

## **WHY IS THE SCCA FOCUSING ON MEMBER CONDUCT?**

The SCCA is a membership association – a Club – and the “Member Experience” is key to our future success. Delivering a positive member experience while simultaneously enhancing our public image is vital to attract new members and grow the Club. Heightened social awareness, the exponential growth of social media, and the worldwide phenomenon of incivility and disrespect have caused us and other organizations and associations like us to reexamine our policies related to protecting our members, our reputation, and our brand.

## **WHAT IS “MEMBER MISCONDUCT”?**

Unsportsmanlike conduct in all its forms is an offense that violates generally accepted SCCA rules of good sportsmanship and participant conduct, and includes any behavior that unreasonably or negatively impacts another’s experience with the Club, even outside of events. Any form of misconduct that undermines the integrity of the SCCA can negatively impact the perceptions or beliefs about the Club, debilitate morale, and interfere with safety, work effectiveness, and fun. Whether they occur in-person or online, these behaviors are in direct opposition to the Code of Member Conduct and the SCCA Mission, Vision and Values, and the Welcoming Environment, and will not be tolerated.

## **ARE THERE DIFFERENT LEVELS OF SEVERITY?**

Yes. We classify the range from gross misconduct to simple incivility in three levels:

- Severe acts which include illegal harassment, discrimination, retaliation, sexual harassment, sexual assault, stalking, bullying, and any severe or pervasive behavior that creates a hostile or offensive environment. Harassment and discrimination mean any inappropriate conduct, comment, display, action, or gesture by a person that is based on some protected characteristic including physical size or weight.
- Unsportsmanlike conduct includes behaviors such as taunting, sarcasm, innuendo, obscene or offensive slogans on clothing or exposed body art, foul or profane language, offensive jokes, or other verbally abusive comments that reasonably could be viewed as demeaning or that disparage members or guests. This also includes unethical behaviors by leaders and officials if they knowingly violate the rules. Personal harassment is conduct or comments which are intimidating, threatening, demeaning, or abusive and is behavior which is known or ought reasonably to be known as unwelcome.
- Boorish behaviors include general rudeness, insensitivity, interrupting, a raised voice, and other incivility or lack of common decency which can embarrass members and make guests uncomfortable, and negatively impact another’s experience with the SCCA.

## **WHAT ABOUT FREEDOM OF SPEECH?**

Freedom of speech is a fundamental human right that supports the freedom of an individual or a community to articulate their opinions and ideas without fear. But this freedom is not absolute; common limitations or boundaries to freedom of speech relate to libel, slander, obscenity, pornography, agitation, provocation, the right to privacy and dignity, and many others. Therefore, SCCA members have the right to freedom of speech or expression so long as they aren’t causing harm to or offending other members or the Club in general.

### HOW DO I REPORT MISCONDUCT?

Report misconduct to local Region or Event Officials; email [reportconduct@scca.com](mailto:reportconduct@scca.com); or call Region Development at 800-770-2055. A Misconduct Report form can be found on the Member Account Portal > Member Resources > File Cabinet > Region Development.

### WHO MAY REPORT MISCONDUCT TO THE SCCA?

Anyone with information or concerns about SCCA member behavior occurring off-track (on-track activities are managed by Event Officials). An anti-retaliation policy is in place to prevent negative consequences for those reporting or participating in an investigation. Those who knowingly make a maliciously false allegation or provide false or misleading information during an investigation, or otherwise act in bad faith will be subject to disciplinary action.

### WHAT HAPPENS WHEN THE SCCA RECEIVES A MISCONDUCT REPORT?

The SCCA undertakes a preliminary inquiry to assess whether the report is a local Region or Event issue. We then determine the severity and whether there is reason to believe a Code of Member Conduct or Conduct Unbecoming a Member policy violation may have occurred. If the answer is "yes," the Club initiates an investigation. Claimants will be contacted to discuss the details of the report and, depending on the severity of the behavior, Respondents will be asked to provide a statement and witnesses may be asked to corroborate claims or provide statements. For lesser violations, coaching and feedback may occur. A full investigation (done when unsportsmanlike or potentially illegal conduct is reported) contains several steps:

