

**CONSTITUTION AND BY-LAWS**

**OF THE**

**TAMWORTH SWINE ASSOCIATION**  
**INCORPORATED**

*As Modified at the Annual Meeting September 1, 2015*

Recognizing the importance of a trustworthy record of pedigrees of Tamworth Swine and the general improvement of this breed, we hereby unite as an Association under the corporate laws of Indiana and solicit the co-operation of all breeders of Tamworth Hogs who will join us, and we herewith claim the title: "Tamworth Swine Association," established by this Association in the year 1921, for the name under which the pedigree record of the Association shall be published.

**ARTICLE I**

*Names, Location and Objects*

Section 1. This organization shall be known as the Tamworth Swine Association, a corporation not for pecuniary gain.

Section 2. The objects of the Association are to collect, record, preserve and publish the pedigrees of, and information on the history of purebred Tamworth Swine; and to study the general improvement in swine type and practice, and to promote use of the breed on the farm.

**ARTICLE II**

*Membership*

Section 1. Persons, firms and corporations who are the owners of purebred Tamworth hogs, are actively promoting, or are financially interested in the breed shall be eligible for membership; except such persons, firms or corporations who have been denied the services of this, or any other recognized purebred Record Association or have in their employ in a responsible position, any person who has been denied these privileges.

Section 2. The members of this Association shall be subject to such dues and fees, and have such voting rights and special privileges as may be prescribed by the By-laws of the Association.

**ARTICLE III**

*Management*

Section 1. The affairs of the Association shall be managed by a Board of nine Directors elected from the membership.

Section 2. The officers of the Association shall consist of a President, Vice-President, and Secretary-Treasurer. The President and Vice-President shall be elected by the Board from its membership. The Secretary-Treasurer shall be named by the Board from outside its membership, which person shall be without power of vote.

Section 3. Officers and Directors of the Association shall be elected and perform such duties as are prescribed by the By-laws.

## **ARTICLE IV**

### *Meetings*

Section 1. The Annual meeting of the Association shall be held at such time and at such place as may be fixed by the President and Secretary, with the approval of the majority of the members of the Board of Directors, a notice of such meeting being sent to each member of the Association by the Secretary at least 15 days in advance thereof.

Section 2. Special meetings of the Association may be held upon a call issued by the President or a call signed by a majority of the members of the Board of Directors, or by a petition signed by fifty active members, by giving fifteen days notice of such meeting to all members of the Association, but no business shall be transacted at such meeting except that stated in the call.

Section 3. Members may vote in person only.

Section 4. For the purpose of an election and the transaction of other business a quorum shall consist of the members present.

Section 5. Sending a notice to the last known fax number; email address or mailing address of any member of the Association shall be deemed a sufficient compliance with any section of the Constitution or By-laws where it is required that notice shall be given.

Section 6. Where there is a reference in the Constitution or By-laws to a notice or communication being in writing, or written, or such similar language, it is deemed sufficient if the notice or communication is expressed on paper, digitally, or electronically produced.

## **ARTICLE V**

### *Amendment*

Section 1. The Constitution of this Association may be amended by a two-thirds majority vote of the members present at any meeting of the membership, providing the proposed amendment is submitted to the active members of the Association 10 days prior to the date of the annual meeting.

## **BY-LAWS**

### **ARTICLE 1**

#### *Board of Directors*

Section 1. Directors shall be elected by the members at the Annual Meeting. Three Directors shall be elected by ballot at each Annual Meetings and shall serve for a period of three years and until their successors are elected and qualified. No person shall be eligible to election as a Director who is not, at that time an Active Member.

Section 2. Absence from Meetings, Failure of Any Director to attend ay two (2) consecutive annual meetings of the Board shall automatically create a vacancy in the office held by the absentee.

Section 3. Vacancies. Vacancies in the Board of Directors may be filled by a majority of the remaining members of the Board at any regular or special meeting. Members so elected shall hold office for the unexpired term created by the vacancy, and until their successors are elected and qualified.

### **ARTICLE II**

#### *Officers*

Section 1. Officers shall be elected at a meeting of the Board of Directors to be held following the adjournment of the Annual Meeting of members.

Section 2. Terms. Officers shall serve for a term of one year and until their successors are elected and qualified.

