

# TOPEKA KANSAS QUARTER MIDGET ASSOCIATION CLUB BYLAWS

Revised 12/20/2022

## ARTICLE I: NAME AND PURPOSE

### SECTION A:

This organization shall be known as the Topeka Kansas Quarter Midget Association (TKQMA). TKQMA shall maintain a sanctioning affiliation with a national racing organization. The current affiliation is with the United States Auto Club (USAC).

### SECTION B:

TKQMA exists to advance the following goals:

1. To organize, promote, publicize, conduct, supervise, and regulate quarter midget auto racing in Topeka, Kansas.
2. To create and maintain a clean, safe, and healthy sport that will offer the total family an opportunity to be involved in an activity that stresses competition, sportsmanship, and family participation.
3. To advance the learning potential and skill of the younger generation in alertness, coordination, mechanical aptitude, ability, and safety in the handling of power-driven vehicles.
4. To develop and promote awards and methods of recognition for race winners and participants.
5. To impress in the minds of the membership of the organization a sense of responsibility, fairness, team play, individual achievement, and generosity without envy of others.

### SECTION C:

TKQMA shall operate as, and remain, a non-profit organization. All earnings shall be used by the association to operate, maintain, improve, expand, and extend its facilities in accordance with its stated purpose. Should this organization dissolve; all assets, including monies left in the organization will be restricted for their original purpose and placed in safekeeping for a period of five years. Placement of assets outside of the TKQMA organization shall require 30-day notice to members followed by a majority vote in acceptance of the planned placement of assets.

## ARTICLE II: MEMBERSHIPS

### SECTION A:

Any person who is interested in the objectives of TKQMA, may apply for membership in this organization. This organization reserves the right to refuse membership to any person.

## SECTION B:

Because the organization is a not for profit, members will be expected to participate in fundraising initiatives to benefit the club. All members shall take part in the programs as assigned and perform any other duties they may be responsible for.

## SECTION C:

All TKQMA dues will be payable by/at the first meeting in October. Any person paying club dues after September 1<sup>st</sup> will be paid through the following year. If any person's dues remain unpaid for six months after they become due, his/her name shall be removed from the roll of members. Only current paid active members in good standing, who have been a member of TKQMA for at least ninety (90 days) shall be entitled to vote, with one vote per TKQMA family membership. Under no circumstances will absentee balloting be allowed. Members present, either in person or participating virtually, at the club meeting will be eligible to vote. Members transferred from another club will not have voting privileges for 90 days, unless unanimously approved by the board of Directors.

Only members in good standing will have voting privileges. All renewal fees, late fees, and/or other fees assessed to members are to be paid current to remain a member in good standing.

An active member is defined as any person (spouse, kids) who is interested in the objectives of TKQMA. Interpretation: Active is defined as being a paid member of TKQMA for ninety (90) days and participating in four (4) TKQMA events. For example: racing programs, work parties, concession, tower, and local special events.

A family membership is defined as husband, wife, or couple cohabitating or coparenting, and/or any children under the age of 18 years old of that immediate family that live in the same household.

Alternate handler memberships are for individuals who want to handle a driver and car, but do not want a family membership. Alternate handlers have no voting rights and cannot hold an office.

All property shall be purchased and sold in the club's name. Officers of the club signing on its behalf shall not be personally responsible or liable for their acts, if made in good faith and performed in accordance with the law, the articles of incorporation and these bylaws.

## SECTION D:

Members, or a representative for the member, shall participate in 50% of the non-race events the first half of the year, defined as January through June, as well as the second half of the year, defined as July through track closing. Non-race events are defined as workdays, Need 4 Speed, parade participation, etc. If by July 1, a member has not fulfilled the participation rule for the first half of the year, said member will be billed

\$100. Payment will need to be made prior to racing the next race. If, by after track closing, a member does not fulfill the participation rule for the second half of the year, said member will be billed \$100 to be paid by the Awards Banquet. If a member does not make payment by said time, the End-of-the-Year trophy will be held until payment is made. The member will not be in good standing with the club or USAC and racing privileges will be revoked until payment is rendered.

Members, or a representative for the member, are also required to volunteer their time during race days for positions scoring in the tower, Raceceiver, race director, pit steward, concessions, weight scale, track cleanup, etc.

### **ARTICLE III: Club Intellectual Property:**

TKQMA owns the rights to all websites and social media accounts that bear the TKQMA name. If a member in good standing is updating and running one or more club properties, they must, always, be able to hand this property over to the club president to remain in good standing. Failure to return club IP will result in suspension from all track activity.

