

**American Dairy Goat Association  
Constitution and By-Laws Committee  
Year-End Report  
September 1, 2003**

**Committee Chair: Elizabeth R. Henning**

**Committee Members:**

**Paul Sybertz  
David Funk  
Allen Bitter  
Bret Gaboardi  
Dave Daubert  
Noah Goddard  
Bruce Nickel  
Robert Beauvais  
Elizabeth Henning  
Vivian Proctor  
Christina Strickland  
Robert Backus**

**1. COMMITTEE GOALS/OBJECTIVES**

- a. Decide on redistricting plan options in time for these options to be included in the 2<sup>nd</sup> Quarter News & Events to encourage comment from the membership to members of the BOD.**
- b. Discuss and formulate proposals for dealing with by-laws changes necessary as the result of redistricting**
- c. Prepare proposals for clarifying/modifying/expediting the complaints process in Article IV of the Constitution.**

**2. SUMMARY OF WORK DONE**

- a. Redistricting**
  - i. Alternatives were selected and presented to the BOD and also to the membership in the 2<sup>nd</sup> Quarter News & Events.**
  - ii. Changes to the By-Laws to incorporate mandatory decennial redistricting (if necessary) and transition rules for Directors affected by such redistricting have been drafted and are presented here for consideration by the Board of Directors at the next Annual Meeting.**
- b. Complaints procedure**
  - i. In the process of revising the complaints procedures contained in Article IV, the committee agreed with and approved the suggestions made by our attorney member, Bob Beauvais.**
  - ii. The above suggestions involved several “housekeeping” changes to the Constitution in order to assign unrelated sections dealing with membership, meetings, complaints and financial responsibility to the appropriate sections of the Constitution and By-Laws. Those changes are presented here.**

3. **PROBLEMS ENCOUNTERED:** Variable participation by committee members (see mid-year report).

4. **FINANCIAL STATEMENT:** No expenses billed

\* **Actions to be taken by the Board**

5. **DECISIONS REQUIRING BOARD ACTION:**

- a. Constitutional changes are necessary to “clean up” Article IV of the Constitution that presently combines unrelated sections dealing with membership, meetings, complaints and financial responsibility.

**\*PROPOSED CHANGES TO THE AMERICAN DAIRY GOAT ASSOCIATION CONSTITUTION (Proposed changes are numbered (1) through (13), underlined, and highlighted in red).**

If approved by the Board, these changes must be presented to the membership for adoption per existing Article XII of the Constitution.

**\*(1) THROUGHOUT THE CONSTITUTION the words “Secretary-Treasurer” should be changed to “Association Manager”**

**\*(2) Article IV: MEMBERSHIP**

**Sections 2-11 (delete)**

**\*(3) Article V: BOARD OF DIRECTORS**

**Sections 10-14 (delete existing)**

**Section 10: (NEW from existing Article IV, Section 4) No wording changes**

**\*(4) Article VI: (NEW) MEETINGS**

**Section 1:** (from existing Article IV, Section 2 with no wording changes)

**Section 2:** (from existing Article IV, Section 3, with no wording changes)

**Section 3:** (from existing Article V, Section 10, with no wording changes)

**Section 4:**(from existing Article V, Section 11, with no wording changes)

**Section 5:** (from existing Article V, Section 12, with no wording changes)

**Section 6:** (from existing Article V, Section 13, with no wording changes)

**Section 7:** (from existing Article V, Section 14, with no wording changes)

**\*(5) Article VII:** Existing Article VI renumbered; no wording changes

**\*(6) Article VIII:** Existing Article VII renumbered; no wording changes

**\*(7) Article IX:** Existing Article VIII renumbered; no wording changes

**\* (8) Article X: (NEW) COMPLAINTS**

**Section 1. The Association reserves the right to make and enforce its rules and require its members to refrain from conduct unbecoming or injurious to the Association or other members.**

**Section 2. Complaints against the Association, a member of the Association or relating to the misrepresentation of the pedigree of an animal registered or offered for registration must be submitted in writing, in the form required by the Association, and signed by the Complaining Party.**

**Section 3. Complaints must be addressed to the Association Manager and accompanied by a twenty-five dollar (\$25.00) deposit. In the event the complaint is deemed justified, the deposit will be returned to the Complaining Party.**

**Section 4. Within fifteen (15) days of receipt of the complaint, the Association Manager will: 1) acknowledge receipt of the complaint to the Complaining Party; 2) forward a copy of the complaint to the Executive Committee; and 3) send a copy of the complaint to the Respondent by certified mail.**

**Section 5. Within fifteen (15) days of receipt of the complaint, the Respondent will file a response setting forth any defense or other matters helpful to the resolution of the complaint. A copy of the response will be sent to the Complaining Party.**

**Section 6. Depending on the nature and complexity of the complaint, and within fifteen (15) days of receiving the complaint, the Executive Committee will assign the complaint to a hearing officer or a standing committee of the Association for resolution.**

**Section 7. No Director or member shall serve as a hearing officer or member of a hearing committee who has a financial interest or personal bias in the outcome of the proceeding.**

