



(Approved September 2021)

Bernese Mountain Dog Club of Nashoba Valley, Inc.

Constitution **Article I**

Name and Objectives

SECTION 1. The name of the Club shall be the Bernese Mountain Dog Club of Nashoba Valley, Inc.

SECTION 2. The objectives of the Club shall be:

- a. to encourage and promote understanding and appreciation of purebred Bernese Mountain Dogs;
- b. to do all possible to bring the natural qualities of Bernese Mountain Dogs to perfection;
- c. to encourage and promote the selective breeding of Bernese Mountain Dogs with the dual goals of eliminating hereditary diseases and advancing the breed toward the ideal conformation and temperament provided by the American Kennel Club standard;
- d. to urge members and breeders to accept the standard of the breed as approved by the American Kennel Club as the only standard of excellence by which Bernese Mountain Dogs shall be judged;
- e. to promote and facilitate the welfare of Bernese Mountain Dogs;
- f. to sustain and support a rescue program for purebred Bernese Mountain Dogs;
- g. to provide public education relating to Bernese Mountain Dogs and all dogs in general, to the Bernese Mountain Dog Club of Nashoba Valley and its community;
- h. to promote the special qualities of the breed by sponsoring working dog activities under Bernese Mountain Dog Club of America guidelines;
- i. to conduct sanctioned matches, dog shows, and obedience trials under the rules of The American Kennel Club;
- j. to do all in its power to protect and advance the interest of all breeds of pure-bred dogs and to encourage sportsmanlike competition at dog shows and obedience trials.

SECTION 3. The Club shall not be conducted or operated for profit and no part of any profits or remainder or residue from dues or donations to the Club shall inure to the benefit of any member or individual.

SECTION 4. The members of the Club shall adopt and may from time to time revise such By-Laws as may be required to carry out these objectives.

By-Laws **Article I** **Membership**

SECTION 1. Eligibility. There shall be one type of membership open to all persons eighteen years of age and older who are in good standing with The American Kennel Club and who subscribe to the purposes of this Club.

While membership is to be unrestricted as to residence, the Club's primary purpose is to be representative of the owners, breeders, and exhibitors in its immediate area.

SECTION 2. Dues. Membership dues shall be set by the Board of Directors on a yearly basis, and are payable on or before the 1st day of January of each year. No member may vote whose dues are not paid for the current year. During the month of November each member shall be sent a statement of his/her dues for the ensuing year.

SECTION 3. Election to Membership. Each applicant for membership shall apply on a form as approved by the Board of Directors and which shall provide that the applicant agrees to abide by the rules of The American Kennel Club and by the Constitution and By-Laws and the Code of Ethics of the Bernese Mountain Dog Club of Nashoba Valley. The application shall state the name, address, and occupation of the applicant. Accompanying the application, the prospective member shall submit dues payment for the current year.

All applications are to be filed with the Membership Chairperson.

SECTION 4. Termination of Membership. Membership may be terminated:

- a. by resignation. Any member in good standing may resign from the Club upon written notice to the Secretary; but no member may resign when in debt to the Club. Dues obligations are considered a debt to the Club and they become incurred on the first day of each fiscal year.
- b. by lapsing. A membership will be considered as lapsed and automatically terminated if such member's dues remain unpaid 90 days after the first day of the fiscal year; however, the Board may grant an additional 90 days of grace to such delinquent members in meritorious cases. In no case may a person be entitled to vote at any Club meeting whose dues are unpaid as of the date of that meeting.
- c. by expulsion. A membership may be terminated by expulsion as provided in Article VI of these By-Laws.

Article II Meetings

SECTION 1. Annual Meeting. The Annual Meeting of the Club shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications.

Written notice of each such meeting shall be provided to each member at least 30 days prior to the date of the meeting. The quorum for the Annual Meeting shall be 10 % of the members in good standing.

SECTION 2. Special Club Meetings. Special Club meetings may be called by the President, or by a majority vote of members of the Board who are present and voting at any regular or special meeting of the Board, and shall be called by the Secretary upon receipt of a petition signed by ten members of the Club who are in good standing. Such Special Meetings shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications. Written notice of such a meeting shall be provided to each member at least 14 days prior to the date of the meeting, and said notice shall state the purpose of the meeting, and no other Club business may be transacted. The quorum for such a meeting shall be 10% of the members in good standing.

SECTION 3. Board Meetings. Meetings of the Board of Directors shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications. In-person meetings shall be held in one of the New England states. Written notice of such a meeting shall be provided to each Board member and Chairperson at least 7 days prior to the date of the meeting, and said notice shall state the proposed agenda for the meeting. The quorum for such a meeting shall be a majority of the Board. There will be a minimum of six Board meetings per year. Any Club member in good standing may attend any Board meeting.

SECTION 4. Special Board Meetings. Special meetings of the Board may be called by the President, and shall be called by the Secretary upon receipt of a written request signed by at least three members of the Board. Such Special Meetings shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications. In-person meetings shall be held in one of the New England states. Written notice of such a meeting shall be provided to each Board member at least 14 days prior to the date of the meeting, or telephone notice may be given at least 7 days prior to the date of the meeting, and said notice shall state the purpose of the meeting, and no other Club business may be transacted. A quorum for such a meeting shall be a majority of the Board.