As proper protocol to retain control over the club's web presence, the president, vice president and publicity director must simultaneously possess the log in credentials for the club's IP. Such properties are, but not limited to:

Facebook.com/TKQMA

Night Owl security

Gmail accounts

What's App.

Telegram

Twitter.com/TopekaQMA

TKQMA.net

MyRacePass ([topekakansasqma.myracepass.com](http://topekakansasqma.myracepass.com)) Our current website host is MyRacePass, of Lincoln, NE

Anyone posting negative comments about TKQMA or another member on a TKQMA website, Facebook or other social network page will be subject to immediate disciplinary action, up to and including suspension or removal from the club, as set forth in Article V.

### **ARTICLE IV: OFFICES**

#### SECTION A:

The Board of Directors of TKQMA shall be the President, Vice President, Secretary, Treasurer, Race Director, Technical Director, Safety Director, Rookie Director, Concessions Director, Track Director and Publicity Director. More than 50% of the officers shall constitute a quorum at all Board meetings. The board shall have the power and authority to enforce all rules and regulations as set forth in these bylaws and to conduct club business. An officer temporarily unable to perform any duties as specified in Section F shall provide adequate notification to the President.

The Board of Directors will create and publish the next year's race schedule by January 1. The schedule will then be reviewed and finalized by the club members. Club members are encouraged to give input into the race schedule. The Board should consider scheduling conflict such as, but not limited to, local community events, USAC sanctioned events, holidays, etc.

The President shall have the authority to execute checks, drafts, or other orders of payment of monies, all conveyances, contract, and other legal instruments executed in the name of TKQMA.

Along with the President and Treasurer, the Board of Directors shall elect an additional officer to be a signatory on any financial accounts.

Any club related expense, other than budgeted operating costs (i.e.: but not limited to memberships, supplies, repairs, etc.) totaling over \$400.00 must be approved by a majority of active family members present at a regular or special club meeting.

Proof of expenses is required before reimbursement. Reimbursement will be by check only.

An audit of all financial transactions will be done annually by the request of the active family member, at the membership meeting in October, to be executed by a person or committee of people not on the current Board of Directors of TKQMA. Such audit shall be completed by December 31.

## SECTION B: ELECTION AND TERM

The officers shall be nominated from September 1 through the close of the September meeting, with a verbal acceptance at that meeting. The nominees will be voted on by ballot at the first regular meeting in October. A majority vote shall be necessary to elect. When there is only one nominee for an office, he/she may be elected by voice. All officers will serve a two (2) year term with staggered elections. President, Safety Director, Secretary, Rookie Director and Publicity Director will take office November 1st of even numbered years and Vice President, Race Director, Technical Director, Track Director, Concession Director and Treasurer will take office November 1st of odd numbered years. A quorum shall consist of those members present at any regular or special meeting of TKQMA.

## SECTION C: ELIGIBILITY

Any active family member of TKQMA shall be eligible for election to any office if he/she:

- a) Is in good standing
- b) Has been a member of TKQMA for at least six months prior to election.

There may arise a need to fill a position (i.e., Race director or Concession director, etc.) using a non-family member. In these cases, the director will not be a voting member of the Board.

## SECTION D: VACANCIES OF OFFICE

If any office shall become vacant, the President shall, as soon as possible, thereafter, order a special election of the membership, for the purpose of filling such office. The member thus elected shall immediately enter upon his/her duties and shall hold office until the next regular election.

With approval, by vote of the club, Secretary and Treasurer positions may be combined and remain such until the next general election.

## SECTION E: REMOVAL OF OFFICERS

Any officer may be removed from their position for dereliction of their duties. A vote to remove an officer may be taken at any regular business meeting of TKQMA with a majority vote of those present, provided that TKQMA active members have been electronically notified of the proposed action 30 days prior.

## SECTION F: DUTIES OF OFFICERS

### **President**

- a) Preside at all meetings.
- b) Call special meetings at their discretion, subject to the limitations of Article V, Section B.
- c) Appoint all committees not otherwise provided for.
- d) Make provision for the discharge temporarily of necessary duties of absent or suspended members.
- e) During club meetings, for verbal or show of hands votes, only votes to break ties. If voting is by ballot, the President has the right to exercise their families vote regardless of the outcome. President's vote is one vote for their family membership.
- f) Become a member of any special committee only by the vote of TKQMA.
- g) See that the regulations of TKQMA are enforced.
- h) Carry out assignments and instructions given to him/her by vote of TKQMA.
- i) Appoint members to attend to the special needs of the club.