- Triage to determine the severity of the reported conduct
- Assess the impact on the safety of the member and the reputation of the Club
- Inform the appropriate parties - Region leaders, Event officials, or Board of Directors
- Secure evidence - texts, emails, screenshots, photos, etc. - and eyewitness reports
- Interview the reporter (Claimant), witnesses, experts, and the accused (Respondent)
- Analyze the data to compare behaviors vs. standards; eliminate perceptions, opinions, and judgements; look at precedent, historical records and previous incidents
- Draft an investigation report with names, dates, locations, evidence, witnesses, etc.
- Recommend next steps based on SCCA National and Region Bylaws, Operations Manuals, and Event Rules/Supplemental Rules
- Work with the appropriate parties to plan and execute next steps
- Communicate outcomes including rules on confidentiality and anti-retaliation

### DO STATUTES OF LIMITATIONS APPLY TO REPORTS TO THE SCCA?

No. Reports may be made based on misconduct alleged to occur at any time in the past. This differs from criminal investigation standards, in which statutes of limitations may apply.

### WHAT BURDEN OF PROOF DOES SCCA USE FOR ITS INVESTIGATIONS?

The "preponderance of evidence" standard is met when it is more likely than not that a claim is true. This differs from the "beyond a reasonable doubt" standard used in criminal law.

### **WHAT IS THE CODE OF MEMBER CONDUCT?**

- Respect fellow Club members and guests at all times.
- Show appreciation to volunteers who give their time and energy to the Club.
- Abide by the rules and engage in fair competition.
- Act with integrity and the highest standards of sportsmanship.
- Behave in such ways as to enhance the image of the SCCA.

### **WHO IS COVERED BY THE CODE OF MEMBER CONDUCT?**

Persons with an active membership in the SCCA, or those who were active when a reported incident occurred.

### **ARE VISITORS, GUESTS, VENDORS, AND OTHER NON-MEMBERS COVERED BY THE CODE OF MEMBER CONDUCT?**

No, but they are covered by the Welcoming Environment Statement (below) and subject to removal from SCCA events or activities for questionable conduct or bad behavior.

### **WHAT IS THE WELCOMING ENVIRONMENT STATEMENT?**

*"The SCCA strives to ensure that ALL participants in its events and activities enjoy a welcoming environment. The SCCA supports equality of opportunity and treatment for all participants and will make every effort to maintain an environment that is free of harassment, discrimination, and any behavior that interferes with a safe, fun, and exciting experience. A commitment to a welcoming environment and the SCCA Values is expected of all its members and attendees, including drivers, workers, crew, guests, staff, contractors and exhibitors, and other participants at SCCA activities, sessions, and social events and when representing the SCCA in print or electronic media."*

### **WHAT IS THE MEMBER ACKNOWLEDGEMENT?**

The Member Acknowledgement appears on all paper Membership forms and online when joining the SCCA or renewing a membership, and states: *"By accepting membership in the SCCA and any SCCA Region, I agree to conduct myself according to the highest standards of behavior and sportsmanship in a manner that shall not be prejudicial to the reputation of the Club or fellow members. I will abide by the Code of Member Conduct both at SCCA-sanctioned events and away and will strive to uphold the SCCA Mission, Vision and Values and the Welcoming Environment."*

### **DOES THE SCCA HAVE RELATIONSHIPS AND WORK WITH OTHER MOTORSPORTS SANCTIONING BODIES?**

Yes. The SCCA is a member club of ACCUS - the Automobile Competition Committee of the United States, which is an umbrella organization of auto racing sanctioning bodies in the United States. ACCUS is the official liaison of U.S. sanctioning bodies to the FIA - Fédération Internationale de l'Automobile. As such, SCCA works with other sanctioning bodies on reports of SCCA member conduct at events not sanctioned by SCCA.

### **SHOULD I FIRST REPORT MISCONDUCT TO LAW ENFORCEMENT, OR TO THE SCCA?**

Not all misconduct is strictly illegal; first, determine the severity.

