



*Member of the World Cat Congress*

# **New Zealand Cat Fancy Inc.**

## **Disputes and Discipline**

# Amendment Summary

**01 Jan 16**

Reissued with new content and formatting.

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## Amendment Process

- 0.1 Suggestions for minor amendments (minor errors or omissions which do not affect the intent) are welcome and may be submitted to the Executive Council Secretary. These will usually be incorporated the next time the page is reissued.
- 0.2 Proposals for significant amendments should also be submitted to the Executive Council Secretary but will require a process of assessment and approval prior to incorporation.

# Contents

- 1. Introduction ..... 4**
- 2. Conflicts of Interest..... 4**
- 3. Discipline ..... 4**
- 4. Complaints ..... 5**
  - Process..... 5
  - Grounds for Complaints..... 6
  - Procedure..... 6
- 5. Appeals ..... 8**
  - Process..... 8
  - Grounds for Appeal..... 8
  - Procedure..... 9
- 6. Review..... 9**
  
- Annex A**
- Complaints Process Flow Chart ..... 10**

# 1. Introduction

**Note:** Complaints and disciplinary action may involve one person (an individual) or a group of people (e.g., joint prefix holders, affiliated clubs, etc). The terms 'person', 'member', 'complainant', and 'defendant' in this document should be assumed to also apply to the applicable plural.

- 1.1 The NZCF:
  - a. shall only hear complaints relating to breaches of NZCF rules and/or codes of conduct,
  - b. shall only deal with complaints concerning members of the NZCF, and
  - c. will not take any action on any complaint where there is a legal dispute or where court action is necessary to resolve it.
- 1.2 In the event of a member being convicted in a court of a crime relating to their activities within the club or whilst on club business or representing the club or behaviour in the opinion of the NZCF is discreditable or prejudicial in the interest of the feline world, or serious fraudulent behaviour unrelated to the feline world where it is appropriate that penalties be imposed, the NZCF shall be entitled to terminate the member's membership without invoking any other disciplinary procedures.
- 1.3 At all times the NZCF Codes of Conduct shall apply.

## 2. Conflicts of Interest

- 2.1 If the Complaints Co-ordinator or any member of the Executive Council of the NZCF or of the hearings committees has an interest in any particular complaint or disciplinary matter, they must declare this interest and shall take no part in any of the procedures.
- 2.2 Failure to declare an interest shall leave that person liable for disciplinary procedure.

## 3. Discipline

- 3.1 The NZCF shall have the following disciplinary powers:
  - a. The issue of reprimands.
  - b. The imposition of fines.
  - c. The withdrawal of the member's breeding prefix, or the suspension of the member's prefix for as long as may be deemed to be appropriate.

- d. The suspension of any member or non-member from taking part in or having any connection with or attending any show.
- e. The suspension of any person from taking part in the management of any show.
- f. The suspension of any person from acting as an officer or official of the NZCF.
- g. The suspension from competition of all cats owned or registered in the name of any member against whom a complaint is proved.
- h. The disqualification from registration or competition of all or any cats and all or any of the progeny of any such cats owned by any person or owned or registered by them jointly with any other or others or owned or registered in the name of a nominee.
- i. To add to, delete from, or amend any detail on NZCF pedigree registers.
- j. Remove or suspend any person who, after a fair and impartial hearing, shall be found guilty of violating any rules of the NZCF or conduct detrimental to the NZCF.
- k. Communicating the outcome of complaints to other registering bodies.

## 4. Complaints

### Process

- 4.1 The complaint against any member or officer must be made in writing by the person making the charges and directed to the Executive Council Secretary.
- 4.2 The written complaint must contain sufficient documentation to determine the validity of the complaint; full details of the place, date and time, the nature of the rule breach and the person involved.
- 4.3 The fees as laid out in the complaint lodgement fees below, must accompany the complaint. All fees are inclusive of GST.
  - a. The lodgement of a complaint not requiring a mediator; as per NZCF Schedule of Fees.
  - b. A complaint by the NZCF acting through the Executive Council Chairman; no fee.
  - c. The lodging of an appeal; as per NZCF Schedule of Fees.
  - d. Where a complaint is made by a person who is not a member of the NZCF, the fees are not required.
- 4.4 The written complaint must contain information on how to contact all relevant witnesses.
- 4.5 The person making the complaint shall be prepared to present facts supporting their allegations.