SECTION 5. Voting. Each member in good standing whose dues are paid for the current year shall be entitled to one vote at any Annual Meeting or Special Club Meeting at which the member is present. Proxy voting will not be permitted at any club meeting or election. In no case may a person whose dues are unpaid vote at any Club meeting, election, or mail vote.

Voting at Board Meetings and Special Board Meetings is restricted to Officers and Directors of the Club.

Article III Officers and Directors

SECTION 1. Board of Directors. General management of the Club's affairs shall be entrusted to the Board of Directors. The Board shall be comprised of the President, Vice-President, Secretary, Treasurer, and five Directors, all of whom shall be members in good standing. The President, Treasurer, and two Directors shall be elected for terms of two years each in even-numbered years. The Vice President, Secretary, and three Directors shall be elected for terms of two years each in odd-numbered years. Each Officer and Director shall serve until his/her successor is elected or until he/she resigns.

SECTION 2. Officers. The Club's Officers, consisting of the President, Vice-President, Secretary and Treasurer shall serve in their respective capacities both with regard to the Club and its meetings and the Board and its meetings.

- a. The President shall preside at all meetings of the Club and of the Board, and shall have the duties and powers normally appurtenant to the office of President in addition to those particularly specified in these By-Laws.
- b. The Vice-President shall have the duties and exercise the powers of the President in case of the President's death, absence or incapacity.
- c. The Secretary shall keep a record of all meetings of the Club and of the Board and of all matters of which a record shall be ordered by the Club. The Secretary shall have charge of the correspondence, notify members of meetings, notify officers and directors of their election to office, keep a roll of the members of the Club with their addresses, and carry out such other duties as are prescribed in these By-Laws.
- d. The Treasurer shall collect and receive all moneys due or belonging to the Club. He/she shall deposit the same in a bank designated by the Board, in the name of the Club. The Treasurer's books shall be at all times open to inspection of the Board and the Treasurer shall report to them at every meeting the condition of the Club's finances and every item of receipt or payment not before reported; and at the annual meeting the Treasurer shall render an account of all moneys received and expended during the previous fiscal year. The Treasurer may be bonded in such amount as the Board of Directors shall determine.
- e. The Board shall select one of its members other than the President and Secretary to carry out the duties and exercise the powers of the Secretary in case of the Secretary's absence or incapacity. The Board member selected shall not automatically succeed to a vacancy in the office of the Secretary.

- f. The Board shall select one of its members other than the President and Treasurer to carry out the duties and exercise the powers of the Treasurer in case of the Treasurer's absence or incapacity. The Board member selected shall have the signatory powers over all Club accounts, but shall not automatically succeed to a vacancy in the office of the Treasurer.

SECTION 3. Vacancies. A Board member may resign from the Board upon written notice to the Secretary. Any Board member who fails to attend three Board meetings per year may be removed by a majority vote of the Board present and voting. Any vacancies occurring on the Board or among the Officers during the year shall be filled for the unexpired term of office by a majority vote of all the then members of the Board at its first regular meeting following the creation of such vacancy, or at a Special Board Meeting called for that purpose; except that a vacancy in the office of President shall be filled automatically by the Vice-President and the resulting vacancy in the office of Vice-President shall be assigned by the Board.

Article IV

The Club Year, Annual Meeting, Nominations, Elections

SECTION 1. Club Year. The Club's fiscal year shall begin on the 1st day of January and end on the 31st day of December.

The Club's official year shall begin immediately at the conclusion of the annual meeting and shall continue through the installation of Officers and Directors at the next annual meeting.

SECTION 2. Annual Meeting. The Annual Meeting shall be held in accordance with Article II, Section 1. The Officers and Directors chosen by secret ballot from among those nominated in accordance with Section 3 of this Article shall take office immediately upon conclusion of the Annual Meeting and each retiring officer shall turn over to his/her successor in office all properties and records relating to that office within 30 days after the election.

SECTION 3. Nominations. No later than September 15, the Board shall select a Nominating Committee consisting of a Chairman and two other members, plus a first and second alternate. No more than one of the five may be a member of the Board. The members of the committee shall be members in good standing, and no person shall serve on the committee for two consecutive years.

The Secretary shall immediately notify the committee members and alternates of their selection. If any member is unwilling or unable to serve or continue to serve on the Committee, the alternates shall succeed to the Committee in the order of their selection. It shall be the Chairman's duty to call a committee meeting which shall be held at least 20 weeks prior to the Annual Meeting. This meeting may be conducted in person or via remote communications.

- a. No person may be a candidate in a Club election who has not been nominated in accordance with this section, and no person may be a candidate for more than one position.
- b. The Committee shall nominate from the eligible members of the Club, one candidate for each Office becoming vacant at the next Annual Meeting, and candidates for the Director positions on the Board becoming vacant. The Committee shall not nominate two members of the same family, or a member if a person in his/her immediate family is already an Officer or Director whose term is not expiring.
- c. After securing the written consent of each person to accept the nomination and, if elected, to attend all Board Meetings and the Annual Meetings during term of office, the Committee shall submit its slate to the Secretary in writing at least 16 weeks prior to the Annual Meeting.
- d. The Secretary shall provide written notification of the Committee's slate of candidates to each member at least 12 weeks prior to the Annual Meeting. This notification shall also advise members of the procedure for making additional nominations.
- e. Additional nominations of eligible members in good standing may be made by another member in good standing. A written petition must be submitted to the Secretary at least 8 weeks prior to the Annual Meeting. Each petition must be accompanied by the written acceptance of the nominee signifying his/her willingness to be a candidate and, if elected, to attend all Board Meetings and Annual Meetings during the term.
- f. Nominations cannot be made at the Annual Meeting or in any manner other than as provided in this Section.

