



## AMERICAN SHETLAND PONY CLUB, INC.

American Shetland Pony Registry • American Miniature Horse Registry • American Show Pony Registry

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### Proposed Rule Changes Due January 1<sup>st</sup> of the Current Convention Year

Proposed Rule Changes to be brought before the National Convention must be sent to the Director of Operations to send to the Rules Committee who will review the submissions for duplication, clarity and conflict with existing rules.

All submissions must be postmarked on or before January 1 of the current Convention year so that they may go through the appropriate process and be able to be printed in the October issue of *The Journal*. All items **MUST BE** submitted on the following proposal form. All copies must be signed and must include the submitter's ASPC/AMHR membership number.

#### **NO ITEMS WILL BE INTRODUCED FROM THE FLOOR AT CONVENTION!**

Proposed ASPC/AMHR Rule Change (Please type or print – Must include Section, Article Part & Item Info)  
Section, Article, Part & Item Number: Part V, 1.1 Page # 102-104

Indicate: Add or Delete: Remove section 1.1 and replace with new section 1.1 and 1.2 and renumber remaining

Proposed Rule Change (provide desired language and intent of rule):

Remove the current section 1.1. Add new section 1.1 and 1.2 - rename existing section 1.2 to 1.3 and renumber remaining as necessary. See attachment.

Reason/Justification for Rule Change (provide brief description of why this needs changed/added)

The Violations / ethics / and suspension process in our rulebook is ambiguous and leads to perception of inequality. This revision will put in place a standardized listing of violations and minimum penalties for each.

Proposed Effective Date: January 2021

Committees/Rules that will be effected by change: Rules committee

Submitted by (please provide best contact info for questions/clarifications)

Name Kelly Lynch

Phone 605 212 8915

Member# 96605

Signature

## **1.1 Authority for Disciplinary Action / Sanction**

The Association reserves the right to independently direct disciplinary action or sanction against individuals coming under its jurisdiction by participation in approved shows, or other events. The ASPC Board of Directors may enhance or initiate suspension, fine and/or otherwise penalize offenders of ASPC/AMHR/ASPR/NSPPR rules and regulations, and/or those of other jurisdictions; and include owners or lessees who have placed the care and custody of their horses to such offenders.

### **A. General**

1. No person shall refuse to assist the association, its officers, committees or agents
  - a. in locating, identifying and inspecting, or to answer promptly and truthfully any inquiry concerning a horse or an ancestor thereof, that has been registered with Association, or for which application to register has been made; or
  - b. to promptly and truthfully give information, in form requested, concerning any Association matter of which the person has or may have knowledge.
2. In the furtherance of their official duties, all Association representatives shall be treated with courtesy, cooperation and respect, and no person shall direct abusive or threatening conduct or language toward them.
3. No person or entity shall bribe, or attempt to bribe, an Association representative, Association approved judge or any other official of an Association-approved event.
4. Any member may be suspended and denied Association privileges and any non-member may be denied Association privileges by the Association's Director of Operations for failure to timely file with the Association any report or document (including registration related documents) required by the rules of the Association or submit a response to an Association inquiry; provided, however, that fifteen (15) days before action by the Director of Operations, written notice of the delinquent report/response and the intention to suspend and/or deny Association privileges shall be mailed to such member or non-member. Upon suspension and/or denial of Association privileges by the Director of Operations, the name, address, city and state of such member or non-member and description of disciplinary action may be published in The Shetland Pony Journal or on the Association's official web site, shetlandminiature.com. Any suspension and/or denial of Association privileges under this rule shall terminate upon the filing of the requisite report/response.
5. A member or nonmember shall not conspire with another person or persons to intentionally violate Association rules, or to knowingly contribute or cooperate with another person or persons, either by affirmative action or inaction, to violate Association rules.
6. All information furnished to the Association as a basis for any action by the Association or any of its officers shall be true and correct.

7. Ownership of an issued registration certificate remains with Association; it is issued in reliance on a written application submitted and attested by the owner at time of foaling and upon the express condition that Association has the privilege to correct and/or cancel the certificate for cause under its rules and regulations.

8. No change or alteration of a registration certificate shall be made except by the Association or its official representative upon proper showing of the necessity for such change or alteration, by reason of change in color or markings, or mistake; nor shall any person display or advertise, or have in his possession, a certificate that has been changed or altered otherwise than by Association or on its authority.