## Grounds for Complaints

- 4.6 A complaint may be laid against any member or affiliated club who:
- a. is in breach of any rule or bylaw or Codes of Conduct of the NZCF;
  - b. acts in a manner which is or which may be discreditable or prejudicial, or calculated to be prejudicial to the interests of the feline world;
  - c. judges at or in any way officiates at an unsanctioned cat show;
  - d. does any improper act connected with the administration or operation of the NZCF;
  - e. is convicted by a court or enters into a police diversion scheme in respect of any of the offences specified in para 1.2; or
  - f. acts as the nominee or agent of a banned person with the intention of avoiding any penalties imposed upon the banned person.

## Procedure

- 4.7 On receipt of a complaint against a member the Executive Council Secretary shall:
- a. inform the Complaints Co-ordinator immediately that a complaint has been received, and
  - b. contact the complainant within 7 days of receipt and discuss with them the option of in-house resolution.
- 4.8 A complaint arising directly from the Executive Council of the NZCF shall be passed by the Executive Council Secretary to the Complaints Co-ordinator.
- 4.9 The complaint shall be brought to the next meeting of the Executive Council of the NZCF for consideration except that if the Executive Council of the NZCF is the defendant in the complaint the complaint shall be passed to the NZCF Complaints Co-ordinator.
- 4.10 If the Executive Council of the NZCF finds there is a prima facie case to answer the complaint shall be passed to the NZCF Complaints Co-ordinator. Where there is no prima facie case the complaint will be dismissed.
- 4.11 The Complaints Co-ordinator shall act as secretary in all matters pertaining to the disciplinary process. For continuity and to give guidance on any technicalities previously discussed he/she will sit on all convened hearings committees in a non-voting, advisory capacity.
- 4.12 The Complaints Co-ordinator shall be responsible for fully investigating the complaint. He/she shall contact the person or persons against whom the complaint has been made and offer that person an opportunity for an explanation and/or resolution.
- 4.13 The Complaints Co-ordinator may, if he/she requires, appoint up to two more people to assist in the disciplinary procedure.

- 4.14 If the Complaints Co-ordinator agrees that there is a case to answer, or if the Executive Council of the NZCF is the defendant in the complaint, the Executive Council of the NZCF will offer the complainant a hearing.
- 4.15 If the Complaints Co-ordinator decides that there is no case to answer he/she will dismiss the complaint and all parties will be notified.
- 4.16 Where any member of the NZCF by their own admission admits that they have breached a rule or regulation or is convicted by a court or enters into a police diversion scheme in respect of any of the offences specified in para 1.2, the Executive Council may upon giving 28 days written notice and with the consent of the member concerned impose a penalty upon that member by consent without further process. In such case the Executive Council will order that no report of the matter be published in the official journal of the NZCF unless there is good reason to do so.
- 4.17 The Executive Council of the NZCF shall appoint a Complaints Committee of three people to hear the case.
- 4.18 Notice of a hearing shall be given no less than 28 days in advance of the date set. Both the complainant and defendant shall be invited to attend the hearing. Every attempt shall be made to find a date which is acceptable to all concerned but if the defendant is unable to attend up to three offered dates, the hearing will take place in their absence. At the discretion of the Complaints Committee attendance via a reliable audio link (phone, video calls, etc) may be accepted.
- 4.19 The NZCF may be represented at any hearing by the Executive Council Chairman or any other person appointed by the Executive Council as a non-participating observer.
- 4.20 The deliberations of the Complaints Committee are not open to the public.
- 4.21 The complainant or defendant may send a representative in their stead. If either party wishes to have legal representation, this must be at the party's own expense and must be notified 14 days in advance of the hearing.
- 4.22 The defendant has the statutory right to be accompanied by a support person where the disciplinary meeting could result in:
- a. a formal warning being issued, or
  - b. the taking of some other disciplinary action, e.g., suspension or expulsion.
- 4.23 The support person does **not**, however have the right to answer questions on the defendant's behalf nor prevent the Complaints Committee from presenting its case.
- 4.24 Any witness to be called must be given a minimum of 28 days notice of the date of the hearing.
- 4.25 The costs of the hearing which shall be borne by the NZCF may include the hire of a suitable room and the reasonable travel expenses and refreshments of the members of the Complaints Committee. No other costs may be claimed without the prior written agreement of the Executive Council of the NZCF.
- 4.26 Where the Complaints Committee finds a complaint proved it shall recommend to the