All nominees, both from the nominating committee and from additional nominations, shall provide a completed Candidate Questionnaire to the Secretary at least 8 weeks prior to the Annual Meeting.

SECTION 4. Elections. If no additional valid nominations are received by the Secretary by the due date, the Nominating Committee's slate shall be declared elected at the time of the Annual Meeting and no balloting shall be required.

If one or more additional valid nominations is received, the election for the contested Office(s) and/or Director position(s) shall be conducted by secret ballot. The Board may designate an independent professional firm to send, receive and count the ballots. All Nominating Committee candidates for positions that are not contested shall be declared elected at the time of the Annual Meeting and will not be listed on the ballot. At least 6 weeks prior to the Annual Meeting, the Secretary or the independent professional firm designated by the Board shall provide a ballot in accordance with AKC's procedures on Electronic Balloting for AKC Parent Clubs to each voting member in good standing. The ballot shall list all nominees for each contested position in alphabetical order. Also provided shall be a copy of the Candidates Questionnaires, and, in the case of mail ballots, a blank envelope, and a return envelope marked "Ballot Enclosed" and addressed to the Secretary or designated professional firm with the return address of the member to whom it was sent. So that mailed ballots may remain secret, each voter, after marking his/her ballot shall seal it in the blank envelope which in turn shall be placed in the return envelope addressed to the Secretary or designated professional firm.

To be considered valid, a returned ballot must be received by the Secretary or designated professional firm at least 2 weeks prior to the Annual Meeting, and, in the case of mailed ballots, the return envelope must bear the name of each member whose ballot is enclosed. Two Inspectors of Elections, who are members in good standing but not candidates or Board members, shall be appointed by a majority vote of those Board members whose terms are not expiring. The Inspectors or designated professional firm will check the returns against the list of paid members in good standing prior to opening the outer envelopes

and removing the blank envelopes containing the ballots. Valid ballots shall be opened and counted by the Secretary in the presence of the two Inspectors of Elections, or by the designated professional firm, no later than 10 days prior to the Annual Meeting. When a designated professional firm is utilized, results shall be provided to the Secretary no later than 1 week prior to the Annual Meeting. The member receiving the largest number of votes for each contested position shall be declared elected at the time of the Annual Meeting. The results of the election shall be published in the first Bernerblatt after the election.

If any Officer-elect or Director-elect is unwilling or unable to serve for any reason the resulting vacancy shall be filled by the new Board of Directors in the manner provided in Article III, Section 3 of these By-Laws.

Article V Committees

- SECTION 1.** The Board may each year appoint standing committees to advance the work of the Club in such matters as membership, rescue, public education, breeder referral, ways and means, trophies, shows, obedience trials, annual prizes, and other fields which may well be served by committees. Such committees shall always be subject to the final authority of the Board. Special committees may also be appointed by the Board to aid it on particular projects. The chairman of each committee shall submit an annual report to the Board in time for the Annual Meeting.
- SECTION 2.** Any committee appointment may be terminated by a majority vote of the full membership of the Board upon written notice to the appointees; and the Board may appoint successors to those persons whose services have been terminated.
- SECTION 3.** Any policy change proposed by a committee must be referred to the Board for consideration. Resulting policy changes must appear in an official communication of the BMDCNV to the general membership at least 30 days before the effective date of the change.

Article VI Discipline

- SECTION 1. American Kennel Club Suspension.** Any member who is suspended from the privileges of The American Kennel Club shall automatically be suspended from the privileges of this Club for a like period.
- SECTION 2. Charges.** Any member may prefer charges against a member for alleged misconduct prejudicial to the best interests of the Breed or the Club, or for failure to abide by the Constitution and By-Laws, or Code of Ethics of this Club. Written charges with specifications must be filed in duplicate with the Secretary together with a deposit of \$25 which shall be forfeited if such charges are not sustained by the Board following a hearing.

The Secretary shall promptly send a copy of the charges to each member of the Board or present them at a Board Meeting, and the Board shall first consider whether the actions alleged in the charges, if proven, might constitute conduct prejudicial to the best interests of the Breed or Club, or failure to abide by the Constitution and By-Laws, or Code of Ethics of this Club.

If the Board considers that the charges do not allege conduct which would be prejudicial to the best interests of the Breed or Club, or failure to abide by the Constitution and By-Laws, or Code of Ethics of this Club, it may refuse to entertain jurisdiction, in which case the deposit will be returned.

If the Board entertains jurisdiction of the charges, it shall fix a date, time, and place of a hearing by the Board not less than 3 weeks nor more than 6 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 if the defendant wishes. The Board shall have complete authority to decide whether counsel may attend the hearing, but both complainant and defendant shall be treated uniformly in that regard.

