

(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.
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.