

## **United Professional Horsemen's Code of Ethics**

As members of The United Professional Horsemen's Association, Inc. (UPHA), we acknowledge our role of providing service to the horse industry, and recognize the need to do so in a professional manner, and to deal with the public and our colleagues with the highest degree of integrity. Therefore, we have set forth the following creed which shall govern our endeavors to fulfill our obligations:

We pledge to:

1. Ensure that the welfare of the horse is paramount and that every animal shall at all times be treated humanely and with dignity, respect and compassion
2. Uphold and adhere to the highest standards of integrity, professionalism, and sportsmanship of the UPHA and to work to further its goals and objectives
3. Conduct all business affairs with clients and other professionals in an honest, sincere, open and forthright manner
4. Instill confidence among clients and the public in the horse industry, avoiding any action conducive to discrediting it or the membership of the United Professional Horsemen's Association
5. Handle our business and operations in a manner that promotes the image of the UPHA and professionalism through our conduct, dress and behavior
6. Adhere to moral and ethical principles reflecting soundness of character
7. Have a reciprocal relationship with each other wherein we are compelled to comment to our peers on their actions as well as be receptive of comments on our actions, if those actions might be perceived or interpreted as abusive or inappropriate

We agree to bring forward any conduct alleged to be in violation of this Code of Ethics to the UPHA Executive Board, UPHA Board of Directors and UPHA Ethics Review Committee for review.

Updated by BOD 4.5.2021

### **Rules and Procedures for Review**

1. Application of the Code of Ethics
  - a. All members of the UPHA agree to and shall be bound by this Code of Ethics during their membership in the UPHA.
  - b. Alleged infractions of the UPHA Code of Ethics, as adopted or amended, may be brought to the attention of the Executive Board by submitting the complaint and supporting documentation to the UPHA Executive Director. Executive Board is defined in UPHA bylaws, Article VII. Executive Board.

- c. The function of the Ethics Review Committee (ERC) shall be to interpret and enforce the UPHA Code of Ethics in matters brought before it for consideration.
- d. If a member of the Ethics Review Committee, Executive Board &/or Board of Directors has a business or personal conflict of interest with any of the parties to the complaint being reviewed, they must recuse themselves or they may be recused by a majority vote of the Executive Board.

These rules and procedures govern the UPHA in bringing the resolution of all complaints of violation of the Code of Ethics.

1. Ethics Review Committee (ERC)

- a. The function of the Ethics Review Committee (ERC) shall be to review all complaints of alleged violations of the UPHA Code of Ethics properly filed with the UPHA and to make a determination as to whether or not there are reasonable grounds to believe an infraction of the UPHA Code of Ethics exists and whether the alleged infraction, if proved, is of sufficient importance to UPHA that it should go before the Executive Board for review.
- b. The ERC shall consist of six members, appointed by the Executive Board, all of whom shall be members of the UPHA for the duration of their term of office, and shall include at least one Professional and one Associate member.
- c. Members may not serve on the ERC and Executive Board at the same time.
- d. Should a vacancy on the ERC occur before the expiration of a term, the vacancy will be filled by appointment by the UPHA President for the uncompleted term left vacant.
- e. A quorum consisting of at least four members of the ERC shall be required to convene a meeting. If a quorum cannot be convened because of conflicts of interest with any of the parties to the complaint being reviewed, the UPHA President shall appoint temporary replacement members for the Panel to review the complaint. Meetings of the ERC can be held via conference call.

2. Jurisdiction.

- a. The Executive Board shall have the authority to hear all complaints of violation of the Code, including but not limited to complaints of misconduct of UPHA members and other persons who come under the jurisdiction of UPHA.
- b. Failure to renew UPHA membership or resignation of UPHA membership shall not be grounds for automatic dismissal or avoidance of a complaint.
- c. UPHA shall not, unless there are exceptional circumstances, hear any complaints which involve:
  - i. Private and/or contractual disputes between two or more persons that should properly be settled by a court of law.
  - ii. Rule infractions at competitions or other equine events where formal protest procedures are available as a means of filing violations of misconduct but have not been used.