- SECTION 3. Board Hearing.** After hearing the testimony and examining the evidence presented by the person preferring the charges and by the accused, the Board may sustain the charges in whole or in part by a majority vote of the Board members present. Should the charges be sustained, the Board may suspend the defendant from all privileges of the Club for not more than six months from the date of the hearing. And, if it deems that punishment insufficient, it may also recommend to the membership that the penalty be expulsion. In such cases, the suspension shall not restrict the defendant's right to appear before his/her fellow-members at the ensuing Club meeting which considers the Board's recommendations. Immediately after the Board 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 Board's decision and penalty, if any.
- SECTION 4. Expulsion.** Expulsion of a member from the Club may be accomplished only at a meeting of the Club following a Board hearing and upon the Board's recommendation as provided in Section 3 of this Article. Such proceedings may occur at a regular or special meeting of the Club to be held within 60 days but not earlier than 30 days after the date of the Board's recommendation.

The defendant shall have the privilege of appearing in his/her own behalf, though no evidence shall be taken at this meeting. The President shall read the charges and the Board's findings and recommendations, and shall invite the defendant, if present, to speak in his/her own behalf if he/she wishes. The members shall then vote by secret written ballot on the proposed expulsion. A 2/3 vote of those present and voting at the meeting shall be necessary for expulsion. If expulsion is not voted, the Board's suspension shall stand.

Article VII Amendments

- SECTION 1.** Amendments to the constitution and By-Laws may be proposed by the Board of Directors or by written petition addressed to the Secretary signed by 10% of the membership in good standing. Amendments proposed by such petition shall be promptly considered by the Board of Directors. All amendments shall be submitted to the membership, inviting comment from the members. No less than 45 days, and no later than four months after submission to the membership, the Board shall report on such amendment(s) to the Club, and present the same for a ratification vote.
- SECTION 2.** The Constitution and By-Laws and Code of Ethics may be amended by a 2/3 favorable vote, by secret ballot, of the members in good standing. Such vote may be conducted by mail or in accordance with AKC's Procedures on Electronic Balloting for AKC Parent Clubs. The vote may be conducted by the Secretary or the Board may designate an independent professional firm to send, receive and count the ballots. The proposed amendment shall be provided to each member in good standing accompanied by a ballot on which he/she may indicate his/her choice for or against the action to be taken. The voting packet shall specify a date not less than 30 days after the date of mailing by which date the ballots must be returned to be counted. Voting materials and return envelopes, if utilized, shall be prepared as detailed in Article IV Section 4.

Article VIII Dissolution

- SECTION 1.** **Dissolution.** The Club may be dissolved at any time by the written consent of not less than 2/3 of the members. In the event of the dissolution of the Club other than for the 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, but after payment of the debts of the Club, its property and assets shall be given to a 501(c) charitable organization for the benefit of dogs selected by the Board of Directors.

Article IX Order of Business

- SECTION 1.** At meetings of the Club, the order of business, so far as the character and nature of the meeting may permit, shall be as follows:

- Roll Call
- Minutes of last meeting
- Report of President
- Report of Secretary
- Report of Treasurer
- Reports of Committees
- Election of Officers and Board (at annual meeting)
- Unfinished business
- New business
- Adjournment

- SECTION 2.** At meetings of the Board, the order of business, unless otherwise directed by majority vote of those present, shall be as follows:

- Reading of minutes of last meeting
- Report of Secretary
- Report of Treasurer
- Reports of Committees
- Unfinished business
- New business
- Adjournment

Article X Parliamentary Authority

- SECTION 1.** The rules contained in the current edition of Robert's Rules of Order, newly revised, shall govern the club in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order the club may adopt.

(Approved November 22, 1998)

Bernese Mountain Dog Club of Nashoba Valley, Inc. Code of Ethics

Introduction

The Bernese Mountain Dog Club of Nashoba Valley (BMDCNV) is dedicated to the care and well-being of the Bernese Mountain Dog. In keeping with its aim of encouraging the development of excellent Bernese Mountain Dogs, the BMDCNV has adopted this Code of Ethics to promote and foster the highest standards among owners and breeders, and to encourage cooperation in the improvement, advancement, and protection of our breed. All members of the Bernese Mountain Dog Club of Nashoba Valley agree to foster the goals set forth in this Code of Ethics. Members should bear in mind that a Code of Ethics is more than a set of rules; it is a commitment to a high standard of practice in owning and breeding, and adherence to the spirit of such a Code is as important as adherence to its law.

Please Note: When reading this document, please pay special attention to the wording. The use of the words "shall" and "should" were chosen carefully and for a purpose. "Should" indicates an educational suggestion or guideline which is recommended and desirable, but not mandated. "Shall" indicates those areas we feel must be followed in the best interest of the breed, and for which there may be consequences if not followed. A complete glossary of terms is included at the end of the document.