### **Vice President**

- a) Shall be an aide to the President and in case of the absence, disability, or resignation, assume, and perform the duties of the President.
- b) Be responsible for trophies and awards and year's end awards banquet.
- c) May be asked to chair special committees.

### **Secretary**

- a) Keep a permanent record book of the proceedings of all meetings.
- b) Issue notices of meetings and agenda after consultation with the President.
- c) Conduct the correspondence of TKQMA.
- d) Keep a current list of all members.
- e) Have custody of the Topeka Club By-Laws and the Topeka Racing Rules and Regulations. Make updates as amended by the club throughout the year.

- f) Provide the following items to all TKQMA members: current membership list, TKQMA by-laws, TKQMA racing rules and regulations, and monthly general meeting minutes.
- g) Track and report weekly race points to all club members

### **Treasurer**

- a) Collect all fees and dues.
- b) Pay all bills of TKQMA and render an accounting each month of all receipts and expenditures. Payments will not be made in advance and reimbursement can only occur if a receipt has been submitted.
- c) Submit the books to be audited on an annual basis. The committee members will meet on a designated day so that the audit can be completed during this designated time.
- d) Complete annual filings for corporation.

### **Race Director**

- a) Coordinate with the scorekeepers in setting up the races on each race date.
- b) He/she oversees coordinating the activities of the Flagman, Technical Committee, Safety Director, Timers and Scorekeepers and will see these positions are filled for each race date.
- c) Coordinates with the Board of Directors, on delaying or canceling an event for inclement weather.
- d) Facilitate the handlers' meetings before each race. Coordinate the days race procedures (i.e.: but not limited to race order, changes to race procedures, announcements, or weather issues.

### **Technical Director**

- a) Oversee the Technical Committee to handle the technical affairs of TKQMA, as per rules and regulations.
- b) Assist the Safety Director when necessary.
- c) Authorized to select a third member to be committee person for a Technical Committee.
- d) The Technical Committee may protest any car at any time and cause it to be torn down and inspected.

### **Safety**

- a) Handle all safety affairs of TKQMA and be responsible to see that all cars meet the USAC safety rules.
- b) Hold safety inspections on opening day and inspect one class each week thereafter.
- c) Be observant at all times of any safety violations.
- d) Be responsible to the Race Director in seeing that the racetrack and track equipment is in a safe condition.
- e) Be an assistant to the Technical Director.
- f) Form a group of trained members capable of properly assisting with the enforcement, inspection and interpretation of safety guidelines.
- g) All cars may be checked at the track by the Safety Director or Technical Committee when appearing after having a collision.

- h) Appoint a pit steward for each race day.

### **Rookie Director**

- a) Planning, overseeing, and managing the Rookie education classes.
- b) Holding Rookie drivers and handlers accountable for meeting minimum requirements, as established by TKQMA and the sanctioning body rules and regulations.
- c) Work with Rookie board in approving drivers for graduation to a competitive class
- d) Oversee on-track Rookie practices, races, and development.
- e) Responsible for ensuring that rules pertaining to the Rookie program are followed and appropriate feedback is given to Rookie drivers and handlers.

### **Track Director**

- a) Responsible the maintenance of the clubs' facilities.
- b) Oversee the opening and closing the facilities at race events.
- c) Make sure the track is in a safe racing condition, electric timer is in accurate working order, etc.

### **Publicity Director**

- a) Promotion of the race club and attracting new members through planning and overseeing events such as: Need for Speed, public displays, car shows, etc.
- b) Promoting the track sign advertising sales, production of the signs and installation at the track.
- c) Working with various media venues (locally, regionally & nationally) to promote the TKQMA. This includes (but not limited to) Race Events, Need for Speed Events, Fundraising Efforts, Charity Events, etc. through providing press releases, photos, and necessary information.
- d) Work with TKQMA Webmaster to maintain club's intellectual properties. Basic elements required, but not limited to Website content, profile information, sponsor appearance, classified ads, special event information & registrations, etc.
- e) Maintaining TKQMA's social media presence.

### **Concessions Director**

- a) Oversee the general operations of the concession stand.
- b) Responsible for making funds/cash ready for race day and preparing deposits at days end.
- c) Responsible for staffing needs; hiring staff if board approves.
- d) Create the menus for all events.
- e) Maintain concessions 'inventory as needed.

