



## **QUARTER MIDGETS OF AMERICA, INC.**

### **CODE OF CONDUCT**

This document shall serve the QMA membership by defining behaviors that are unacceptable and the methods of dealing with disciplinary actions that may become necessary.

Membership in the Quarter Midgets of America is not a right- it is a privilege. All members of QMA shall respect other QMA members, officials, parents, drivers, spectators, volunteers and Directors. Any inappropriate conduct, harassment or abuse directed towards the above individuals will not be tolerated.

Members that violate this Code of Conduct, while present at the race track facility or other locations defined by this procedure, will be subject to possible discipline as outlined in this procedure.

#### **Code of Conduct Applicable Times and Locations:**

##### **Time:**

Code of Conduct violations will apply to situations occurring from the time a member arrives at the track facility or event location until the time they leave the track facility or event location.

##### **Location:**

Track facilities and event locations will all areas on and around the facility defined by the event organizers to hold the race event, activity or function. These areas will include but are not limited to the track, pit area, staging, hot chute, bleachers, concessions, walkways and drives, areas associated with the parking lot, areas associated with camping or parking that is used by or for the event. Location will also include places used for off-site exhibitions, banquets, car shows and other QMA events in which QMA members participate or are representing QMA.

#### **Code of Conduct Violations:**

Example violations have been grouped together in Levels from 1 to 4 based on severity as a guide to the membership and the board that must hear the case and decide if a violation occurred and as a guide to better determine the appropriate level of discipline. The board will determine the appropriate Level of unacceptable conduct for violations that are not listed in this procedure. You can also refer to the attached "Flow Chart".

##### **Level 1**

A disturbance caused by a member or driver to such an extent that the event is disrupted due to voices raised in anger towards others attending the event.

The person causing the disturbance will be asked by the Race Director, Club, Regional or National Board official to lower their tone, if that person complies, the issue will conclude. A Code of Conduct violation did not occur. If the person does not immediately comply, it will constitute a Level 1 Code of Conduct violation.

Any abusive, profane, taunting, threatening or harassing language, threatening or obscene gestures towards any person, continued antagonizing behavior towards any official, member, opponent or driver after warning at the event will constitute a Level 1 violation.

##### **Level 2**

Threats of physical assault toward any person at the event, overt or protracted verbal abuse of a driver by his handler or other handlers or disobeying an order by Race Director or Board member of authority to leave the property or return to their trailer.

### **Level 3**

Physical assault and battery on any person at the event, willful destruction of others property or indecent exposure. Member under the influence of alcohol or member under the influence or possession of illegal drugs.

### **Level 4**

Physical violence toward any individual to the point of injury. Sexual misconduct including nonconsensual, intentional physical contact of a sexual nature involving any individual. Violence or threats of violence towards any person at the event involving a weapon of any kind.

**Local authority involvement may be necessary for Level 3 and 4 violations.**

#### **Initiation of QMA Code of Conduct:**

1. A member should contact an official at that event if they consider a person has violated any of the 4 levels of this Code.
2. The Official will contact Race Director or ranking club board member present at that event and together will determine the appropriate course of action based on the situation and level of violation.
3. Person(s) witnessing the incident will write a detailed description of what they saw, heard and said during the incident and deliver this complaint to the Race Director or ranking club board member within 24 hours after the incident. (Please use the QMA Code of Conduct Incident Report Form, available on line or in your procedure book). Complaint must include names of people directly involved, names of witnesses, race or time of incident, quotes of what was said or description of what was witnessed along with the part of the Code of Conduct that was violated.
  - A) If a minor witnesses the incident the minor will write or dictate to a parent or adult exactly what they saw, heard and said to describe the incident.
4. The signed letter of complaint will be given to an official at the event. In most cases, the complaint should be filed at the club level including the club hosting a States race. Exceptions include Grand National Races or special events where the complaint should be filed with the QMA authority for that event.

#### **Code of Conduct Hearing:**

Depending on the incident, the officials or board may take the following actions:

1. Convene an emergency meeting of the officials or board members present to address the incident at the event. The officials or board do hereby reserve the right to remove or exclude for cause, any person(s) from any QMA event or location should the need become necessary. A full hearing and further disciplinary action may also be undertaken as outlined in Paragraph 2 of this Section.
2. The Board of Directors that received the complaint will meet at a time determined by the board and the Procedures for Hearing Section to hear the complainant, witnesses and defense to render judgment in accordance with this procedure.