Responsibilities of Members

1. Members shall be aware at all times that the Club exists to protect the breed, and this aim is to be uppermost in the minds of members in all of their activities in the breed.
2. In all dog related activities, the welfare of the dog must be considered paramount and shall take precedence over the considerations of breeders, trainers, owners, organizers, sponsors, or officials.
3. Members shall at all times, whether at home, in travel, at shows, or at hotels or motels, display good sportsmanship and conduct themselves in such a manner as to reflect credit on the Club and the breed.
4. Members shall refrain from unnecessary and nonconstructive criticism of another's dog, and from personal attacks on fellow members.
5. Novices are encouraged to seek the advice and assistance of more experienced owners and breeders, and the more experienced should graciously assist novices with their concerns and share, for the good of the breed, the benefits of their knowledge.
6. In all situations, individual members shall act solely in the best interest of the breed and the membership as a whole, and should willingly aid any fellow member in upholding these interests.
7. Members agree to abide by AKC and BMDCA rules applicable to activities in which they engage.
8. Members should utilize organizations such as OFA, GDC, PennHIP, and CERF for evaluation of individual traits in all of their Bernese Mountain Dogs, including both breeding candidates and companion animals.
9. In order to further the goal of improving and protecting the breed, members should enter all findings from these evaluations (both affected and unaffected) in a recognized, open registry such as the GDC and Berner-Garde.

Treatment

1. All Bernese Mountain Dogs that members own or care for shall be provided with a proper, healthy, and safe environment, nutrition, and care at all times, including yearly veterinary examinations, vaccinations, and any other usual procedures necessary to assure good health. No member should have more dogs than can be safely and adequately housed and cared for. No member's dog shall be treated in an inhumane manner, subjected to cruel or unusual punishment, or abused. Nor should it be subjected to any conditions likely to eventuate in unnecessary danger to the dog's life.
2. All Bernese Mountain Dogs that members own or care for should be provided with proper attention and affection, and should be provided with appropriate training as needed to insure a well-mannered dog.
3. Members should be diligent in the handling of their dogs in public places, and should do so in a manner to minimize the risk of trauma or danger to any human and/or animal.
4. Members recognize their responsibility to protect the name and reputation of the breed, and should not allow their dogs to roam at large unsupervised, nor to become public nuisances, nor to become public trusts.
5. Members are dedicated to the knowledge that the most important purpose of a Bernese Mountain Dog is to be a companion.

Responsibilities of Breeders (Brood Bitch and Stud Dog Owners)

Unless otherwise noted, the following applies to both Brood Bitch owners and Stud Dog owners.

1. Breeders shall keep in mind that overpopulation is a serious problem; therefore, each breeding should be carefully researched, or it should not be carried out.
2. Anyone breeding Bernese Mountain Dogs bears a great responsibility to the future of the breed; therefore breeders should plan each breeding with the paramount intention of improving and protecting the breed. Owners shall safeguard their stud dogs and bitches from breedings that are not carefully planned.
3. Bernese Mountain Dogs to be bred should be carefully selected with an eye for conformation and temperament, after detailed study of the breed standard and other educational resources available through the Club, the individual mature dog and its near relatives, the pedigrees, and the principles of genetics.
4. Recognizing the extended growth pattern of a large breed, breeders should, ideally, not breed a bitch before she is 24 months old. A bitch should not be bred more than two out of three seasons.

5. Owners of bitches are under no obligation to breed to any stud dog who, when presented to the bitch, is not as represented by his owner or presents serious hereditary defects or is not in good health. Owners of stud dogs are under no obligation to provide stud service to any bitch who, when brought to the stud dog, is not as represented by her owner or presents serious hereditary defects or is not in good health.
6. Owners of stud dogs should not accept any bitch for service if the bitch cannot be maintained in a safe and healthy manner.
7. Breeders should be familiar with the AKC rules applicable to litter registration and individual registration. Bernese Mountain Dogs on limited registration shall not be used for breeding.
8. All breeding animals should have sound, typical structure, conformation, and type, and should be of sound temperament and free of crippling or disabling hereditary defects.
9. Breeders should refrain from using Bernese Mountain Dogs who, although free of such hereditary defects, consistently produce afflicted offspring with different mates.
10. Breeders breeding from lines in which any serious or disabling hereditary defects occur should disclose these defects to each other, to all buyers, and to prospective buyers.
11. If a stud dog has not been used for breeding, or has not produced a live litter, or has had breeding problems, such information should be provided to a bitch owner before a bitch is accepted for breeding. If a bitch has not been used for breeding, or has not produced a live litter, or has had breeding problems, such information should be provided to a stud dog owner before the bitch is accepted for breeding.
12. Bitches shall be bred only to the stud dog that the bitch owner specifies, unless both parties agree on an acceptable substitute. Stud dogs shall only be bred to the bitch that the stud dog owner specifies, unless both parties agree on an acceptable substitute.
13. Prior to any breeding, experienced breeders should advise novice breeders of the responsibilities, problems, obligations, and expense involved in breeding a litter.
14. Bernese Mountain Dogs to be bred should be radiographed for hip and elbow dysplasia. The findings of these radiographs should be made known to the owners of the stud dogs and bitches, and to all buyers of the puppies. If an animal is not free of hip and/or elbow dysplasia, the implications of that fact should be made clear to all buyers. Members are aware that it is inadvisable and genetically risky to breed an animal not free of hip and/or elbow dysplasia. All radiographs should be submitted to the OFA, GDC, or other recognized registry for interpretation. It is preferable that the dog's final radiographic evaluation be conducted after 24 months of age.
15. Bernese Mountain Dogs to be bred should receive eye-screening exams annually, by a Diplomate of the American College of Veterinary Ophthalmologists (DAVCO), for the presence of hereditary eye diseases.
16. Bernese Mountain Dogs to be bred should be tested for other known hereditary diseases.
17. It is the responsibility of both parties to ascertain that any Bernese Mountain Dogs brought together for the purpose of breeding are evaluated according to the Code of Ethics set forth above, whether or not Club members own both Bernese Mountain Dogs. They should further ascertain to the best of their ability that any puppies produced from such breeding will be raised and sold in a manner in keeping with the ethical standards of this Code.
18. Owners of both bitches and stud dogs have an obligation to all puppies that their dogs produce. Therefore, if the bitch owner (breeder of record) refuses to take responsibility for the puppies produced, as set forth in Sales (below), the stud dog owner should assume the responsibility.
19. Owners of stud dogs and bitches should sign written agreements clearly stating the conditions and terms of service.
20. Breeders should supply any stud dog or brood bitch owner who is not a BMDCNV member with a copy of this Code of Ethics and discuss it with the owner.