## **ARTICLE V: MEETINGS**

### **SECTION A: GENERAL MEETINGS**

- a) To transact the business of TKQMA

- b) A general meeting will be held once per month with a minimum of one week notification of the time and place posted on the TKQMA website and communicated to members via email.
- c) Robert's Rules of Orders for Parliamentary procedure will be followed.
- d) All matters voted upon shall require a simple majority of those present or participating virtually. Those family members not present will be registered as absent and by default entering an abstain vote.
- e) Meeting participants will be announced for both (online and in-person) attendees, to allow transparency for those attending. Online hand votes will be read aloud and any online ballot votes will to be validated by other members or board members.

## SECTION B: ORDER OF BUSINESS

In all regular meetings of TKQMA, the order of business shall be as follows:

- a) Call to order
- b) Sharing of the minutes of the last meeting and their approval.
- c) Approval of Financials
- d) Unfinished business
- e) New business
- f) Reports of special committees
- g) Open Forum
- h) Adjournment

## SECTION C: SPECIAL MEETINGS

Special meetings may be called at any time at the request of the Board of Directors, if they are convinced that there is an urgent need for one. Special meetings will convene only after significant notification (no less than 5 days) has been given to active family members. The Secretary shall electronically send notice of such meeting stating the objective for which the meeting has been called, times and location. Time and location of special meetings to be determined by the Board of Directors. Members present, either in person or participating virtually will be eligible to vote. All matters voted upon shall require a simple majority of those present or participating virtually.

## **ARTICLE VI: CODE OF CONDUCT**

This document shall serve the TKQMA membership by defining behaviors that are unacceptable and the methods of dealing with disciplinary actions that may become necessary. Inappropriate conduct, harassment or abuse directed towards anyone will not be tolerated.

**Any conflict between members may be resolved by the Board at the time of occurrence. The maximum action that may be taken is to remove offending member(s) from the facility for that day only. If all parties involved in the conflict agree, the matter is closed, and no further action will be necessary. Any disciplinary action, including probation that continues beyond the day of occurrence will require the use of the procedures in this document.**



## **Code of Conduct Time and Location**

### **Time**

COC 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. Social media violations, including emails, are not limited to time and location.

### **Location**

Track facilities and event locations will include all areas on and around the facility defined by the event organizers to hold the race event, activity or function. Location will also include places used for off-site exhibitions, banquets, car shows and other TKQMA events in which TKQMA members participate or are representing TKQMA.

### **Code of Conduct Violations**

Violations have been grouped together in Levels from 1 to 4 to categorize a complaint. This will serve as a guide to determine the appropriate action. The Board will assign a level for violations that are not listed in this procedure.

#### **Level 1**

Consists of but not limited to 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. Abusive, profane, taunting, threatening, or harassing language, threatening or obscene gestures towards any person, continued antagonizing behavior towards anyone.

#### **Level 2**

Consists of but not limited to, threats of physical assault toward any person at the event, verbal abuse of a driver by his handler or other handlers or disobeying an order from the Race Director or Board member in authority to leave the property or return to their trailer.

#### **Level 3**

Consists of but not limited to physical assault or battery of any person at the event, willful destruction of club or another person's property, indecent exposure, member under the influence of alcohol, or member under the influence or possession of illegal drugs.

#### **Level 4**

Consists of but not limited to physical violence toward any individual to the point of injury. The act of sexual misconduct, including nonconsensual, intentional physical contact of a sexual nature involving any individual. This may also include violence or threats of violence towards any person at the event involving a weapon of any kind.

Law Enforcement personnel may be needed for Level 3 and 4 violations.

### **Procedure for Filing Complaint**

1. A member should contact a Board member present at the event if they believe a person has violated any of the four levels of this Code.

2. The Board member will contact the ranking club Board member present at that event, and they 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 was seen, heard and said during the incident. Complaint must include names of people directly involved, names of witnesses, and time of incident. If a minor witness the incident, a parent or adult must file the complaint on his/her behalf. The complaint should be delivered to the Race Director or ranking club Board member within 24 hours after the incident. Exceptions include National Races or special events where the complaint should be filed with the USAC, or authority for that event.

### Code of Conduct Hearing

The Board may take one of the following actions:

1. Convene a meeting of the Board members present to immediately address the severity of the incident, to determine the level of the violation.
2. Schedule a formal hearing as outlined below to hear testimony and render judgment.

