

Jagdgebrauchshundverband e.V.

Disciplinary Regulations

as adopted by the General Meeting on March 23th, 1997;
revised by the General Meeting 2004;
most recently revised by the General Meeting 2013

Disciplinary Regulations are applied in formal proceedings when the Association's interests, as represented in its By-laws and Regulations, have been violated, and action is taken for the violation.

Acts subject to disciplinary action are listed in Part 1, including the action to be taken. The regulations of the German Penal Code (*StGB*) apply to Part 1; the German Rules on Criminal Proceedings and the German Law on the Constitution of Courts apply accordingly to Part 2, notwithstanding other stipulations in these Regulations.

Disciplinary Regulations, Part 1

§ 1 Parties

Proceedings are permissible against individuals of Association member clubs which have made the JGHV By-Laws and Regulations legally binding upon their members, and against Officers of the Association, Association Judges and Apprentice Judges (Parties).

§ 2 Acts Subject to Disciplinary Action

Any of the following acts are punishable:

1. Violations of the By-Laws or damage to the interests of the Association;
2. When Judges or Apprentice Judges – both groups having an important exemplary function (see Regulations on Judgeship) - violate the duties inherent to an Association Judge. This is particularly the case when Animal Protection or Hunting Laws are violated during Association events, and Judges and Apprentice Judges present in an official capacity fail to reprimand such violation;
3. Violations during Association tests which are held in accordance with JGHV Regulations, held by its member clubs or held in accordance with the utility test regulation of one of the German States, when the violations are in nature contrary to the intention of the test and JGHV objectives;
4. Insults, slander or defamation of Association Officers in their official capacity;
5. Insults, slander or defamation of persons other than those listed in 4. above during hunting or hunting-related events.

§ 3 Disciplinary Action

The Disciplinary Committee is authorized to the following actions:

1. Reprimand/Warning;
2. To impose a condition/restrictions;
3. Monetary fine payable to JGHV, not to exceed € 500,-;
4. Permanent or temporary suspension as a handler from any and all Association test or tests of a member club;
5. Permanent or temporary loss of judge's or apprentice judge's position.

Multiple disciplinary actions can be combined.

Disciplinary Regulation, Part 2

§ 4 Disciplinary Committee

The Disciplinary Committee is comprised of two Panels (Panel 1 and Panel 2). Each Panel has one Chairperson and two Associates, Associate 1 and Associate 2.

§ 5 Case Assignments

- (1) The cases submitted for review by the Disciplinary Committee are assigned to one of the Panels on a rotating basis by date of receipt.
- (2) If the Chairperson of a Panel is unavailable, the Chairperson of the other Panel will act on his behalf. If one of the Associates is unavailable, his counterpart from the other Panel will act on his behalf.

§ 6 Conflict of Interest

- (1) § 22 through 30 of the German Rules on Criminal Proceedings apply accordingly, notwithstanding other stipulations in these Regulations.
- (2) If a Panel Chairperson has a conflict of interest, the Chairperson of the other Panel will act on his behalf. If one of the Associates has a conflict of interest, his counterpart of the other Panel will act on his behalf.
- (3) If one of the Associates of the Panel which has been assigned to the case is challenged in writing outside the hearing of the case, the unchallenged members of the Panel will decide on the challenge. If the Chairperson of the Panel is challenged, the Panel Associates together with the Chairperson of the other Panel as lead person will decide on the challenge.
- (4) Conflict of interest motions may only be submitted during the hearing if the alleged conflict arises from the hearing itself or when it can be credibly presented that an earlier motion was not possible. Motions submitted during the hearing are decided by the unchallenged Panel members. The Panel members' decision is final.

- (5) Decisions on conflict of interest motions that have been filed outside of the hearing must always be in writing and are final.

§ 7 The Proceedings

- (1) The Proceedings are divided into Preparatory Proceedings and Main/Primary Proceedings.
- (2) Preliminary Proceedings are governed in § 15 below.