Responsibilities of Sellers

1. Sellers should be discriminating in the sale of all Bernese Mountain Dogs and concerned with the homes in which all dogs are placed. Sellers should ascertain that the prospective buyer is aware of the needs and characteristics of a Bernese Mountain Dog, and has the knowledge, resources, and facilities to care properly for a growing or grown dog.
2. No member shall engage in brokering or wholesaling of litters, or in individual sales or consignments of any puppies or adults to pet shops, dealers, catalog houses, or other commercial establishments. Puppies or adults shall not be donated or given as prizes in contests, raffles, or fundraising events, no matter how charitable.
3. Sellers should be available to their buyers for whatever advice, reasonable aid, or assistance the buyers may need for the life of a dog. BMDCNV members should help and support their fellow members in this endeavor.
4. Any member selling or placing a Bernese Mountain Dog should assist the buyer in finding a suitable new home for that dog at any time that the buyer wants to relinquish the dog. If the buyer is unable or unwilling to find such a home, the member should assume physical and/or financial responsibility for the animal. The same responsibility should be assumed for any animal sold or placed that comes into the possession of any rescue network or shelter at any point in the dog's life.
5. Sellers should be open and honest in their dealings with buyers. It is the obligation of member breeders to guarantee that dogs produced and sold are as represented.
6. Sellers, for the protection of both the seller and buyer, shall provide adequate written contractual proof of sales and guarantees, including a description of the dog, the whelping date, the name of the sire and dam, the litter or individual registration number if available, and any known health defects. Any replacement or refund arrangement should be made between the breeder and buyer on an individual basis to meet the satisfaction of all parties involved. No promise should be made orally that is not set in writing. The implications of all terms of the contract should be made clear to all parties involved.
7. It is recommended that sellers supply a copy of the BMDCNV Code of Ethics to all buyers and discuss it with the buyers.
8. Sellers should supply AKC full or limited individual registration applications or written guarantees that the forms will be supplied at latest when the puppy(s) is 4 months old or on completion of sale. A puppy might, for good cause, be sold without a registration application form if both parties understand and agree in writing, as specified by the AKC. A buyer should be advised of any possible delays or difficulties in registration.
9. Any animal sold that is designated "pet/companion" should be placed with a limited registration application, and on a mandatory spay/neuter contract. A breeder could supply a full registration application on proof of sterilization.
10. On releasing any Bernese Mountain Dog, puppy or adult, seller shall:
 - a) Maintain all puppies to at least 7 weeks, with consideration for the individual needs of each puppy and the laws of your state.
 - b) Release only animals that have been examined by a veterinarian and are, to the best of the breeder's knowledge, in good health.
 - c) Ensure that the animals being released have received all of the necessary inoculations and worming for their age.
 - d) Supply records detailing all dates and types of medical care the animal received, including inoculations.

- e) Provide written information on the care of the animal.
- f) Supply a pedigree of no less than four generations.
- g) Request that, on receipt, buyers take the animal to a veterinarian of their choice, and, if the animal is unhealthy, allow buyers 72 hours to return the animal.
- h) If the buyer did not see the animal before shipping, allow the buyer 72 hours to return the animal if the buyer is not satisfied that the animal is as the breeder represented it.

Responsibilities of Buyers

1. Buyers should be open and honest in their dealings with Sellers. Expectations, goals, and abilities should be clearly stated from the beginning.
2. Buyers should be aware of the needs and characteristics of a Bernese Mountain Dog, and have the knowledge, resources, and facilities to properly care for a growing or grown dog.
3. Buyers should not obtain a Bernese Mountain Dog that is not registerable with the AKC except through Bernese Mountain Dog Rescue or other Rescue organizations.
4. Buyers should honor all contractual agreements made with the Seller.
5. Buyers have an obligation to educate themselves on current health issues of the breed.
6. Buyers should be aware that it is inadvisable and genetically risky to obtain a Bernese Mountain Dog that comes from parents that are not of sound temperament and not free of serious or disabling hereditary defects.
7. Buyers should keep the Seller informed of any health issues concerning their dog.
8. Buyers should inform the Seller of any address change throughout the life of their dog.
9. If the Buyer finds at any time they cannot take proper care of the Bernese Mountain Dog, the Buyer should contact the Seller for assistance.

