniel Club of Canada hereinafter referred to as the Club.

### **Article II**

#### **Objective**

The object of the Club shall be promotion, preservation and advancement of the American Cocker Spaniel and the recognition of the achievements of its members and their dogs.

### **Article III**

#### **Area of Operation**

The area of operation shall be all of Canada.

### **Article IV**

#### **Amendments**

Proposed changes, amendments or alterations in this Constitution or By-laws must be sent to all members electronically and/or by regular mail by the Club's Secretary. To bring about a change in the Constitution and/or By-Laws, two-thirds of the Ordinary Members must vote. Any changes, amendments or alterations require acceptance by 50 per cent of that vote plus one member.

### **Article V**

#### **Authority**

The parliamentary authority for this club shall be Roberts Rules of Order, current edition.

# AMERICAN COCKER SPANIEL CLUB OF CANADA - BY-LAWS

## 1.MEMBERSHIP

### 1.1

Membership in the club shall be open to any individual who supports the objectives of the Club and adheres to the Club's Code of Ethics. They must own or have owned or co-owned an American Cocker Spaniel.

### 1.2

Candidates for membership must be sponsored by one Ordinary member of the Club in good standing. Each candidate shall apply using a current application form. The candidate must agree to abide by the Club's Constitution, Bylaws and Code of Ethics and rules of the Canadian Kennel Club.

All applications shall be forwarded, first, to the Director for their comments and/or recommendation.

Applications will then be posted electronically and published in the Club's newsletter. Members will have 30 days to comment or raise objections. If objections are received, they will be referred to the Executive for investigation. Any applicant who is rejected must be provided with a written explanation.

Once an applicant is accepted, they will be given details on how to pay their membership fee. The fee must be paid within 30 days. Termination of membership may occur due to resignation, failure to renew, expulsion by the Club or if the member is suspended or expelled by the Canadian Kennel Club.

### 1.3

Final acceptance to membership shall be on a non-secret ballot and shall rest with the members present at any regular meeting of the Club and based on a simple majority.

### 1.4

The membership shall be the calendar year.

### 1.5

Ordinary (voting) members shall be those members who have renewed and paid their membership for the current year.

### 1.6

Associate members shall participate in all club activities but will not have the right to vote until they become Ordinary members upon their first renewal of membership.

### 1.7

Membership dues shall be due on the 1st of January each year for the ensuing year. If they are not paid by January 31, the membership shall be deemed to have been terminated.

It shall be the duty of the Secretary to prepare and send out a notice of annual renewal or arrange for such notice to be published in the Club's publication.

Membership fees shall be decided by a majority vote at a regular meeting.

Any proposed changes to membership fees shall be sent to all members prior to the regular meeting.

New membership fees shall commence upon acceptance into the club.

Those becoming members after October 1 of any year shall pay a full year's dues. Such dues will run until December 31<sup>st</sup> of the following year.

Only those members who have renewed their membership and paid their fee for the coming year will be eligible to vote in Club elections.

### 1.8

All complaints or charges against any club member that allege non-compliance with the Code of Ethics must be submitted in writing and sent electronically and/or by Registered Mail to the Board of Directors, in care of the Club Secretary.

Complaints or charges against any Club member will only be considered if accompanied by a detailed affidavit, including the name of the individual or kennel accused in the complaint, an accurate chronological description of the alleged offence, a list of substantiating witnesses to the alleged offence, and a deposit of \$75.00 The deposit will be returned if the complaint or charge is sustained. When such a complaint or charge fails to be substantiated, the deposit is forfeited and placed into the club funds.

### 1.9

A Discipline/Appeal committee will be made of three ordinary members chosen by the Executive. Prospective members will be asked to apply to serve on the committee. Only one member of the

Executive will be allowed on the committee. The committee shall be appointed following the Election and serve for two years.

#### **1.10**

Any member who is suspended from the privileges of the Canadian Kennel Club shall be automatically suspended from the privileges of the club for a similar period.

Upon receipt of the complaint or charge, the Secretary shall promptly send a copy of the charges to the Discipline Committee for investigation.

The Discipline Committee shall first consider whether the actions alleged in the charges, if proven, might constitute conduct prejudicial to the best interests of the Club.

If the Discipline Committee considers the charges do not allege conduct which would be prejudicial to the best interests of the club and breed, it may refuse to entertain jurisdiction.

If the Discipline Committee entertains jurisdiction of the charges, it shall fix a date of hearing by the committee, not more than six weeks thereafter.

The Secretary shall promptly send one copy of the charges to the accused member by Registered Mail, together with a notice of the hearing and an assurance that the defendant may personally appear in their own defense and bring witnesses.

#### **1.11**

After hearing all the evidence and testimony presented by the complainant and the defendant, should the charge be upheld, the Committee may, by a majority vote, penalize the defendant by reprimand or suspend the defendant from all privileges of the club for not more than six months from the date of the hearing.