**Section 8. Hearings will be conducted by teleconference to the extent practicable, will be informal and will not be subject to the rules of evidence.**

**Section 9. A hearing will be conducted within forty five (45) days of assignment to the hearing officer or committee.**

**Section 10. The hearing officer or committee will submit findings and a proposed resolution to the parties within fifteen (15) days of completion of the hearing. Each party will accept or reject the proposed resolution in writing within ten (10) days or will be deemed to have rejected the proposed resolution.**

**Section 11. If the resolution is accepted, the matter shall be final and both parties bound by the acceptance of the proposed resolution.**

**Section 12. If either or both parties rejects the proposed resolution, that information will be conveyed to the Executive Committee and the matter will be set for hearing at the next Annual Meeting or at a special meeting convened to hear the matter.**

**Section 13. The Executive Committee will appoint three Directors from districts other than the home districts of any interested party as a Hearing Panel to conduct a record review of the proceedings. At that stage, the burden of persuasion will be on the party not accepting the resolution, or, if both parties reject the proposed resolution, no presumption will attach.**

**Section 14. The decision of the Hearing Panel will be final and exhaust administrative remedies.**

**Section 15. The range of disciplinary action available to the Association includes reprimand, suspension and expulsion.**

**a. Reprimands will be published in the next issue of the News and Events.**

**b. Suspensions will be for a definite period of time or a member can be suspended from one or more benefits of membership until conditions for reinstatement are met.**

**c. Expelled members will be allowed to transfer goats registered in his /her name in accordance with procedures established for that purpose.**

- \***(9) Article XI: COMMITTEES** (Existing Article IX, renumbered with no wording changes)
- \***(10) Article XII: AUDIT** (Existing Article X, renumbered with no wording changes)
- \***(11) Article XIII: LIABILITY** (Existing Article XI, renumbered with no wording changes)
- \***(12) Article XIV: AMENDMENTS** (Existing Article XII, renumbered with no wording changes)
- \***(13) Article XV: PROCEDURE** (Existing Article XIII, renumbered with no wording changes)

**5. (continued) DECISIONS REQUIRING BOARD ACTION**

**\*b. Proposed changes to the American Dairy Goat Association BY-LAWS**  
**(Proposed changes are numbered (1) through (6), underlined, and highlighted in red.**

\***(1) THROUGHOUT THE BY-LAWS the words “Secretary-Treasurer” should be changed to “Association Manager.”**

**I: MEMBERSHIP**

\***ADD:**

- (2) **N.** (from Constitution, existing Article IV, Section 8 – no wording changes)
- (3) **O.** (from Constitution, existing Article IV, Section 9 – no wording changes)
- (4) **P.** (from Constitution, existing Article IV, Section 10 – no wording changes)
- (5) **Q.** (from Constitution, existing Article IV, Section 11 – no wording changes)

**\* (6) II: BOARD OF DIRECTORS**

- A. **The Board of Directors shall consist of the eligible number of directors from each of the Directorial Districts into which the territory of this Association is divided to facilitate equitable representation of all sections of the country.**
- B. **Decennially, in years ending in zero (2010, 2020, 2030, etc.), the Board of Directors shall be required to direct the Constitution and By-Laws Committee to examine the existing membership and historical trends by district in order to determine the need to redistrict. Should the Constitution and By-Laws Committee determine that representation is no longer equitable, it shall recommend redistricting alternatives to the Board of Directors for adoption at the next Annual Meeting. Should redistricting be necessary, the following transition rules shall apply:**
  - 1. **For the purposes of these rules, the term EXCESS DIRECTORS is defined as: Directors who find themselves, because of redistricting, in a district having more than three incumbent directors.**
  - 2. **All seated directors will fill out the terms for which they have been elected, unless they resign, move from the territory of their new directorial district, or are removed for cause. No incumbent director shall be removed from the board as a result of redistricting before the expiration of their current term.**
  - 3. **Each incumbent director whose state of residence is placed in a new district will become a director of that district.**
  - 4. **Each district will elect no less than one director each year to maintain the staggered terms proscribed in Constitution, Article V, Section 7. For the first three years after redistricting, this may result in “excess directors” in some districts. If any of these “excess directors” move, resign or are removed before their terms are complete, they will not be replaced.**

**5. (continued) DECISIONS REQUIRING BOARD ACTION**

- c. **\*Creation of new districts (proposals presented in 2<sup>nd</sup> Quarter N&E)**

**6. WORK TO BE COMPLETED BY NEXT YEAR'S COMMITTEE**

- a. Alignment of By-laws Article XX (Rules for Arbitration) with the Constitutional changes here proposed (if adopted by Membership)**
- b. Alignment of Elections procedures and membership information outlined in the Constitution and By-Laws and Appendix with current practice, particularly as they pertain to voter and Director nominee eligibility.**

**7. LONG-TERM GOALS**

- a. Review of "complaints" issues throughout the Constitution and By-laws to eliminate contradictory and/or redundant wording and references.**
- b. Ongoing monitoring of membership numbers/district to facilitate decennial redistricting review and analysis.**