Advertisement

1. It should be borne in mind that advertising may be read by persons having little or no knowledge of dogs. All advertisement of puppies and adult Bernese Mountain Dogs, written or oral, shall be factual and as forthrightly honest as possible in both substance and implication.
2. Advertising and promotion, written or oral, shall be confined to aspects of the breeder's stock and shall not degrade the stock of others.
3. Breeders should be cautious in discussing show prospects of any Bernese Mountain Dog lest they imply a guarantee of show success that cannot be ensured.
4. Breeders should be equally cautious in encouraging buyers regarding breeding prospects, inasmuch as owners are not to undertake lightly the breeding of Bernese Mountain Dogs.

Contracts

Written contracts are strongly recommended for all transactions such as co-ownerships, breeding rights agreements, compensation for future puppies, leasing a bitch, and stud services.

Discipline

The following are *prima facie* grounds for disciplinary action.

1. Neglect or abuse of any Dog in the care of a member documented by the affidavits of two witnesses or by investigation of an authorized humane organization.
2. Suspension of privileges by the AKC for violation of its rules.
3. Advertising found to be in violation of the Code of Ethics.
4. Knowingly to sell, or to aid and abet the sale of a Bernese Mountain Dog to or through a pet shop or its agents.
5. Refusal to comply with the terms of a written contract involving a Bernese Mountain Dog without showing just cause.
6. Refusal of the breeder to complete the chain of AKC registration without showing just cause.
7. Refusal to transfer registration papers to a buyer without showing just cause.
8. Refusal to honor guarantees and agreements made in writing without showing just cause.
9. Purposely to breed dogs of which the resulting litter is not registerable with the AKC (e.g., to breed dogs on limited registration).
10. Conduct which discredits the Club or the breed.

Since this Code of Ethics was established in part to prevent harmful gossip, any member who indulges in this sort of gossip, rather than reporting the alleged violation for investigation, will be judged in willful violation of the Code and will be subject to discipline.

Implementation

Enforcement of the disciplinary section of the Code of Ethics will be handled in accordance with the disciplinary procedures outlined in Article VI of the By-Laws of the BMDCNV. In the case of any business transaction involving Bernese Mountain Dogs, the BMDCNV will refuse to entertain any grievance brought against a member unless a copy of a written contract or other documents signed by both parties is submitted with the grievance.

Penalties

1. In the instance of the first offense, members may be allowed one month in which to correct the violation in keeping with the recommendation of the Board of Directors, and proof of such correction shall be submitted to the Board.

Article II Meetings

SECTION 1. Annual Meeting. The Annual Meeting of the Club shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications.

Written notice of each such meeting shall be provided to each member at least 30 days prior to the date of the meeting. The quorum for the Annual Meeting shall be 10 % of the members in good standing.

SECTION 2. Special Club Meetings. Special Club meetings may be called by the President, or by a majority vote of members of the Board who are present and voting at any regular or special meeting of the Board, and shall be called by the Secretary upon receipt of a petition signed by ten members of the Club who are in good standing. Such Special Meetings shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications. Written notice of such a meeting shall be provided to each member at least 14 days prior to the date of the meeting, and said notice shall state the purpose of the meeting, and no other Club business may be transacted. The quorum for such a meeting shall be 10% of the members in good standing.

SECTION 3. Board Meetings. Meetings of the Board of Directors shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications. In-person meetings shall be held in one of the New England states. Written notice of such a meeting shall be provided to each Board member and Chairperson at least 7 days prior to the date of the meeting, and said notice shall state the proposed agenda for the meeting. The quorum for such a meeting shall be a majority of the Board. There will be a minimum of six Board meetings per year. Any Club member in good standing may attend any Board meeting.

SECTION 4. Special Board Meetings. Special meetings of the Board may be called by the President, and shall be called by the Secretary upon receipt of a written request signed by at least three members of the Board. Such Special Meetings shall be held in a manner including on a date and time designated by the Board of Directors. Meetings may be in-person or via remote communications. In-person meetings shall be held in one of the New England states. Written notice of such a meeting shall be provided to each Board member at least 14 days prior to the date of the meeting, or telephone notice may be given at least 7 days prior to the date of the meeting, and said notice shall state the purpose of the meeting, and no other Club business may be transacted. A quorum for such a meeting shall be a majority of the Board.

SECTION 5. Voting. Each member in good standing whose dues are paid for the current year shall be entitled to one vote at any Annual Meeting or Special Club Meeting at which the member is present. Proxy voting will not be permitted at any club meeting or election. In no case may a person whose dues are unpaid vote at any Club meeting, election, or mail vote.

Voting at Board Meetings and Special Board Meetings is restricted to Officers and Directors of the Club.

Article III Officers and Directors

SECTION 1. Board of Directors. General management of the Club's affairs shall be entrusted to the Board of Directors. The Board shall be comprised of the President, Vice-President, Secretary, Treasurer, and five Directors, all of whom shall be members in good standing. The President, Treasurer, and two Directors shall be elected for terms of two years each in even-numbered years. The Vice President, Secretary, and three Directors shall be elected for terms of two years each in odd-numbered years. Each Officer and Director shall serve until his/her successor is elected or until he/she resigns.