- iii. Disputes which have been submitted to a court of law or arbitration in which a court or arbitrator has made a final non-appealable determination of facts in such a way that no violation would have occurred.
  - d. In the event a complaint has been filed with UPHA involving a matter in which a formal protest has been filed with USEF, or becomes the subject of litigation or arbitration, the UPHA shall stay all proceedings in that matter pending the final outcome of the protest procedure, litigation or arbitration. For purposes of any proceeding under these rules, the UPHA shall accept any final factual determination made by the protest-hearing body, court of law or arbitrator.
- 3. Initiation of Complaints
  - a. Complaints shall be brought to the attention of the ERC by submitting a written notice of complaint and any supporting documentation to the UPHA Executive Director.
  - b. Complaints can be filed by individuals who are current members of the UPHA. An individual cannot join for the purposes of filing a complaint.
- 4. Contents of Complaint
  - a. The complaint must contain the full name and address of the person or persons in possible violation and describe their relationship to the UPHA.
  - b. The complaint must set forth with particularity of the facts, events and the location and date of the alleged infractions which the complaining party believes constitute violation of the Code.
  - c. The burden of proving all alleged violations of the Code is on the individual submitting the complaint.
  - d. The complaint must state the specific section/s of the UPHA Code of Ethics alleged to have been violated.
  - e. The complaint shall name witnesses to said actions then known to the complainant.
  - f. The complaint must include supporting documentation then in the possession of the complainant.
  - g. The complaint must be signed by the complainant and include the complainant's address and phone number.
  - h. The complaint must include a statement whether, to the best of the complainant's knowledge, the conduct that is the basis of the complaint has been or will be the basis for claims in any court of law, arbitration, or mediation or the basis of a protest or violations filed with another governing body.
- 5. Processing of Complaints
  - a. The UPHA President or person appointed by the President shall review all complaints to verify that the complaint information is complete and is in compliance with the preceding sections. Any complaints that are incomplete, the complainant will be notified and given 10 days to submit additional information

and/or documentation. If requested information is not received by the deadline, the complaint will not be reviewed.

6. Contacts with Parties.

- a. No member of the Ethics Review Committee, Executive Board or Board of Directors shall hear, participate in, or vote on any matter in which they are personally involved, about which they have personal and firsthand knowledge, or involving individuals or entities with whom they have had a close business or personal relationship during the year prior to the proceedings.
- b. No person shall attempt to influence the actions of the Ethics Review Committee, Executive Board or the Board of Directors by duress or intimidation of any sort.
- c. No person shall communicate or cause or initiate any communication with any member of the Ethics Review Committee, Executive Board or the Board of Directors concerning the substance of a complaint until after the decision is rendered.
- d. No person shall attempt to influence a member of the Executive Board or Board of Directors with respect to any complaint except through oral or written presentations presented to the entire group in accordance with the Rules and Procedures for the Review.

7. Review of Complaints-Ethics Review Committee

- a. In the review process, there is a presumption of innocence in regards to the alleged violation. The burden of proof is on the complainant.
- b. The Ethics Review Committee shall review submitted complaints to determine:
  - i. Whether the violations are within the jurisdiction of the Code.
  - ii. If there appears to be sufficient grounds for review.
  - iii. The specific section or sections of the code which may have been violated by the alleged party.
- c. The determination of whether there is jurisdiction, whether there are sufficient grounds for a review, and which specific Code sections may have been violated shall be by unanimous vote of the Ethics Review Committee which shall thereafter have no further contact with the matter. The Ethics Review Committee may confer with the UPHA's counsel in making these determinations.
- d. If the ERC determines there are sufficient grounds for review, the UPHA members involved in the complaint are notified of the determination and requested to submit a written response to the complaint within 30 days from the date the notice is given.
- e. The documentation is forwarded to the Executive Board for consideration

8. Decision

- a. The Executive Board deliberations shall include, but are not limited to, consideration of whether an offense was intentional and whether it continued after either formal or informal warning.

- b. In deciding upon a remedy for unethical conduct, it shall be the general policy of the UPHA to be constructive with those who have committed unethical or unsportsmanlike acts, and to prevent recurrence of the event.
- c. Nothing in the foregoing, however, shall be construed to prohibit the strongest sanctions available against those persons found guilty of committing unethical acts or unsportsmanlike conduct.
- d. Penalties. If the Executive Board finds that the alleged party has violated the Code, it may impose such penalties as it deems proper, including but not limited to the following:
  - I. Private censure-warning letter
  - II. Public censure-warning letter and posted on website
  - III. Denial of all or part of UPHA privileges
  - IV. Prohibition of involvement at UPHA events/classes
  - V. Expulsion or suspension from UPHA membership
- e. If the Executive Board recommends denial of all or part of UPHA privileges, prohibition of involvement in UPHA events/classes or expulsion or suspension a hearing with the Board of Directors will be held prior to making final determination of penalty. Said action must request a two-third majority vote of the Board of Directors per Bylaw Article III, Section 14.