§ 8 Preparatory Proceedings

- (1) The person with knowledge of the act and offender must promptly submit the motion to initiate proceedings in writing to the JGHV Business Office. The motion must detail the facts and the evidence.
- (2) The Business Office records the motion, assigns a case number (in running order with year in which it was received) and reviews whether the person named in the motion is an individual member of one of the member clubs and whether this member club has made the JGHV Disciplinary Regulations binding on its members. The Business Office submits the case to the Association Legal Counsel within 2 weeks.
- (3) The Legal Counsel reviews whether the motion is permissible and all requirements are met. Where necessary, he will amend the motion with supplementary documentation within 3 months. Legal Counsel initiates the necessary investigations. In ascertaining the facts, he can rely on trustworthy persons with knowledge of the locale and the subject matter to take charge of the investigation on his behalf – where on-site inspections are necessary.
- (4) In the event that the Legal Counsel learns of violations as defined by § 2 above from other sources, he will initiate proceedings, has the case recorded in the JGHV Business Office and begins the necessary investigation.
- (5) Within 2 weeks after completing his investigation, the Legal Counsel will inform the person under investigation of the proceedings. If the Legal Counsel deems formal proceedings necessary, he will give the person under investigation the right to be heard if this has not yet been done.
After the necessary investigations have been concluded, the Legal Counsel submits the case and a motion summary in a format compliant with § 200 of the German Rules on Criminal Proceedings to the Chairperson of the assigned Panel of the Disciplinary Committee, or discontinues proceedings if the Chairperson agrees.
- (6) If the Chairperson finds that the facts of the case have not been sufficiently ascertained, he can request that the Legal Counsel provide additional material, or the Chairperson himself can investigate further.

§ 9 Legal Representation for the Person under Investigation

- (1) The party under investigation can have legal representation at his own expense. He can use an attorney or an Association Judge who is current on the judges' list.
- (2) The Legal Counsel must present a power of attorney from the party under investigation.

§ 10 Case Dismissed after Preparatory Proceedings

The Chairman of the assigned Panel of the Disciplinary Committee can, in agreement with the Legal Counsel and the person under investigation, dismiss the case without a hearing if the accusation and the guilt of the person under investigation are minor; the person under investigation may receive a warning and/or conditions/restrictions or requirements be made. The person reporting the incident must be informed that the case has been dismissed and on what grounds.

§ 11 Main / Primary Proceedings

- (1) The Main Proceedings are conducted by written communication. When the facts of the case have been sufficiently ascertained, the person under investigation must have an opportunity to be heard again. The Chairman informs his Panel Associates of the person's statement and proposes a decision. The Associates must reply in writing within 10 days from the receipt of the Chairman's proposed decision.
- (2) If a unanimous or majority decision is reached with the participation of the Chairman, the Chairman formulates the decision in writing and submits it to the Associates. The Associates must reply in writing within 10 days from the receipt of the Chairman's written decision.
- (3) If a decision as described in (2) above is not reached, the Chairman must schedule a meeting with the Associates to facilitate a definitive decision. The decision can be by simple majority.
- (4) A decision that has been reached by the method described in (3) above, must be formulated in writing by the Chairman. Copies must be sent to the person under investigation and the Legal Counsel.
- (5) With the decision, the person under investigation must receive information on legal recourse and where to send the advance payment necessary to initiate the protest.

§ 12 Protest

- (1) The person under investigation or the Association have 2 weeks from the date on which they received the decision reached by method described in § 11 above to protest it. The Protest must be sent to the Chairman of the Panel requesting a hearing. A pending Protest will stay the execution of the decision.
- (2) If the person under investigation protests the decision, he/she must make an advance payment of Euro 1,500 for the hearing to be scheduled and held. The Protest is permissible if the required advance payment has been made within the 2 week deadline; see (1) above.

§ 13 Hearing

- (1) The hearing is held at the venue to be determined by the Chairman. The following parties are summoned: Legal counsel, the person under investigation and/or his/her authorized representative, as well as witnesses and expert witnesses when their testimony is required. Witnesses who are association judges, apprentice judges or JGHV expert witnesses, are obligated to attend the hearing.

- (2) The summons to the person under investigation must include that his/her protest will be rejected if he/she fails to show without notice.
- (3) The Legal Counsel reads the motion summary.
- (4) At this time, the person under investigation has the opportunity to speak, but is not required to speak.
- (5) If evidence exists and is presented, it must include any and all exhibits mentioned in the summary, unless the parties waive the presentation of evidence. New evidence must be described to the Chairman not later than one week prior to the scheduled hearing. Late motions for evidence are not permissible, unless the new evidence subject arises during the hearing, or it is credibly presented that it was impossible to submit the evidence motion in due time for the hearing. The Panel makes the final decision on late motions for evidence.
- (6) When additional witnesses are requested after the deadline, they will be summoned only if a correct mailing address is made available and if the summons can meet the deadline described in § 16 below.
- (7) After all the evidence has been presented, the Legal Counsel reads his motion for the disciplinary action and states the reasons therefore.
- (8) Then the person under investigation is heard.
- (9) Minutes of the hearing will be written. (see § 271 et seq. of the German Rules on Criminal Proceeding.)