SECTION 2. Officers. The Club's Officers, consisting of the President, Vice-President, Secretary and Treasurer shall serve in their respective capacities both with regard to the Club and its meetings and the Board and its meetings.

- a. The President shall preside at all meetings of the Club and of the Board, and shall have the duties and powers normally appurtenant to the office of President in addition to those particularly specified in these By-Laws.
- b. The Vice-President shall have the duties and exercise the powers of the President in case of the President's death, absence or incapacity.
- c. The Secretary shall keep a record of all meetings of the Club and of the Board and of all matters of which a record shall be ordered by the Club. The Secretary shall have charge of the correspondence, notify members of meetings, notify officers and directors of their election to office, keep a roll of the members of the Club with their addresses, and carry out such other duties as are prescribed in these By-Laws.
- d. The Treasurer shall collect and receive all moneys due or belonging to the Club. He/she shall deposit the same in a bank designated by the Board, in the name of the Club. The Treasurer's books shall be at all times open to inspection of the Board and the Treasurer shall report to them at every meeting the condition of the Club's finances and every item of receipt or payment not before reported; and at the annual meeting the Treasurer shall render an account of all moneys received and expended during the previous fiscal year. The Treasurer may be bonded in such amount as the Board of Directors shall determine.
- e. The Board shall select one of its members other than the President and Secretary to carry out the duties and exercise the powers of the Secretary in case of the Secretary's absence or incapacity. The Board member selected shall not automatically succeed to a vacancy in the office of the Secretary.

2. In the instance of repeated or flagrant violations, the Board may suspend the member from all privileges of the Club for not more than six months from the date of the hearing. If the Board deems that punishment insufficient, it may also recommend to the membership that the penalty be expulsion.
3. In all instances of repeated or flagrant violation, the name of the member, the nature of the violation, and the conditions of discipline shall be published in the BMDCNV Bernerblatt.
4. Lack of compliance with the terms of discipline shall be considered a flagrant violation and shall be submitted to the Board.

Exceptions

The BMDCNV Board of Directors or the membership as a whole may, on sufficient evidence and according to certain stipulations, when the good of the breed is protected, waive any of the foregoing provisions. Members are urged to bring to the Board any problems that confront them in their efforts to comply with the BMDCNV Code of Ethics.

Glossary of Terms (as pertains to this Code of Ethics)

Should: Indicates an educational suggestion or guideline which is recommended and desirable, but not mandated.

Shall: Indicates those areas we feel must be followed in the best interest of the breed, and for which there may be consequences if not followed.

Breeder: A person who brings together two dogs with the intent of producing a third dog, regardless of the method of conception, and regardless of whether offspring result.

Buyer: As defined by contractual agreement.

Seller: As defined by contractual agreement.

Open Registry: A registry which records and makes available information on both affected and unaffected (normal) dogs.

Closed Registry: A registry which records information on all submissions but which only makes public the results of unaffected (normal) findings.

OFA: The Orthopedic Foundation for Animals is an organization which evaluates radiographs (x-rays) and test results for diseases with a hereditary basis such as hip and elbow dysplasia. OFA also will assign a number to, register, and publish, passing evaluations. As it is a closed registry, OFA will not release information on dogs who are found to be affected with dysplasia. The services of OFA are available to all registered, purebred dogs.

GDC: The Institute for Genetic Disease Control in Animals is an organization which evaluates radiographs (x-rays) and test results for diseases with a hereditary basis, including hip and elbow dysplasia. GDC assigns a number to each dog entered into its database and continues to update the record with subsequent data such as the results of eye-screening exams, tissue diagnosis, and a number of other evaluative procedures. As an open registry, the GDC makes available to interested parties information on both affected and unaffected dogs and has the ability to provide information on the relatives of specified dogs as well. The services of the GDC are available to all registered, purebred dogs.

PennHIP: PennHIP is a method to evaluate a dog for susceptibility to Hip Dysplasia. The radiographic procedure involves a special positioning of the dog so that the dog's "passive hip laxity" can be accurately measured.

CERF: The Canine Eye Registration Foundation is an organization established to standardize the protocol for eye examinations to detect hereditary eye diseases, gather raw data, and provide statistical information to canine ophthalmologists. CERF also functions as a closed registry for the examination results in that they will provide 1 year certification for a passing exam but will not make public the findings of affected dogs. CERF provides these services for all registered, purebred dogs.

Berner-Garde: Berner-Garde is a Foundation set up to facilitate the orderly acquisition and dissemination of information related to genetic traits in Bernese Mountain Dogs.

PRA: Progressive Retinal Atrophy is an inherited eye disease in which there is initial loss of night vision progressing to total blindness.

Limited Registration: AKC limited registration means that litters produced by the dog are not eligible for AKC registration. The dog is eligible to compete in all AKC-licensed events except breed competition at an AKC-licensed dog show.

Full Registration: AKC full registration means that litters produced by the dog are eligible for AKC registration. The dog is eligible to compete in all AKC-licensed events including breed competition at an AKC-licensed dog show.