If the Discipline Committee deems that punishment insufficient, it may also recommend to the membership that the member be expelled.

Immediately after the Committee has reached a decision, its findings shall be put in written form and filed with the Secretary. The Secretary, in turn, shall notify each of the parties of the decision and the penalty, if any.

Any person reprimanded, assessed an administrative fee, suspended, or expelled shall have the right to appeal within 30 days of receipt of the Secretary's letter. The decision shall be published in the Club's newsletter.

#### **1.12**

Expulsion, when imposed, shall terminate membership permanently.

Suspension, when imposed, deprives the member of the privileges of the club for the period ordered.

## **2.ORGANIZATION**

### **2.1**

#### **Officers**

The officers of the club shall consist of a President, Vice President, Secretary and Treasurer.

### **2.2**

#### **Directors**

There shall be a director for British Columbia, Alberta, Saskatchewan, Manitoba, Northern Ontario, Southern Ontario, Quebec, New Brunswick and PEI, Nova Scotia, Newfoundland and Labrador.

Directors must reside in the area they represent. If the need arises, additional directors can be appointed for NWT, Nunavut and Yukon.

### **2.3**

#### **Committees**

The Board may appoint Committees as required. The appointees will serve on these committees until the next election.

### **2.4.1**

#### **Duties of the Officers**

The President, Vice-President, Secretary and Treasurer must be residents of Canada and must be members in good standing with the Canadian Kennel Club.

## **2.4.2**

### **President**

The President shall be chair at all club meetings. The President shall be ex-officio (non-voting) member of all club committees but shall have full voting privileges as an ordinary member at all club meetings.

The President shall call a minimum of four general meetings per year.

One meeting shall be held in February each year. The meeting shall be considered the Annual General Meeting.

The election meeting, held every second year, will be held in February immediately following the Annual Meeting.

One meeting shall be held in conjunction with the National Specialty

## **2.4.3**

### **Vice President**

Shall act as President should the President be unable to fulfill their duties.

## **2.4.4**

### **Secretary**

The Secretary shall keep records of all club meetings and maintain a copy of all Club records, standing resolutions and papers.

The Secretary shall arrange for publication of all meeting dates a minimum of 15 days before such meetings.

The Secretary shall relay all correspondence and record the minutes of all regular, special and executive meetings.

The Secretary will maintain a list of those members who are entitled to club privileges and keep a record of attendance at all meetings.

The Secretary will keep a record of attendance at all meetings and maintain a list of members who are entitled to club privileges.

The Secretary will renew, annually, Recognition of the Club by forwarding the appropriate fee, and the names and offices held by the elected representatives and a copy of any changes to the Constitution and By-Laws of the Club, to the Canadian Kennel Club.

## **2.4.5**

### **Treasurer**

The Treasurer will have charge of all financial records and all monies belonging to the club. These monies shall be held in the Club's Bank Account.

The Treasurer (or designate) shall present a report on the Club's finances at each meeting.

There shall be four signing officers: President, Vice President, Secretary and Treasurer.

All cheques shall be signed by two of the signing officers.

The Treasurer will also present a written financial statement at the Annual General Meeting.

The Treasurer shall maintain responsibility for all new member applications and provide new members with the necessary Club documents. The Treasurer will also provide regular membership reports to the Board of Directors.

## **2.5**

### **Board of Directors**

The Board of Directors shall consist of the officers of the club: The President, the Vice President, the Secretary and Treasurer.

Officers and Directors shall avoid conflicts of interest in the performance of their duties and shall recuse themselves from any deliberations and votes in which they have a personal interest.

## **2.6**

### **Directors**

Directors are responsible for promoting the American Cocker Spaniel breed and the club within their region. This includes but is not limited to providing information to the public on the breed, referrals for puppies and ensuring the dissemination of accurate information about the breed in public forums.

Directors are responsible for coordinating and disseminating information to all members in their regions.

Directors will notify their members and will meet at least four times with their members each year. These can be held electronically, in conjunction with local and/or regional dog shows or in an informal setting.

Issues of concern should be raised at these meetings and forwarded to the Club Executive with recommendations for consideration. They shall provide news and information for each edition of the Club's newsletter.

Reasonable costs, supported by receipts, incurred in carrying out these responsibilities shall be reimbursed.

Expenses incurred in organizing a Regional Booster or Specialty shall be covered by the committee set up to organize the event.

Where there is a disagreement concerning expenses, a Director can request, in writing, a review by a committee of the Executive. The committee will consist of the President, Treasurer and one other provincial Director. The committee shall review the matter promptly.

### **3. GENERAL MEETINGS**

#### **3.1**

##### **Regular Meetings**

There shall be a minimum of four regular meetings per year, which shall include one in February and one at the National Specialty.

Meetings can be held electronically or in person.

Special meetings may be called by the Executive committee any time or on the written application of six ordinary members. Such meetings shall be held within 25 days of that written application.