#### **Procedures for Hearing:**

1. Board of Directors with regard to their by-laws and this procedure will call for a Code of Conduct hearing at the earliest possible time. Every attempt should be made to hold the meeting within 7 days of initial complaint. If attempts to seat a quorum are not possible because board members are directly involved with the incident, the board will refer the case to the next higher board.
2. All persons involved in the incident will be notified as to the time and method of meeting. Those board members charged or directly involved in the incident will remove themselves from the hearing after giving testimony of the incident.
3. Complainants and witnesses will give verbal or written testimony to the incident. The board hearing the case may direct questions to them.
4. Defendant will be allowed to hear the complaint, hear letters of complaint and provide witnesses to support their case and respond to the charges. The board hearing the case may direct questions to all persons present at the hearing.
5. The Board will then dismiss all persons involved in the incident and review the charges and defense presented.
6. The Board must agree by a majority vote of those present that a Code of Conduct violation occurred.
7. If the Board voted that a violation occurred, the Disciplinary Action Policy should be used as a reference

for punishment. The Board will then consider any previous code of conduct violations committed by the defendant and adjust the level of punishment accordingly. The Board must agree by a second majority vote of those present at the meeting as to the appropriate level of discipline.

8. The Board will send the defendant a certified letter outlining the board's decision within 24 hours of the completion of the hearing. Separate letters will be sent to the Regional Director, National Board, and QMA National Office within 7 days as appropriate.

### **Confidentiality**

Persons involved in these cases should use proper discretion in discussing the details of the case including verbal or written testimony involved in a code of conduct case. Details concerning a code of conduct case are to be kept confidential by the Board investigating and hearing the case. Meetings should be closed to everyone except those directly involved in the case and all minutes available to the membership should have all persons names removed.

### **Disciplinary Action Policy:**

The QMA Disciplinary Action Policy contains the following four levels of progressive disciplinary action that are to be used as a guide for the boards hearing the complaint once it has been established that a violation occurred. Disciplinary action should be applied at the same level as the violation unless there were extenuating circumstances or applied to a repeat offender. It is impossible to define every situation. It is the responsibility of the board hearing the complaint to consider the situation and previous Code of Conduct violations before rendering a punishment. The board should consider moving to the next higher level or a longer suspension within that level for persons committing multiple violations **within a 12-month period.**

#### **Level 1 -Written warning**

1. Letter of written warning will be sent certified to the member within 24 hours after the completion of the Code of Conduct hearing. Member should contact the person holding the Code of Conduct hearing if the letter is not received within 4 days after the hearing. A late letter does not affect the warning.
2. The Club President/ Regional Director or their representative will review a written warning with the member, covering the circumstances and the action to be taken if a second violation occurs.
3. Members receiving multiple Level 1 violations within a 12-month period may at the board's discretion be given a one to three week Level 1 Individual suspension.  
Individual Suspension: An individual member under suspension will not be allowed to attend or participate in QMA events that require QMA membership. This includes, but is not limited to, the following: Racing, Handling, Practice, Access to locations during the event as defined by this procedure and the event organizer, club meetings and duties as a board member. In the event a Level 1 suspended individual enters a QMA event location for any reason, the suspension will be reviewed by the club and may revert to a family suspension.
4. Club issued Level 1 violations may be appealed to the Regional Board. Member must notify the Club and Regional Board within 7 days from the postmark of written warning letter that they are appealing. Level 1 Violations may not be appealed to National Board.
5. A signed copy of the warning letter will be placed in the member's club personnel file, and copies will be sent to the Regional Director, QMA National Secretary and the QMA National Office. This will remain on file for a 12-month period.

#### **Level 2– One to Three Month Suspension**

1. Individual Suspension: An individual member under suspension will not be allowed to attend or participate in QMA events that require QMA membership. This includes, but is not limited to, the following: Racing, Handling, Practice, Access to locations during the event as defined by this procedure and the event organizer, club meetings and duties as a board member. In the event a Level 1 suspended individual enters a QMA event location for any reason, the suspension will be reviewed by the club and may revert to a family suspension.
2. Multiple Level 2 violations within a 12-month period will be served as a family suspension for the duration of the suspension.
3. The length of the suspension may vary based on the severity of the offense, multiple level 1 or 2 violations at the event and whether the person has previous code of conduct violations within the past 12 months.
4. Letter of suspension will be sent certified to the member within 24 hours after the completion of

the Code of Conduct hearing. Member should contact the person holding the Code of Conduct hearing if letter is not received within 4 days after the hearing. A late letter does not affect the suspension.