Executive Council of the NZCF a punishment which it finds appropriate. The Complaints Committee may also recommend that the costs of the hearing are awarded against whichever party is found to be at fault.

- 4.27 The Executive Council of the NZCF shall then consider the recommendations of the Complaints Committee and the complainant and defendant will be notified of their decision in writing within 7 days of the hearing.
- 4.28 Where the Executive Council was the defendant in the complaint the Complaints Committee shall award punishments and costs and advise the Executive Council of the NZCF of its decision. The Executive Council will notify the complainant of the decision in writing within 7 days of the hearing.
- 4.29 Unless otherwise directed by the Executive Council the imposition of all penalties shall be suspended upon application of a valid appeal until such time as the appeal is heard.

## 5. Appeals

### Process

- 5.1 If a defendant feels that a decision or disciplinary action is wrong or unjust they can appeal against the decision. An appeal must be lodged with the Executive Council Secretary within 21 days of the date of the decision.
- 5.2 The Executive Council of the NZCF shall then offer the person an appeal hearing.
- 5.3 The Executive Council of the NZCF shall appoint an Appeals Committee of three people to hear the case. The Appeals Committee must not have sat on the Complaints Committee of the original hearing.
- 5.4 The Appeals Committee may:
- a. determine that no prima facie grounds for an appeal exist and dismiss the appeal, or
  - b. allow the appeal and order a rehearing.
- 5.5 If the matter is referred for a hearing the Appeals Committee may order that the hearing be conducted by way of written submissions only.
- 5.6 Any suspension imposed as a result of a Complaints Committee hearing shall remain in force until such time as the Appeals Committee has made its decision.
- 5.7 The decision by the Appeals Committee shall be final and binding on all parties.

### Grounds for Appeal

- 5.8 The hearing of the complaint did not observe these rules or rules of natural justice and the result was a miscarriage of justice prejudicial to the appellant.

- 5.9 New evidence has become available that was not available at the date of the hearing and it, if considered, would have materially affected the outcome of the hearing.

## **Procedure**

- 5.10 Notice of an Appeals Hearing shall be given to all concerned parties no less than 28 days in advance of the date set. Both the complainant and defendant shall be invited to attend the hearing. Every attempt shall be made to find a date which is acceptable to all concerned but if unable to attend up to three offered dates, the hearing will take place in their absence.
- 5.11 The defendant has the statutory right to be accompanied by a support person.
- 5.12 The deliberations of the Appeals Committee are not open to the public.
- 5.13 Any witness to be called must be given a minimum of 28 days notice of the date of the hearing.
- 5.14 The costs of the Appeals Hearing which will be borne by the NZCF shall include the hire of a suitable room and the reasonable travel expenses and refreshments of the members of the Appeals Committee. No other costs may be claimed without the prior written agreement of the Executive Council of the NZCF. The Appeals Committee may award costs of the hearing against whichever party is found to be at fault.
- 5.15 The Appeals Committee will advise the Executive Council Secretary of the NZCF if the original decision has been upheld or of their decision and any punishment which it finds appropriate. The findings of the Appeals Committee will be binding on all parties and no further appeals will be allowed.
- 5.16 The complainant and defendant will be notified of the decision in writing within 7 days of the Appeals Hearing.

## **6. Review**

- 6.1 This process will be reviewed at the last Executive Council meeting of 2016.

# Annex A

## Complaints Process Flow Chart

**Note:** The following flow chart gives **only** a pictorial overview of the complaints process. The final authority for the procedure is always the main document.