At all meetings, four Ordinary members shall constitute a quorum.

#### **3.2**

##### **Annual Meeting**

The Annual General Meeting shall be held in February in conjunction with the first scheduled meeting of each calendar year.

#### **3.3**

##### **Election Meeting**

The Election meeting shall be held following the Annual Meeting in February every second year.

### **4. Nominations & Elections**

#### **4.1**

##### **Nominating Committee**

The board shall select a National Nominating Committee consisting of three members, only one of whom can be a member of the Executive.

The committee will appoint a chair and an election officer.

The names of the Nominating Committee shall be sent to all members three months prior to the election.

Members are invited to send nominations to the chair of the Nominating committee.

No member of the Nominating Committee may be a candidate for any office for which the election is being held.

#### **4.2**

##### **Nominations**

Nominations shall be in writing and filed with the chair of the Nominating Committee at least 45 days prior to election day.

No person may be nominated for more than one office. The chair of the Nominating Committee shall post the list of the nominations and positions at that time.

Nominees may send resumes and information to all members.

#### **4.3**

##### **Eligibility**

Only Ordinary members will be eligible to hold an elected office.

Ordinary members shall have paid their renewal fees and be in good standing to be eligible to vote.

Members of the Executive (President, Vice President, Secretary, Treasurer) must be members of the Canadian Kennel Club in good standing.

The office of President and Vice President may not be held by the same officer for more than two consecutive terms.

Nothing here-in shall deem an officer ineligible to seek election to another office.

#### **4.4**

##### **The Vote**

Voting shall be by secret ballot.

Ballots will be mailed and/or sent electronically to all eligible members at least 30 days prior to Election Day.

Only members living in their own region can vote to elect their Regional Director.

Eligible voters can choose to cast their ballots electronically or send them in by conventional mail.

Voting by proxy is not permitted.

#### **4.5**

##### **Tabulation**

All ballots will be collected and sent to the appointed election officer.

Ballots will not be counted until the February election meeting where they will be counted by three Ordinary members who are not on the ballot.

#### **4.6**

##### **Replacement of Elected Officials**

If the President vacates their office during their term, the Vice President will take over for the remainder of the term.

If any other office is vacated, or not filled at election time, it shall be filled by appointees selected by the Board.

All officials shall serve until the following election.

## **5. FINANCE**

#### **5.1**

##### **Financial Year**

The financial year of the Club shall be the calendar year.

#### **5.2**

**Financial Review** The Club's financial records shall be reviewed at the end of each year by an individual with a good knowledge of proper bookkeeping requirements.

This person will be appointed by the board following the Election Meeting every second year.

In the event the person serving as Treasurer changes during the term of office, the Club's financial records will be reviewed in the same manner as above.

#### **5.3**

##### **Committees**

The executive shall have the authority to create and dissolve Special Committees as it deems necessary to carry out the Club's functions.

Any records created or held by a Special Committee shall be turned over to the Secretary upon dissolution of the Special Committee.

All committees shall keep records of expenditures backed by receipts.

#### **5.4**

##### **Directors**

All directors must keep records of expenditures backed by receipts.

All records are to be kept on file as references for the future.

Directors are responsible for overseeing all monies raised and expended in their area in the name of the club.

They shall provide a report on their finances at each Annual Meeting.

#### **5.6**

##### **Dissolution**

The Club may be dissolved at any time by providing to The Canadian Kennel Club written documentation signed and agreed to by at least two-thirds of the members of the Club.

In the event of the dissolution of the Club, other than for purposes of reorganization, whether voluntary or involuntary or by 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 members of the Club.

After payment of the debts of the Club, its property and assets shall be given to a charitable organization for the benefit of dogs as selected by the Board of Directors.

## **6. Amendments to the Constitution, By-Laws and Breed Standard**

### **6.1**

Amendments, changes or alterations to the Constitution and/or By-Laws may be proposed by the Executive and/or a committee by a written petition addressed to the Secretary. It must be signed by 20 percent of the Ordinary members in good standing.

### **6.2**

Amendments to the Constitution, By-Laws or Breed Standard must be published in the Club newsletter and/or posted electronically for comment from members.

### **6.3**

Any written comments to the proposed amendments shall be sent to the Secretary no later than 30 days after being published in the Club newsletter and posted electronically.

### **6.4**

Amendments to the Constitution, By-Laws or Breed Standard that have been brought forward and published shall be raised for debate at two meetings.

### **6.5**

A ballot outlining the proposed amendments to the Constitution and/or By-Laws or shall be sent by the Secretary to each Ordinary member in good standing. Ballots must be returned within 30 days.

### **6.6**

Amendments, changes and/or alterations to the Breed Standard shall be voted on only by Ordinary Members of the Club who are in good standing.

### **6.7**

A vote by two-thirds of all Ordinary members shall be required to amend the Constitution, By-Laws and/or Breed Standard. Any change requires acceptance by 50 per cent of that vote plus one member