## **ARTICLE III**

### *Committees*

Section 1. Executive Committee. The Board of Directors shall, at its Annual Meeting, appoint an Executive Committee which shall be made up of the President, who shall be the Chairman, and two members of the Board of Directors.

Section 2. Other committees. All other committees shall be appointed by the President, unless otherwise determined by the Board of Directors.

## **ARTICLE IV**

### *Membership*

Section 1. Application. Any person, firm or corporation eligible for membership and desiring admission to the Association shall file an application upon the prescribed form and shall include for purposes of communication an email address; and/or fax number, if available to the applicant, as well as a telephone number and mailing address. Each Member shall thereafter be responsible for maintaining and updating the Member's contact and communication information.

Section 2. Fee. Each membership application, except for Junior Membership, shall be accompanied by a fee of \$10.00. No fee shall be collected for Junior Members as hereafter provided for.

Section 3. Junior Memberships. Any boys or girl under the age of 21 years, who is a regularly enrolled member of a 4-H Club or a Future Farmers of America Chapter or is a student of agriculture in a high school in which livestock projects are carried on as a part of the regular course of instruction and who is the owner of one or more purebred Tamworth sows or gilts registered in his or her name and who shall be recommended for Junior Membership by his or her club or chapter leader or instructor in agriculture or by the agricultural advisor for the county wherein he or she resides, shall be entitled to a Junior Membership, which shall entitle the holder to all the privileges of a member except the right to vote. Junior Membership shall, automatically and without notice, terminate upon such Junior member reaching the age of 21 years.

Section 4. Issuance. Upon receipt of an application for membership, accompanied by the required fee and properly endorsed, the Secretary shall determine the eligibility and desirability of the applicant for membership. If the applicant is found to be eligible and desirable, a certificate of membership shall thereupon be issued by the Secretary and the name of the member shall be enrolled upon the membership rolls of the Association. In the event that the Secretary is in doubt as to the desirability of any applicant for membership, the application shall be referred to the Executive Committee, whose decision thereon shall be final.

Section 5. Transfer of Memberships. Memberships in the Association shall not be transferable, except from the estate of a deceased member to any member of his or her immediate family; the formation of a partnership to which any member is one of the partners to the partnership; or upon the dissolution of a partnership to any person who was a partner at the time of dissolution; and then only upon the surrender of the certificate properly endorsed and payment of a transfer fee of \$1.00.

Section 6. Terms of Membership. Membership in this Association shall be for life, as long as the holder is actively recording and transferring purebred Tamworths. Failure of a member to record or transfer a purebred Tamworth for the space of two years shall automatically and without notice cause the member to become an Inactive Member without power of vote or other privileges granted by the Association. However, an Inactive Member shall be reinstated to all privileges of membership upon resuming recording activities.

## **ARTICLE V**

### *Duties of President*

Section 1. It shall be the duty of the President to preside at all meetings of members, the Board of Directors and the Executive Committee, to maintain a contact with the Officers of the Association; to make a report of the affairs of the Association at the Annual Meeting of members; to retain custody of the official bonds of the Secretary and Treasurer; to perform all other duties which may be prescribed by the Board of Directors from time to time and such other duties as shall devolve upon that office. The President shall be an ex-officio member of all committees.

## **ARTICLE VI**

### *Duties of Vice-President*

Section 1. In the absence of the President, the Vice-President shall have the powers, and shall perform the duties of the President and such other duties as may be prescribed by the Board of Directors.

## **ARTICLE VII**

### *Duties of the Secretary-Treasurer*

Section 1. General. The Secretary-Treasurer shall be the General Manager of, and have general charge of, the business of the Association under the direction of the Board of Directors; shall collect and preserve all documents constituting the authority for Tamworth pedigrees and the transfer thereof, which shall be available to members for inspection during office hours at the principal office of the Association; act as Secretary of and keep a record of the minutes of meetings of members, the Board of Directors, and the Executive Committee; compile and maintain a proper herd book of recorded pedigrees; collect and receive all moneys due the Association, have custody of the common seal and the corporate records of the Association; issue certificates of membership; issue certificates of registration and transfer of ownership except in cases where the Secretary is in doubt as to the authenticity thereof, in which cases such applications for registration or transfer shall be referred to the executive Committee; and, issue all notices of meetings. The Secretary Treasurer shall have the custody of all funds and securities of the Association, which funds shall be deposited in the name of the Association in a bank or other depository designated by the Board of Directors; shall invest surplus funds in sound insurance annuities or in other securities which, by the Laws of the State of Indiana are proper for the investment of trust funds, subject to the approval of the Board of Directors; issue all checks for the disbursement of Association funds; submit to the Annual Meeting of members a complete report of the financial affairs and books of the Association, and shall perform such other duties as shall be prescribed by the Board of Directors or which shall devolve upon the office.