- Behaviors such as physical or sexual assault or stalking represent potential criminal activity and should be reported to the authorities. To report criminal activity, contact your local police or sheriff's department first. They can determine if a report of criminal activity needs attention. If it's an emergency, call 911. If you report illegal activities to the authorities, always notify the SCCA National Office.
- Other conduct can range from unsportsmanlike i.e., threatening, or demeaning others, or unethical behaviors by Club leaders or Officials, to boorish behaviors i.e., general rudeness or insensitivity, obscene gestures or slogans. These may be uncomfortable for the individual and embarrass the Club, but they are not illegal, so report them to Region or Event Officials or to the National Office.

### **CAN I RECEIVE AN UPDATE ON AN INVESTIGATION?**

To protect the integrity of the process and the confidentiality of affected individuals, the SCCA generally does not communicate publicly on the status or outcome of investigations. The Club communicates directly with Claimants and Respondents at important milestones in the investigative process. If the SCCA enacts a temporary measure or sanction that affects a Respondent's eligibility to participate, it can be found in the Member Account Portal under Action History/Discipline (if program related) or Membership Status (active, suspended, expired).

### **WHY DOESN'T THE SCCA PUBLICLY RELEASE INFORMATION ABOUT CASE RESOLUTIONS?**

Public disclosure of investigation-related information is inconsistent with best practices and can jeopardize the Club's ability to protect affected individuals. Final decisions are always shared with the Claimant(s), Respondent, and relevant Region leaders or Event officials.

### **WHO IS RESPONSIBLE FOR ENFORCING SCCA PARTICIPATION OR MEMBERSHIP ACTIONS?**

The relevant Region leaders and Event officials must ensure enforcement of any temporary measure or permanent sanction issued by the Club. Typically, a member suspended or expelled from the Club may also be prohibited from attending an event or program as a participant, occasionally even as a spectator.

### **IS THE SCCA A MANDATORY REPORTER OF CHILD ABUSE?**

No, but any report of known or suspected abuse of a minor will be reported to the authorities.

## WHERE DOES THE SCCA GET ITS AUTHORITY TO TAKE REPORTS OR INVESTIGATE MISCONDUCT?

The SCCA has established the right to act regarding member conduct.

- SCCA Bylaws Article II - Membership, Section 4. Termination, Suspension and Renewal, paragraph (d) states, "The Board of Directors, or the governing body of a Regular Member's Region may suspend a Member at any time for infraction of any Club rule or any other cause if the suspending body deems the action in the best interests of the Club."

The SCCA has established the right to develop and administer operational and administrative policies regarding member conduct.

- SCCA Bylaws Article VI - Administration, Section 1. Board of Directors states that the BOD "shall establish the policies of the Club and shall oversee and direct the implementation and execution of such policies and the administration of the affairs of the Club by the executive committee, such other committees as it determines to appoint and authorize, and the staff of the Club."
- SCCA Bylaws Article VI - Administration, Section 5. Operations Manual states, "The SCCA Operations Manual shall be the official operating guide for all areas of SCCA administration. It shall further the guiding principle of the SCCA: The ultimate direction of the Club rests with the Members. In furthering this guiding principle, the Operations Manual provides an equitable system of administrative due process."

The SCCA has established the right to describe expected and appropriate member conduct.

- SCCA Operations Manual I. Forward; C. SCCA Welcoming Environment Statement describes the SCCA Mission, Vision, Values, and Welcoming Environment, and C.1 Member in Good Standing describes the Code of Member Conduct.

The SCCA has established the right to describe inappropriate member conduct and the reporting mechanism.

- SCCA Operations Manual B. Organization; 1. Membership; 1.7 Conduct Unbecoming a Member describes all manner of inappropriate behavior and unsportsmanlike conduct, along with levels of severity, the reporting mechanism, and anti-retaliation.

The SCCA has established the right to delegate authority to/through the National Office to take reports, manage investigations, and communicate to all stakeholders regarding member conduct.

- SCCA Operations Manual B. Organization; 1. Membership; 4. National Office Responsibilities and Administrative Procedures; 4.1 Administration describes primary responsibilities of the National Office related to administration and coordination of activities which cross Divisional, Regional and Program parameters, such as member conduct issues. Further, the Membership Department has established the Member Acknowledgment which appears on all paperwork and online when joining, renewing, or rejoining, and requires agreement before moving forward with the process.