5. The Club President/ Regional Director or their representative will review the suspension with the member covering the violation and the length of the suspension.
6. Suspended members may continue to race up to 7 days from the postmark date of letter notifying them of their suspension. Suspension will begin on the 8<sup>th</sup> day from the postmark date of the suspension letter. Exceptions are listed in the Appeals Process section of this procedure.
7. A 7 daytime allotment will be given allowing the member time to decide if they wish to appeal and for the next higher board to hear the appeal
8. A signed copy of the suspension letter will be placed in the member's club personnel file and a copy will be sent to the Regional Director and QMA National Office for distribution to all regions. This will remain on file for a 12-month period.

### **Level 3–Three to Twelve Month Suspension**

1. Family Suspension: Level 3 Suspensions will apply to the member and all members of a family membership. Family will not be allowed to attend or participate in QMA events that require QMA membership. This includes but is not limited to the following: Racing, Handling, Practice, Access to locations during the event as defined by this procedure and the event organizer, meetings, duties as a board member, voting.
2. The length of the suspension may vary based on the severity of the offense, whether there are multiple level 1, 2 or 3 violations at that event and whether the person has a previous Code of Conduct violation within the past 12 months.
3. Letter of suspension will be sent certified to the member within 24 hours after the completion of the Code of Conduct hearing. Member should contact the person holding the Code of Conduct hearing if decision is not received within 4 days after the hearing. A late letter does not affect the suspension.
4. The Club President/ Regional Director or their representative will review the suspension with the member covering the violation and the length of the suspension.
5. Suspended members may continue to race up to 7 days from the postmark date of letter notifying them of their suspension. Suspension will begin on the 8<sup>th</sup> day from the postmark date of the suspension letter. Exceptions are listed in the Appeals Process section of this procedure.
6. A 7 day time allotment will be given allowing the member time to decide if they wish to appeal and for the next higher board to hear the appeal.
7. A signed copy of the suspension letter will be placed in the member's club personnel file and a copy will be sent to the Regional Director and QMA National Office for distribution to all regions. This will remain on file for a 12-month period.

### **Level 4 - Revocation of Membership**

1. Revocation will apply to the member and all members of a family membership. The Club President/ Regional Director or their representative will submit a detailed summary of the violations that caused the revocation.
2. Suspended members may continue to race up to 7 days from the postmark date of letter notifying them of their suspension. Suspension will begin on the 8<sup>th</sup> day from the postmark date of the suspension letter. Exceptions are listed in the Appeals Process section of this procedure.
3. A 7 day time allotment will be given allowing the member time to decide if they wish to appeal and for the next higher board to hear the appeal.
4. Letters of revocation will be sent certified to the member within 24 hours after the completion of the Code of Conduct hearing. A late letter does not affect the revocation.
5. Letter to be placed in the member's club personnel file and forwarded to the Regional Director, QMA National Secretary and QMA National Office for distribution to all regions.

## **TYPES OF SUSPENSIONS**

### **Club Suspension**

A member or family suspended at the club level that does not appeal to a higher board, may not operate a quarter midget or attend events associated with the club from which suspended during the period of suspension. Normal QMA activities at other clubs are allowed.

### **Regional Suspension**

A member or family suspended at the club level and upheld by the Regional board may not operate

a quarter midget or attend events while under suspension at any track within the REGION during the period of suspension. Normal QMA activities at other Regions are allowed. For a suspension to be considered upheld, the same level of suspension or higher given by the club must be decided by the Regional board. **NOTE:** A Regional Suspension can also be given when a Code of Conduct has occurred at a Regional Event.

### **National Suspension**

A member or family suspended at the club or Regional level and upheld by the National Board may not operate a quarter midget or attend events while under suspension at any track throughout QMA. For a suspension to be considered upheld, the same level of suspension or higher given by the club or regional board must be decided by the National Board. **NOTE:** A National Suspension can also be given when a Code of Conduct has occurred at a National Event.