Section 2. Enforcement of By-laws. It shall be the duty of the Secretary to investigate any complaint received by, or coming to his attention of, the Secretary, of the violation or attempted violation by any member or non-member using the privileges of the Association, of any of the By-laws of the Association, or of the doing of any act or acts which, in the opinion of the Secretary, tend to endanger or adversely affect the welfare, reputation or credit of the Association, and to enforce these By-laws unless such act or omission by such member or non-member shall be promptly rectified to the satisfaction of the person or persons making the complaint and/or of the Secretary. Any complaint or violation where doubt exists shall be referred to the Executive Committee.

Section 3. Bond. The Secretary-Treasurer shall give bond in such form and amount as shall be required by the Board of Directors.

## **ARTICLE VIII**

### *Powers and Duties of the Board of Directors*

The Board of Directors shall have, in addition to all other powers granted them by law and by the By-laws of the Association, the following powers and duties, namely:

Section 1. General. General supervision of the affairs of the Association; management and control of all property; to fix the compensation of officers of the Association; to remove any officer elected by them when

in their opinion the best interests of the Association will be served thereby, such removal to be by a two-thirds vote of all members of the Board of Directors.

Section 2. Expenditures. To make necessary appropriations for the verification, preservation and publications of all pedigrees and other expenses of the general office of the Association, and for the payment of the expenses of Officers and Directors and members of Committees when on official business.

Section 3. Pedigrees. To fix the fees for registration and transfer of pedigrees, and subscription and advertising, and special breed paper. Section 4. Special Appropriations. To make appropriations for breed promotion, publicity, and advertising, and special premiums at fairs and expositions.

Section 5. Appeal of Complaints. To pass upon all appeals from the action of the Secretary or of the Executive Committee and to hear, investigate, and act upon all complaints or charges made against any member or non-member, who is permitted to avail himself of any of the privileges of the Association, for violation of any of the By-laws of the Association or for conduct adversely affecting the reputation, welfare, or credit of the Association; and to suspend or reinstate such member or non-member complained against. To direct the Secretary to deny all privileges of the Association to any member or non-member who owes the Association fees, or who has been guilty of failure to complete registration and transfer of ownership of animals sold by such member or non-member.

Section 6. Cancellation. To direct the Secretary to cancel any registration or transfer certificate when it has been determined that such certificate was issued on the basis of incorrect statements of data in support thereof or in said application, and to refuse to make further entries in the record based upon such incorrect certificates of registration or transfer.

Section 7. Appointments. To designate by honorary appointment such Vice-Presidents for the several states, territories and provinces as shall be deemed for the best interest of the Association; to fill all vacancies in the offices of the Association which may occur between annual meetings.

Section 8. Additional Employees. To engage or authorize the employment of such agents or employees as they consider necessary at any time in the conduct of the affairs of the Association.

Section 9. Bonds. To require any officers or employees of this Association to give bond with such conditions and in such an amount as may be fixed by said Board of Directors.

## **ARTICLE IX**

### *Duties and Powers of the Executive Committee*

Section 1. General. In the absence of the Board of Directors, it shall be the duty of the Executive Committee to act with the consent of the Board of Directors in the Direction of the affairs of the Association; reporting all decisions, in writing, to the Board within seven days. Decisions of the Executive Committee shall be final, if two or more Directors do not object to the decision within an additional seven days; should such objections be filed with the Secretary, the matter in question shall be placed on the docket of the next meeting of the Board of Directors.