§ 14 Decisions

- (1) If the facts of the case have been sufficiently ascertained during the hearing, the Panel starts deliberation and will afterwards announce its decision.
- (2) The decision by the Disciplinary Committee must be forwarded within 2 months to the party under investigation or his/her authorized representative in writing, and must contain the tenor and reasons for the decision. The written decision becomes effective when it has been signed by the Chairperson.
- (3) If the facts of the case could not sufficiently be ascertained during the hearing, and it is concluded that further evidence will likely aid in a definitive clarification of the matter, then the proceedings are adjourned. The Chairman must conduct the furthering investigation. The proceedings must be resumed within 2 months, but can be resumed later if the Legal Counsel and the party under investigation consent. § 229 et seq. of the German Rules on Criminal Proceedings do not apply here. Only the newly entered evidence will be discussed during the resumed proceedings.
- (4) If the Legal Counsel and the person under investigation agree, the decision can be reached by written procedure. In this case, all parties to the case must be advised in writing of the newly ascertained evidence. The person under investigation and the Legal Counsel are given the opportunity to send a written response within a given deadline. Late responses will not be considered.

- (5) The written decision will become effective when it has been signed by the Chairperson.
- (6) The decision must be sent with a subject title to the Business Office where it will be archived. The Business Office also initiates the publication of the decision in the official notification of the JGHV.

§ 15 Preliminary Proceedings

- (1) After receiving the motion summary, the Panel Chairperson reviews the motion and determines whether it may result in the expulsion of the person under investigation under § 3 (4 and 5). If expulsion is a possible outcome, the Chairperson can decide that the person's privileges as handler and/or Association Judge be restricted or suspended. The person under investigation must be informed of this decision in writing.
- (2) The person under investigation can protest the decision. The protest must be sent as a registered letter within 2 weeks from the receipt of the decision. The Panel has final decision over the protest. The protest does not effect a stay of the decision.
- (3) Der Beschluss ist spätestens 6 Monate nach seiner Bekanntgabe an den Beschuldigten aufzuheben, falls bis dahin keine Entscheidung des Disziplinarausschusses in der Hauptsache ergangen ist.
- (4) The Business Office must initiate publication of the decision and the rescinded decision in the official notification of the JGHV.

§ 16 Summons/Service of Summons

- (1) Summons are mailed by registered letter and must reach the recipient at least 2 weeks before the scheduled hearing.
- (2) If the person under investigation has authorized another to represent him, only his authorized representative will be served with a summons.

§ 17 Privacy Status of Case Files and Publication of the Decision

Case files are generally not made public.

The Legal Counsel or the Panel Chairperson can make the files available if the party seeking information has credibly substantiated his/her legal interest. A standard fee of Euro 12.00 is due for access to the files.

When a legally valid decision has been reached in disciplinary proceedings, the decision and its tenor must be published with a subject title in the official notification of the JGHV.

§ 18 Cost of Proceedings

- (1) The Decision by the Disciplinary Committee includes a cost settlement.
- (2) If the proceedings find the person under investigation guilty and disciplinary action is taken, the offender must pay the cost of the proceedings and his own expenses. If the proceedings end in an acquittal, JGHV must bear the costs.

- (3) If the case is dismissed, the Disciplinary Committee will distribute the costs using reasonable discretion.
- (4) If the proceedings reveal that the motion was submitted maliciously, the Panel may require that the person initiating the motion pay all costs and expenses.

§ 19 Reimbursement of Witnesses

The Business Director initiates reimbursement of the witness after he/she has been instructed by the Panel Chairperson. Witnesses are reimbursed following the same guideline as the one for members of the Executive Committee. Witnesses must be informed of the reimbursement guideline with the same letter as the summons.

If the testimony of an expert witness is required for the proceedings, he/she will be reimbursed in accordance with the German Law on Court Compensation and Reimbursement Guidelines (JVEG).

§ 20 Legal Recourse

- (1) The final decisions by the Disciplinary Committee can be appealed with the Association Court.
- (2) The written appeal must be via registered letter and received by the Chairperson of the decision-making Panel within 2 weeks from the announcement. Late appeals cannot be considered. The offender must be explicitly advised of this strict deadline when the decision of the Disciplinary Committee is announced. If the offender did not attend the hearing, the tenor of the decision and a description of available legal recourse must be sent to him/her via registered mail. The deadline in (1) above starts on the day of service.
- (3) The appeal must be substantiated in writing within one month from the service of the written decision. The substantiated appeal must be addressed to the Chairperson of the Panel which rendered the decision. Late appeals are not permissible and will be rejected.
- (4) When an appeal has been received in due time and is substantiated, the Panel Chairperson forwards the case file to the chairperson of the Association Court for final decision.
- (5) The Association Court Regulations apply to all further proceedings.

§ 21 Statute of Limitations

The deadline for opening disciplinary proceedings is 2 years, regardless of the date that the alleged offense became known. After 2 years, Disciplinary Proceedings are no longer permissible. § 78 et seq. of the German Criminal Code apply accordingly.

The Disciplinary Regulations will become effective on September 1st, 2013.

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