### **Appeals Process:**

1. Regional and National boards have the authority to uphold, overturn, reduce or add to any Code of Conduct appealed to their board.
2. Disciplined members may appeal all decisions of a Club Board to their Regional Board.
3. A fee of \$150 will be paid in advance, for each appeal, by the appellant to the board hearing the appeal for the conference call fee. If the appeal is overturned, the monies collected will be returned. In the event this incident occurred outside the appellants Region, the two Regions would split the cost. However, if the appeal is upheld by the higher board, the monies will not be returned and the appellant will be billed for the balance due for the call. This member would not be allowed to return to racing until the suspension time is up AND the money is paid.
4. Suspension Region will hear appeals before being appealed to National.
5. The National Board will have the final authority to make a disposition to the member's case except for Code of Conduct cases filed by the National Board or Level 1 violations filed by the local club.
6. Members that file a complaint to a club or other board may appeal to the next higher authority if they feel the board did not act appropriately or if the board does not hear the appeal.
7. To remain impartial and objective, members filing an appeal should not discuss the case with members of the board that will hear the appeal prior to the hearing. Likewise, club and regional boards that ask for assistance from Regional and National board members should limit the amount of specific information given to the next higher board. This will keep the next higher board from forming opinions prior to the possible hearing of an appeal.
8. Regional/National Board should make every attempt to hear the appeal within 7 days. The board will give the member at least 3 days notice of the time and procedure for the appeal hearing and allow the member an opportunity to be heard.
9. If the Regional or National Board takes longer than 7 days to hear the appeal, at no fault of member, the member will be allowed to race during that time. This will be determined by the Board hearing the appeal and notice will be given to the member.
10. Regional Board will allow representations from the defendant and suspending club at the appeal hearing plus one additional witness each. National Board will allow defendant, Regional Director and a club representative to attend the appeal hearing plus one additional witness each. Written documents may be submitted for support from any party. Boards may allow additional witnesses or Complainant testimony as determined by the board.
11. All written statements collected by Club Board, copy of meeting minutes, and any other documentation will be forwarded to Regional Director upon the completion of the hearing with a copy of the letter of suspension. Likewise, all of the above plus any additional information collected by the Regional Board will be forwarded on to the QMA National Secretary immediately with copy of suspension or upholding of suspension.
12. A member that appeals a suspension to their Regional Board may race during the appeal period

after the club issued suspension up to 7 days or the ruling from the Regional Board whichever comes first. Likewise a member that appeals a suspension to the National Board may race during the appeal period after the Regional issued suspension up to 7 days or the ruling from the National Board which ever comes first. The 7 day periods may only be extended if the board needs more time for the hearing with notice from the board that is preparing to hear the appeal. A delay in the request for appeal by the member will not constitute sufficient reason to extend the appeal period.

13. To eliminate the possibility of accusation or things being held up, a member must appeal to the next higher authority with a copy to the previous board. IE: A member is suspended at the club, and wants to appeal to the Regional Board. Member will appeal DIRECTLY to the Regional Director with a CC to the Club President. Likewise if appealed to next higher authority. Next higher board should copy any correspondence sent to member with previous authority.

14. The date the Code of Conduct is finalized is the date the suspension will begin.

15. All Code of Conduct letters, once completed and finalized, must be turned over from the Club to the Regional Director and then to the QMA National Secretary and QMA National Office within (7) seven business days.

**Code of Conduct Appeal for Cases Filed by the National Board:**

In the case where a Code of Conduct is filed from the National Board of Directors, the appeal will be referred to all the Regional Directors of QMA that were not directly involved in the incident. All Regional Directors of QMA that were not involved in the incident will then hear the member's case and the Regional Directors will have the final authority to make a disposition to the member's case. The Regional Board of Directors that were not involved in the incident must agree by simple majority that the member's actions were in violation of this procedure and therefore warrant disciplinary action. The cost of this appeal would be paid by QMA.

**CLARIFICATION:** All code of conducts must be put in writing and put into the Code of Conduct file. They must be held there for one year and sent from the Club level to the Regional level to the National level following the chain of command.

**NOTE: Designated QMA Officials and its Board at that event have the right to remove you from the premises at anytime for the remaining day and/or event for any occurrence that they feel is detrimental to the event being held. Being removed from the premises cannot be appealed. A letter will be placed in your file for one year.**