Section 2. Investigation. To investigate or cause to be investigated, all complaints coming to their attention, of the violation, or attempted violation by any member, of any of the By-laws of the Association, or the violation or attempted violation by non-members, of registration or related requirements, or of any act or omission of any member or non-member tending to endanger, or adversely affect the welfare, reputation or credit of the Association. If a majority of the members of the Committee shall, after making or having made such investigation as they deem necessary, determines the complaint to be of such import, or to be justified, they shall act, in due course, and submit the complaint and a report of their findings to the Board of Directors.

Section 3. Right of Appeal When Complaint Dismissed. Any member or non-member whose complaint is dismissed by the Executive Committee, shall within ten days of the date of notice of decision have the right to, in writing, demand that the complaint be reheard by the Board.

Section 4. Direct Issuance of Certificate. In case of the inability of any applicant for a pedigree certificate or a certificate of transfer of ownership, to provide the certificates and data pertaining thereto, as required by the Association, on account of the failure, inability or refusal of any party to the transaction to furnish such certificate or data, the Committee shall have the right, upon being satisfied of the correctness and validity of the facts in question, to instruct the Secretary to issue the certificate of registration or certificate of transfer of ownership.

Section 5. Reference to Board of Directors. In any matter in which the Committee shall be unable to arrive at a decision, or which it deems of sufficient importance to the welfare of the Association, it shall have the right to refer such matter to the Board of Directors for decision.

Section 6. Audit. The Committee shall have power to audit or cause to be audited any or all books of the Association.

## **ARTICLE X**

### *Duties of Members and Non-members*

Section 1. It shall be the duty of members and of non-members using the privileges granted by the Association, to comply at all times with the By-laws of the Association as they now exist, or may hereafter be amended; to keep adequate herd records sufficient to provide unquestionable identity of all purebred hogs in the herd, or sold from the herd for breeding purposes; so to conduct his, or her, Tamworth business so as not to endanger, reflect upon or adversely affect the reputations, welfare or credit of the Association and Board; to report promptly in writing to the Secretary any violation of the By-laws or any act or conduct tending to endanger or adversely affect the reputation, welfare or credit of the Association, by or on the part of any other member or non-member using the privileges granted by the Association.

Section 2. Persons, firms and corporations who are not members of the Association may record pedigrees and transfers of ownership on terms prescribed by the Board of Directors. The act of signing an application for registry or transfer, by a non-member, shall constitute an agreement to observe and be bound by the By-laws of the Association as they now exist or may hereafter be amended, and to conduct said non-member's Tamworth business so as not to endanger or reflect upon the reputation, welfare or credit of the Association.

## **ARTICLE XI**

### *Misrepresentation of Fact*

Section 1. No member or non-member, using any of the privileges granted by the Association, shall in any way misrepresent any fact in connection with Tamworth hogs, either as to breeding, date of farrow, or ear notches; or alter ear notches; or in any way cause false information to be placed upon the records of the Association, or presented to the public. Such misrepresentation shall be punishable by denial of the services of the Association to the offending party.

## **ARTICLE XII**

### *Sale of Pedigree Certificate Prohibited*

Section 1. No member or non-member using the privileges of the Association, shall buy or sell any pedigree certificate which does not accompany the sale or transfer of a hog for which the certificate was issued.

## **ARTICLE XIII**

### *Alteration of Pedigree Certificate Prohibited*

Section 1. No member or non-member using the privileges of the Association, shall make any alteration or changes in any certificate of registration or transfer issued by the Association, nor have in his or her possession any such certificate which has been altered, changed, or tampered with. In case any member or non-member using the privileges of the Association, shall receive a certificate which bears evidence of change or alteration, the member shall forthwith forward such certificate to the Secretary and in connection therewith,

communicate to the Secretary the source from which the certificate was received, and all pertinent attending information relating thereto.

#### **ARTICLE XIV**

##### *Meetings of Members*

Section 1. Annual. Shall be held at such time and at such place as may be fixed by the President and Secretary, with the approval of the majority of the members of the Board of Directors, a notice of such meeting being sent to each member of the Association by the Secretary at least 15 days in advance thereof.

Section 2. Special. May be held upon a call issued by the President or a call signed by a majority of the members of the Board of Directors, or by a petition signed by 50 active members, by giving fifteen days notice of such meeting to all members of the Association, but no business shall be transacted at such meeting except that stated in the call.