9. No person or entity shall:

a. refuse an Association request for the return of a registration certificate, either before, after or pending hearing to determine registration or participation privilege in Association-approved events. The Association may retain possession of a certificate until resolution of the matter for which the return of the certificate was requested;

b. issue, sell, exchange, give away or receive, or offer a false or fraudulent certificate, representing the same to be a genuine official certificate issued by Association;

c. represent any horse owned or managed by him to be registered unless the same is registered in the official Stud Book;

d. represent as a registered ASPC/AMHR/ASPR and/or NSPPR animal any horse other than the horse for which the registration certificate was issued;

e. advertise or enter in any Association approved event or competition any Association registered horse by a name other than that by which the horse is registered;

f. represent, by advertisement, claim or otherwise, that a horse registered with the Association has earned or is entitled to any official Association designation or honors prior to actual recording of such designation or honor in the records of Association;

g. hide or attempt to hide the natural markings of a horse by surgery (in addition to the violator being disciplined, horse shall be disqualified);

## **B. Inhumane Treatment**

No person shall treat any horse in an inhumane manner. This prohibition against inhumane treatment applies to Association members and nonmembers. Inhumane treatment shall include, but not be limited to, the prohibited conduct specified below. Inhumane treatment to horses other than Association registered and other animals used in competition is included in this prohibition as it indicates a general course of dealing with horses which is unacceptable to the Association.

1. For purposes of this rule, a person responsible for the care of a horse is also responsible for and may be disciplined for the inhumane conduct of their trainers, agents, representatives and employees. For violation of this rule, an individual may be disciplined, suspended, fined, denied Association privileges, disqualified, expelled from show grounds and/or expelled from the Association.

2. Inhumane treatment of any horse or any other animal on show grounds is strictly prohibited. Treatment of any horse will be considered inhumane if a person, educated or experienced in accepted equine training techniques, would perceive the conduct of an individual to be inhumane.

3. For purposes of this rule, a fines and penalty system has been established based on the severity of the offense. All offenses are assigned a minimum level of offense (level 1 = mild; level 2 = moderate; level 3 = severe). Depending on the facts of a situation, the level of offense may be increased.

4. Warning or Show Ground Removal cards will be issued based on the frequency and level of offense.

5. Inhumane treatment includes, but is not limited to:

a. placing an object in a horse's mouth so as to cause undue discomfort or distress (minimum level 2);

d. tying a horse in a stall without access to food or water for an extended period of time. (minimum level 1)

g. use of training techniques or methods such as poling or striking a horse's legs with objects (minimum level 2);

h. excessive whipping (minimum level 1);

i. Hitting the horse on the head (minimum level 2)

j. excessive jerking of reins (minimum level 1);

k. schooling over ramped oxers in reverse order (i.e., from highest to lowest instead of lowest to highest) (minimum level 1);

m. use of prohibited equipment (minimum level 1)

q. the use of any substance, including but not limited to any type of colorant, dye, glue or hair to hide an injury created by intentional or negligent treatment, prohibited training techniques or prohibited equipment. For purposes of this rule, "injury" is defined as an open wound, raw area and/or scabbed area. (minimum level 2).

r. a horse which appears to be sullen, dull, lethargic, emaciated, drawn or overly tired (minimum level 1);

s. intentional or negligent treatment which results in any bleeding, open wound and/or raw area – intentional (minimum level 3); unintentional (minimum level 1); for purposes of this section, "negligence" is the failure to exercise care that a reasonably prudent person would exercise. Regardless of whether the bleeding, open wound and/or raw area resulted from intentional or negligent treatment, the horse shall be disqualified.

t. applying excessive pressure on or excessively jerking of a halter lead shank (minimum level 2).

u. any other treatment or conduct deemed by a show official to be inhumane or abusive (minimum level 1).

6. Association may accept (1) an individual's conviction, no contest plea, or deferred adjudication or (2) judicial confiscation of a horse under state, federal, provincial or international law, for an offense of cruelty to or inhumane treatment of a horse, whether or not an Association registered horse is involved, as a presumptive violation of this rule, the effect of which is to automatically suspend the individual from Association membership privileges, or deny such privileges, for a period of no less than two (2) years after Association receives notice of the conviction, no contest plea, deferred adjudication or judicial confiscation. After the expiration of the two-year suspension, the individual may apply for reinstatement. The Association may also temporarily suspend an individual charged or indicted pursuant to state, federal, provincial or international law for an offense of cruelty or inhumane treatment of a horse, whether or not an Association registered horse. Such temporary suspension may remain in place pending the outcome of the legal proceedings made basis of the charge or indictment.