### Procedure for Hearing

1. Hearing should be held within seven days of initial complaint.
2. All persons involved in the incident will be notified of the time and place/method of meeting. Those Board members charged or directly involved in the incident must remove themselves from the hearing after giving testimony of the incident.
3. Complainants and witnesses will give verbal or written testimony of the incident.
4. Defendant will be allowed to hear letters of complaint against them and to provide witnesses to support their case and respond to the charges against them.
5. The Board hearing the case may direct questions to all persons present at the hearing.
6. The Board will then dismiss all persons involved in the incident and review the charges and defense presented.
7. The Board must agree by a majority vote of those present on the level of violation, if any.
8. The Disciplinary Action Policy should be used as a reference for punishment for all violations and prior COC violations must also be considered when determining level of punishment. The Board must agree by a majority vote of those present at the meeting on the penalty.
9. The Board will notify the defendant of its decision in person by (phone or email) and by certified mail within 24 hours. Copies of this notification must be sent to the National President within 7 days.

### Confidentiality Policy

Persons involved in these cases should use proper discretion in discussing the details of the case including verbal or written testimony involved in a COC case. Details concerning a COC case are to be kept confidential by the Board investigating and hearing the case. Meetings must be closed to everyone except those directly involved in the case.

### Disciplinary Policy

The TKQMA Disciplinary Policy contains the following four levels of progressive disciplinary action that are to be used as a guide. Disciplinary action should be applied at the same level as the violation. The Board hearing the complaint must consider the situation and previous COC 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.

### Suspension Definitions

**Individual Suspension** - Individual member may not attend or participate in TKQMA/USAC events that require TKQMA/USAC membership. If a suspended individual enters a USAC event location for any reason, the suspension will be reviewed by the club and may increase to a family suspension. (Refer to USAC Rule Book 1.3 Member in Good Standing)

**Family Suspension** – Member and all members of a family membership. Family will not be allowed to attend or participate in TKQMA/USAC events that require TKQMA/USAC membership. (Refer to USAC Rule Book 1.3 Member in Good Standing)

### **Level 1 -Written Warning/Suspension**

1. Written warning recommended for first time offense.
2. Members receiving multiple Level 1 violations within a 12-month period may be given a one to three event Level 1 Individual suspension. This may include multiple violations at the same event or single violations at different events.

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

1. Individual suspension recommended unless there have been multiple Level 2 violations within a 12-month period in which case a family suspension should be considered.
2. 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 COC violations within the past 12 months.

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

1. Family suspension recommended. The length of the suspension may vary based on the severity of the offense, whether there is multiple level 1, 2 or 3 violations at that event and whether the person has a previous COC violation within the past 12 months.

### **Level 4 –Revocation of Membership**

1. Revocation will apply to the member and may apply to all members of a family membership. The Board will submit a detailed summary of the violations that caused the revocation.

### Penalty Notification

1. The Board will review the circumstances of the violation and the resulting penalty to be imposed. (warning/suspension/revocation).
2. The defendant must be notified of the penalty in person, (by phone or email) and by certified mail within 24 hours.
3. Suspended members may continue to race up to 5 days after the hearing has concluded. Suspension will begin on the 6th day after the hearing has concluded. Exceptions are listed in the Appeals Process section of this procedure.

4. Suspended member will have up to 5 days to appeal the penalty.

**Note: Level 1 and 2 violations may not be appealed to the National President.**

5. A copy of the warning/suspension/revocation letter will be placed in the member's club personnel file, and copies will be sent to the National President. Warning/suspension letters will remain on file for a 12-month period.

### Appeals

Appeals will be filed as follows:

1. COC levied at a club event will be appealed to the sanctioning body with a copy going to the Club President.
2. Only members charged with a COC may appeal decisions of the Board to the next higher authority.
3. A member that appeals a suspension to the next higher authority, may race during the appeal period after the issued/upheld suspension up to 5 days or until the ruling from the Authority hearing the appeal, whichever comes first. The 5-day period may be extended if the Board hearing the appeal needs more time; the member will be notified if this is the case.
4. All documents and witnesses will be the same as those that were originally submitted and or questioned by the original Board hearing the COC.
5. Member filing an appeal should not discuss the case with members of the authority that will hear the appeal.
6. Suspension will begin on the date the COC is finalized.

### **ARTICLE VII: Code and Bylaws Amendments**

The Club Bylaws of TKQMA may be amended at any regular business meeting of TKQMA with a majority vote of those present, provided that TKQMA active members have been electronically notified of the proposed amendments 30 days prior.