Section 3. Notices. Notices of all meetings of members shall be written or printed and sent to each Active Member's fax number, email address or mailing address as it appears on the records of the Association. Each Member is responsible for maintaining and updating the records of the Association regarding acceptable methods of communication. Absent the expression of a preference in writing by the Member, the Secretary may select the method which is most cost effective for the Association. Section 4. Vote. Each Active Member shall be entitled to one vote at all meetings of members. Inactive and Junior Members shall not be entitled to vote.

Section 5. Quorum. For the purpose of an election and the transaction of other business a quorum shall consist of the members present.

#### **ARTICLE XV**

##### *Meetings of Directors*

Section 1. Annual. The Annual Meeting of the Board of Directors shall be held within 48 hours following adjournment of each regular Annual Meeting of members.

Section 2. Special. Special meetings of the Board of Directors may be called at any time by the President. The Secretary shall give written notice to the members of the Board of Directors of special meetings not less than five days before the date fixed for the meeting, by mail or wire, or by email or fax to any individual who has provided such a means of communication, stating the time, place and purpose of the meeting. The President shall call special meetings of the Board of Directors upon written request of five Directors.

Section 3. Quorum. A majority of Directors shall constitute a quorum for the transaction of business at any Directors' meeting, but a smaller number may adjourn the meeting to another day or hour or place.

#### **ARTICLE XVI**

##### *Meetings of Executive Committee*

Section 1. Call and Notice. The Chairman shall have the power to call a meeting of the Executive Committee at any time upon giving three days written or telegraphic notice thereof, or notice by email or fax to any individual who has provided such a means of communication. The Chairman shall call a meeting of the Executive Committee upon the written request of two members thereof, of which like notice shall be given.

Section 2. Quorum. Two members of the Executive Committee shall constitute a quorum.

#### **ARTICLE XVII**

##### *Meetings by Correspondence*

Section 1. Whenever any matters are pending before, or which are proper to be decided by the Board of Directors or Executive Committee, and which, in the opinion of the Chairman of the Board of Directors, or of the Committee, may be determined by the Board of Directors or Committee, without the holding of a formal meeting, the Chairman of the Board of Directors or Committee shall have the right to submit the matter to the members of such Board of Directors or Committee individually. The Chairman shall submit the proposition to be decided by the Board of Directors or Committee in the form of a resolution to the Secretary, together with

notice as to whether the vote shall be cast in written or oral form, and the method of meeting, if any. The secretary shall thereupon submit the resolution to the members of the Board of Directors or Committee for

decision together with a notice of the time fixed for the return of the vote, and the method of casting such vote. Notice shall not be less than ten days from the communication of such resolution and notice by the Secretary. If it is communicated that the vote shall be cast in written form, the members of the Board of Directors or Committee shall cast their votes on such resolution by placing a mark in a column appearing opposite the statement of the resolution, and marked "for" or "against," and return the same to the Secretary within the specified time for the return of the votes. The vote may be returned by mail or by email attachment. The Secretary shall maintain all such votes in written form and exhibit all votes cast to the Chairman, and shall thereafter file them in the office of the Association, subject to inspection by any member of the Association. If it is communicated that the vote may be cast orally, the Secretary shall schedule or cause to be scheduled a telephone conference call of all members of the Board of Directors or Committee, with the same requirements regarding notice as are stated above. The Secretary shall be present for the telephone conference and shall take notes as to the vote of each person participating, and shall maintain and exhibit to the membership the information regarding such votes as required above. If a majority of the members of such Board of Directors or Committee shall vote in favor of the resolution, it shall be considered carried; otherwise, it shall be considered lost. The adoption or revision of a resolution in the manner provided for, shall have the same force and effect as if done at a regular or special meeting of such Board of Directors or Committee, called and conducted as provided by law and by these By-laws, and shall be incorporated in the minutes of the Board of Directors or the Committee, as the case may be.

Section 2. The Chairman may select videoconferencing as a method of meeting and voting, but only if all persons entitled to attend, speak or vote have available the necessary equipment for a videoconference or it can be made available to them at lesser cost than a telephone conference.

## ARTICLE XVIII

### *General Recording Requirements*

No pedigree certificate shall be issued until the following requirements have been complied with:

Section 1. Form. Applications shall be submitted on forms prescribed by the Board of Directors and shall contain all information required by such forms.