7. Association may accept suspension rulings pertaining to cruel or inhumane treatment of horses from other recognized equine related associations and state racing commissions, the effect of which is to automatically suspend the individual from Association membership privileges, or deny such privileges, for a length of time equal to the suspension for which reciprocity is given.

### **C. Unsportsmanlike Conduct**

1. Unsportsmanlike Conduct or any other form of misconduct that is irresponsible, illegal, indecent, profane, intimidating, threatening or abusive is prohibited (minimum level 1). This provision applies to:

- a. Association members, nonmembers, exhibitors, trainers, owners, owner representatives, spectators and all other persons on the show grounds of an Association-approved event; and
- b. Association members on the show grounds of an event held in conjunction with an Association-approved event; and
- c. Association members on the show grounds of an event during which an Association-approved class is held regardless of whether the conduct is associated with or occurs during an Association-approved class.

2. Physical assault on any member, nonmember, exhibitor, trainer, owner, owner representative, spectators, judges, stewards and all other persons on the show ground of an Association-approved event (minimum level 2).

3. Show management may immediately expel individuals exhibiting unsportsmanlike conduct from show grounds and shall file a written report with Association concerning the conduct in question.

### **D. Inhibiting Competition**

1. Any form of conduct that inhibits competition at Association-approved events is expressly prohibited. This offense includes not only the person suggesting the prohibited conduct, but all who participate in the scheme or plan. Such conduct includes, but is not limited to:
  - a. padding classes by entering a horse(s) not otherwise qualified for the competition to fill a class to increase points;
  - b. paying another's entry fee, directly or indirectly; or
  - c. encouraging a potential competitor to refrain from entering the class.
2. For inhibiting competition, an Association member may be disciplined, suspended, fined and/or expelled from the Association, and a nonmember may be denied Association privileges. Furthermore, violation of this rule shall be grounds for the Association to disqualify the horse(s) entered by the persons that participate in the scheme or plan prohibited by this rule.
3. To assist the Association in the promotion of true competition, any person approached by another to cooperate in a scheme or plan to inhibit competition shall immediately report the matter to show management and then to the Association in writing within 10 days, failing which, the person approached may be subject to disciplinary action by the Board of Directors, the same as the person or persons suggesting the scheme or plan.

#### **E. Measurement**

1. Any form of conduct undertaken to gain competitive advantage or misrepresent an animal's height is expressly prohibited. Such conduct includes, but is not limited to:
  - a. presenting an animal for measurement under a different animal's name and registration information (minimum level 3);
  - b. communicating to the approved Steward the desired or past measured height of an animal (minimum level 1);
  - c. refusing a steward's request regarding stance, setup, removal of blanket / wraps, or in any other way not complying with the steward during measuring (minimum level 2).
2. Loss of protest (by either the protesting or protested party) more than 3 times in a competition year, whether on the same horse or across multiple horses of the Responsible Party (minimum level 1)

#### **F. Issuance of Warning / Removal Cards**

1. Association Stewards may immediately issue a warning or removal cards (from show grounds) to individuals whose conduct is in violation of Association rules and shall file a written report with the Association concerning the conduct in question. Individuals receiving two warning cards from Association Stewards in a 12-month period may be cited to appear before an Association hearing committee in accordance with the Association's disciplinary procedures.
2. Regardless of whether an Association Steward is present at the show in question or whether an Association Steward takes action regarding violations of Association rules, nothing herein

prevents show management or Association from taking appropriate action with respect to individuals who violate such rules

#### **F. Responsible Party**

1. The exhibitor, Absolutely Responsible Person and owner (collectively referred to as "Responsible Parties") are each responsible for a horse's condition, presumed to know all Association rules and regulations and are eligible for disciplinary sanctions for violation of Association rules and regulations according to the Association's disciplinary procedures.

2. An individual is an Absolutely Responsible Person if:

a. he/she designates himself/herself on the entry blank as exhibitor, or authorizes another to designate him/her as exhibitor on the entry blank;

b. he/she signs the entry blank on behalf of himself/herself or another, or causes an agent or representative to sign it;

c. he/she physically participates in the event by riding or showing the horse; or

d. he/she is the actual trainer, having presented or caused to be presented the horse at the show grounds for exhibition.