Section 2. Signature. Each application shall be signed by the breeder of the animal sought to be registered, unless purchased in dam, in which case the application shall be signed by the owner of the dam on the date of farrowing of the animal sought to be registered.

Section 3. Fees. All fees for registration or transfer and all penalties shall be paid at time of registry.

Section 4. Recorded Ancestry. Sire and Dam shall have been recorded by this Association. All data; information; signatures; names; and symbols on such forms are the property of this Association and may be used, copied or reproduced only as expressly authorized by these By-Laws or with the written consent of the Executive Committee. No member or non-member who has been furnished with a Litter Registration Certificate; Certificate of Registration for an individual animal; or Transfer of Registered Ownership is authorized to use the information contained on it for any purpose other than to demonstrate to a buyer the lineage of the animal registered with this Association by reason of the instrument, or to register an animal with this Association.

Section 5. Recorded Ownership of Dam. No animal shall be admitted to record unless the dam is shown on the record of the Association as having been bred by or transferred to the name of the person owning her at the time of farrowing the litter in question.

Section 6. Certificate of Service. When the sire of an animal to be recorded is not owned by the breeder of the animal at the time of that service, a certificate of breeding service signed by the owner of the sire must be supplied upon a form prescribed by the Board of Directors.



Section 7. Additional Information. Any additional information, data, and supporting evidence required by the Secretary or Board of Directors has been furnished.

Section 8. Forfeiture of Fees. Whenever any fees are paid to the Association in connection with an application for registration or transfer, and the certificate shall not be issued on account of failure of the applicant to provide all information and data required by the Association, such fees shall be forfeited to the Association when the breeder becomes inactive.

Section 9. Owner of Dam is Breeder. The Association recognizes the owner of the dam at the time of the breeding service as the breeder of an animal.

Section 10. This resolution was passed by the Board of Directors of the Tamworth Swine Association and approved unanimously by members of the Association at the annual meeting of the Association October 1, 1954.

Resolved: That on and after January 1, 1955, Article 18 of the By-laws shall be amended as follows:  
No Tamworth shall be eligible for registration if it does not meet the following requirements:

1. Gilts must have at least 12 functional teats. Boars must have at least 12 rudimentary teats.
2. Inverted teats in either gilts or boars disqualify the animal possessing them for registration.
3. Blind teats do not disqualify but are to be discriminated against in judging.

Be it resolved further that:

1. Any breeder who makes application for registry is fully responsible for seeing that the above rules are complied with.
2. A buyer of a Tamworth represented to be registered or eligible to registry which does not meet the above requirements is entitled under the By-laws of the Association to recover the full purchase price of the animal. (Note: Any person who registers an animal automatically subscribes to the By-laws).
3. Any member of the Board of Directors or employee of the Association may appoint a committee of three disinterested breeders to settle an on-the-spot controversy over the qualification of an animal. This decision will be final unless appealed in writing to the executive committee within 10 days.
4. Erroneous registrations will be revoked without return of fees.

## ARTICLE XIX

### *Markings and Identification Requirements*

Section 1. General Body Color. To be eligible for record, the general color of a Tamworth shall be red. At no time shall there be more than 5% black hair on any hog. A coat color of ginger red to dark red is traditional and favored as true to breed characteristics. A coat of dark brown or black is highly disfavored in young animals, and may be penalized if appearing in the show ring. An animal should not be penalized for show or breeding that is aged or has been subjected to the elements as both cause darkening of a coat originally red. In extreme cases where the animal is predominantly seal brown or black, it shall not be permitted to be shown.

Section 2. White on Body. Any animal with white appearing anywhere on the body, except the hooves, but including the feet, shall not be eligible to show, and its registration shall be removed from the record.

Section 3. Black spots on coat. Dark spots with the general appearance of pinpricks or speckling on the skin only are typical of the breed and should not be penalized in the show ring or as breeding stock. Black spots in the hair coat are disfavored and may be penalized in the show ring. No animal may show as a Tamworth that has more than twenty black spots of hair of a size larger than a dime or any one spot of black hair larger than four inches by four inches.

Section 4. Ears. A Tamworth's ears should be pointed, upright and should give the appearance of alertness. While they may incline slightly forward of 90 degrees, substantial inclination may be penalized in the show ring. No Tamworth may show whose ears extend forward at less than 65 degrees from the head, measured from the forward base of the ear, or an animal the tips of whose ears are dropped or floppy. Any Tamworth whose ears extend forward at less than 45 degrees from the head, measured from the forward base of the ear is

not eligible to register, but registration papers will not be removed from the record on any animal born before March 31, 2015. No animal shall be penalized where it appears that the forward angle of the ear is the result of injury, illness or other condition which is not congenital.

Section 5. Deviation from Tamworth Type. Where an animal's appearance differs substantially from Tamworth type, representatives of the Association, as identified below, may disqualify the animal from a show. Examples are a shadow of a belt across the back; a head which differs from Tamworth type, such as a head typical of a Duroc or other breed with an upturned snout; a general build, bulk or stature atypical of the breed as historically known.

Section 6. Method of Decision-Making and Enforcement. Where there is a proposal to remove the animal's registration or in extreme cases of repeated violations, to revoke a violating member's entitlement to register animals or participate in activities of the Association, the provisions of Articles VII-XI and Articles XXII provide a detailed and formal method of investigation, hearing, sanction and appeal.

Where there is a need to determine whether an animal can be shown at a competition, there is a need for prompt decision-making. Any person may make a complaint to a board member and any board member who becomes aware of a defect that should prevent the animal being shown shall make a complaint. The board member shall make every effort to contact other Board members to discuss the matter, and shall involve at least two other Board members in the decision. The person making such a complaint may send a photograph or video of the animal showing the infraction complained of if it cannot be shown to a board member in person. A description without an image is insufficient. If three board members who have seen an image of the animal, together with ear notches identifying it, agree that it is ineligible to show, they shall inform the owner and the show superintendent of the decision and the animal shall not be permitted to show. Color. To be eligible for record, the general color of a Tamworth shall be red. At no time shall there be more than 5% black on any hog.

Section 7. Identification Requirements. No animal shall be eligible to record unless it is distinctively ear-notched at farrowing time for litter (right ear) and individual pig (left ear); provided, however, that agricultural colleges and agricultural experiment stations or other duly organized bodies, upon request, shall be allowed to give different marks to different pigs from the same litter for the purpose of identification of individual pigs in experimental work.

## **ARTICLE XX**

### *Duty to Furnish Registration Certificate*

Section 1. Certificate of Registration to Buyer. The Association holds the certificate of registration as an integral part of every purebred transaction. In every change of ownership of a Tamworth hog, the seller shall, at his own expense, furnish to the buyer a certificate showing transfer of ownership, and the date of sale, unless the right to such certificate is specifically waived, in writing, by the buyer at the time of completion of sale.

Section 2. Breeding Certificate. Should the change of ownership of a Tamworth hog involve a bred sow or bred gilt, a certificate of breeding service, on a form prescribed by the Association, must be furnished by the seller to the buyer.

## **ARTICLE XXI**

### *Non-Liability of Association*

Section 1. All pedigrees are based upon applications made to the Association, and are therefore recorded in reliance upon the information contained therein, and neither the Association nor any of its Officers, Directors or employees shall be held liable for any loss or damage incurred by any person, firm or corporation, including members or non-members, arising from any act of the transfer certificate issued in error or cancelled as a result of information subsequently obtained by the Association; or the refusal of the Association to record pedigrees based upon registration which has been cancelled from the record.

## ARTICLE XXII

### *Procedure for Hearing on Expulsion, Suspension, and Discipline*

Section 1. General. When a member or non-member, using the privileges of the Association is charged with a violation of any of the By-laws of the Association, or with any act or conduct tending to endanger or adversely affect the reputation, welfare, or credit of the Association, and such complaint is appealed, or referred by the Secretary to the Executive Committee or the Board of Directors, the President shall thereupon set a date for, and conduct a hearing on such charges or complaint.

Section 2. Appearance. The member or non-member so complained against shall be given ten days notice in writing of the date and place set for the conduct of the hearing and shall have the right to appear in person, or by or with counsel, at such hearing, and shall be entitled to examine all evidence and cross examine all witnesses heard in support of said complaint, and to offer evidence and data by way of defense.