3. Both the exhibitor designated on the entry blank and one having actual possession of the horse while physically participating with the horse in the event are conclusively presumed to be authorized by the owner to execute all documents, necessary or convenient, to allow the horse's participation in an Association-approved event. If an individual is prevented from performing his/her duties, including absolute responsibility for the condition of the horse, by illness or otherwise, or is absent from the show, he/she shall immediately notify the show secretary, and appoint a substitute, and such substitute shall place his/her name on the entry blank. The exhibitor and owner acknowledge an exhibitor represents the owner in regard to his/her horses entered in an approved show.

4. Upon request of show management or Association representative, every Responsible Party shall:

a. permit examination of a horse for measurement in cases of height protest;

b. permit examination of a horse as necessary for any other violation as shown above;

Refusal to comply with such request shall constitute grounds for immediate disqualification of the horse from further participation at the show, the horse being barred from participation in future Association-approved events or shows for such period as determined by the Board of Directors or other appropriate committee and suspension of the Responsible Party's Association membership.

## **1.2 Disciplinary Actions**

### **A. Suspension**

1. Any member may be suspended and denied Association privileges and any nonmember may be denied Association privileges by the Association's Director of Operations for:
  - a. failure to pay when due any obligation owing to the Association.
  - b. failure to pay when due any obligation owing to an Association-approved affiliate; or an Association-approved show; or
  - c. giving a worthless check for entry fees, stall fees, office charges, or any other fees or charges including bank charges for returned check connected with the exhibition of horses.
2. Prior to a suspension or denial of privileges, the Association will provide written notification to the member or nonmember of their outstanding obligation. Unless within 31 days after date of such notice, the member or nonmember disputes the validity of the obligation or any portion thereof, the Association will assume the obligation to be valid and may proceed with a suspension or denial of Association privileges. If, within 31 days of date of such notice, a member or nonmember notifies the Association in writing that the obligation or a portion thereof is disputed, the Association will obtain a verification of the obligation, and the Association will mail to the member or nonmember a copy of such verification. If the member or nonmember does not fully pay the obligation within 15 days of date of such verification of the obligation, the Association will assume the obligation to be valid and may proceed with a suspension or denial of Association privileges.
3. Upon suspension and/or denial of privileges by the Director of Operations, the name, address, city and state of such member or nonmember and description of disciplinary action may be published in The ASPC Journal and/or on the Association's official website. Any suspension and/or denial of Association privileges under this section shall terminate upon full payment of the obligation due.

#### **E. Enhancement of Penalty**

The Board of Directors may enhance suspension, penalty and/or fine of repeat offenders of Association rules and regulations and include owners or lessees who have repeatedly placed the care or custody of their horses with such repeat offenders, according to guidelines that it may, from time to time, set to a maximum of indefinite suspension of membership privileges and/or fine to a maximum of \$25,000. Such disciplinary actions are enhancements of those disciplinary actions listed above. An owner or lessee of a registered ASPC/AMHR/ASPR/NSPPR horse or pony is responsible for the actions of all third parties in whose care the owner or lessee places his horse, including, but not limited to, trainer or exhibitor. When such third party is convicted of a violation of Association rules involving owner's or lessee's horse, or if an owner or lessee acquires personal knowledge of such rule violation by the third party, the owner or lessee is responsible to take such prompt and reasonable action as to protect his horse and Association from repeat offenses.

Failure by the owner or lessee to take such action, or repeat offenses by such third parties involving the owner's or lessee's horse or horses, constitutes the owner or lessee eligible for inclusion in enhancement of penalty under Association disciplinary rules.



## **F. Effect of Membership Suspension**

On or after such time as any person has been suspended, expelled or denied Association privileges, in addition to other provisions of the Association Official Handbook or policy of the Association, the following restrictions set forth below shall apply. For purposes of this subsection, the term "Family" shall mean the person that has been suspended, expelled or denied Association privileges, that person's spouse and that person's child.