---

Section 3. Answer. The member or non-member so complained against shall have the right to file a written answer to the complaint with the Secretary at the office of the Association not less than five days before the date of the hearings.

Section 4. Informal Hearing. Such hearings shall be conducted in an informal manner, within such limits as shall be determined by the person acting as chairman thereof. The Association shall not be required to keep a stenographic report of proceedings.

Section 5. Failure to Appear. Whenever a member or non-member so complained against, shall fail to file his written answer or denial, or shall fail to appear in person, or by counsel, at the hearing, the Board of Directors shall have the right to proceed with the hearing of such member or non-member.

Section 6. Penalty. Whenever the Board of Directors shall, by a majority vote of all members, find a member or non-member guilty of violating any of the By-laws of the Association as they now exist, or may hereafter be amended, or of any act or conduct endangering or adversely affecting the reputation, welfare or credit of the Association, after proceeding in accordance with the provisions of this Article, they shall have the right to deny all further rights and privileges to such member or non-member, or otherwise discipline such member or non-member in any manner which they deem to be in the best interest of the Association.

Section 7. Notice of Decision. Written notice of the decision of the Board of Directors on such complaint shall either be delivered to such member or non-member in person, or be sent to the member or non-member complained against, by registered United States Mail, postage prepaid, addressed to the member or non-member at the address appearing on the books of the Association, or to an email address or fax number if the correct mailing address is unknown, within ten days of the date upon which the decision of the Board of Directors shall be arrived at, provided however, that nothing herein contained shall prevent the decision of the Board of Directors from being appealed to the Annual Meeting of the members before the expiration of a ten day period.

Section 8. Report and Reference to Meetings of the Members. The findings, conclusions and action of the Board of Directors shall be reported to the next regular Annual Meeting of members.

Section 9. Reversal or Qualification of Decision of Board. In all cases where the decision of the Board of Directors is reversed or modified by the action of the members, such member or non-member shall be reinstated to all of his former rights, except as qualified by action of a majority of the members present at such meeting.

Section 10. Right of Board of Directors Pending Decision. The Board of Directors shall have the right during the time any complaint is pending against a member or non-member as aforesaid, to deny to such member or non-member any or all privileges of the Association.

Section 11. Continuance of Hearing and Requirements. In any case where a meeting of the Board of Directors is called for the purpose of considering a complaint against a member or non-member, and such

member or non-member so charged shall request a continuance or further meeting of the Board of Directors, such continuance or further meeting shall be held at the expense of the member or non-member requesting the continuance or further meeting and shall be granted only if the member or non-member shall file with the Secretary, cash or bond satisfactory to the Secretary, and in such amount and form as to guarantee the payment of all expenses of such further meeting of the Board of Directors.

### **ARTICLE XXIII**

#### *Right to Inspect Herd and Herd Records*

Section 1. The Board of Directors shall have the right to inspect, or cause to be inspected the herd and the herd records of any member or non-member using the privileges of the Association. Upon demand made by the Board of Directors acting through the Chairman or Secretary of the Association, any member or non-member using the privileges of the Association, shall exhibit his or her herd, or shall exhibit his or her records to the Board of Directors, or to any person or persons, designated by the Board of Directors to inspect such herd or herd records, or shall exhibit his or her herd records at such time and place as shall be fixed by the Board of Directors.

Section 2. Should sufficient evidence be found that herd records are inadequate to provide identification, or are incorrect, or that the animals in the herd do not correspond with the pedigrees held, the Board of Directors shall thereupon set a date for and conduct a hearing on, such charge or charges as are justified. The procedure and action thereby shall be as prescribed in Article 22.

### **ARTICLE XXIV**

#### *Fiscal Year*

Section 1. The fiscal year of the Association shall end on the 31<sup>st</sup> day of August each year.

### **ARTICLE XXV**

#### *Order of Business*

Section 1. Robertsø Rules of Order shall govern all meetings.

Section 2. The order of business at all meetings shall be:

- a. Call to order.
- b. Reading of Minutes.
- c. Reports of Officers.
- d. Reports of Committees.
- e. Unfinished Business.
- f. New Business.
- g. Elections.

### **ARTICLE XXVI**

#### *Amendment*

Section 1. These By-laws may be amended at any regular meeting or a special meeting called for that purpose, by a majority of the members present.