1. That person shall not participate, and shall be ineligible to participate, in any Association-approved event. Such person shall be ineligible to hold approved judge's or steward's credentials or any other Association accreditation.
2. No horse that is recorded in the name of such person is eligible to participate in any Association-approved event.
3. No horse that is recorded in the name of such person's family is eligible to participate in such Association-approved events unless waived by the Association Executive Committee.
4. That person, that person's family or entity owned in whole or part by that person's family shall not register any horse with Association. Transfers to that person, that person's family or entity owned in whole or part by that person's family shall not be processed. To prevent hardship on innocent third parties, Association has discretion to waive procedural requirements if all other registration or transfer requirements of Association are fulfilled.
5. Signatures will be honored on registration applications, transfer reports and bills of sale for the purpose of allowing that person, that person's family, or entity owned in whole or part by that person's family to transfer horses recorded in their ownership at the time of the disciplinary action to innocent third parties.
6. No horse shall be registered that is either sired by a horse or out of a mare owned by such suspended person or their family if such person is under suspension at time of breeding.
7. Association shall not accept the signature of such person, such person's family member or entity owned in whole or part by that person's family on registration applications, breeder's certificates or stallion breeding reports evidencing breeding taking place on or after date of such disciplinary action.
8. Written leases filed with Association prior to the time of disciplinary action and covering horses owned by the disciplined person or their family shall remain valid, and the signature of the lessee shall be accepted during the term of such lease, but for no renewal thereof.
9. During the period of expulsion, suspension or denial of Association privileges, failure to comply with these restrictions and any other express conditions or restrictions of said disciplinary action may constitute grounds for further disciplinary action.

**G. Effect of Suspension on Privileges in Association-Approved Events**

On or after such time as any person has been denied participation privileges in Association-approved events, but his membership privileges are not affected, the following restrictions shall apply:

1. That person shall not be eligible to participate in any Association-approved event;
2. Horses that are recorded in the name of such person, or owned in whole or in part by such person, are not eligible to participate in any Association-approved event;
3. That person shall not be eligible to hold approved judges's credentials or any other Association accreditation.
4. During the period of denial of Association privileges, failure to comply with these restrictions and any other express conditions or restrictions of said disciplinary action may constitute grounds for further disciplinary action.
5. If denial or revocation of show privileges includes denial of access or presence on show grounds, the person shall refrain from entry or presence on show grounds of any Association-approved show grounds during the term of his or her suspension. Failure to comply with such restriction may result in (1) further disciplinary action against such person and (2) disqualification of exhibitors and horses that such person helped prepare for the show or assisted at the show.

<b>ASPC/AMHR/ASPR/NSPPR Show Fines and Penalties Regarding Inhumane Treatment and Unsportsmanlike Conduct</b>			
White – First Warning Yellow - Warning Card Red - Show Grounds Removal Card Ex: 1 offense on 3 horses = 3 offenses; 3 offenses on 1 horse = 3	<b>Level 1 Mild</b>	<b>Level 2 Moderate</b>	<b>Level 3 Severe</b>
<b>1st Offense</b>	Warning - no fine or penalty Steward issues white card Name placed in warning database	Fine \$ _____-\$ _____	Fine \$ _____-\$ _____
<b>2nd Offense</b>	Suspension up to 36 months Mandatory Probation Name placed in database		Suspension up to Permanent Expulsion Mandatory Probation Name placed in warning database
<b>3rd Offense</b>			
<b>&gt;3 Offenses in 120 days OR &gt;4 offenses any 12 month period</b>	Suspension up to Permanent Expulsion Mandatory Probation Name placed in warning database		

**ASPC/AMHR/ASPR/NSPPR Show Fines and Penalties Regarding  
Inhumane Treatment and Unsportsmanlike Conduct**

White – First Warning Yellow - Warning Card Red - Show Grounds Removal Card Ex: 1 offense on 3 horses = 3 offenses; 3 offenses on 1 horse = 3	Level 1 Mild	Level 2 Moderate	Level 3 Severe
<b>1st Offense</b>	Warning - no fine or penalty Steward issues white card Name placed in warning database	Fine \$ _____ \$ _____  Suspension up to 36 months Mandatory Probation Name placed in database	Fine \$ _____ \$ _____  Suspension up to Permanent Expulsion Mandatory Probation Name placed in warning database
<b>2nd Offense</b>	Suspension up to 36 months Mandatory Probation Name placed in database		
<b>3rd Offense</b>	Suspension up to Permanent Expulsion Mandatory Probation Name placed in warning database		
<b>&gt;3 Offenses in 120 days OR &gt;4 offenses any 12 month period</b>	Suspension up to Permanent Expulsion Mandatory Probation Name placed in warning database		