

3.0 2016 DISCIPLINARY AND ARBITRATION CODE

3.1 Principles

The obligations incumbent upon the participants, officials and organizers are set out in these Regulations. Violations or non-observance of these obligations will be subject to the penalties laid down in this chapter.

3.2 Penalties

The penalties are:

- warnings
- fines
- penalty points
- drop of position
- ride through
- time penalties
- grid penalty
- disqualification
- points loss (withdrawal of Championship points)
- suspension
- exclusion

3.2.1 Definition and application of penalties

Warnings:	Can be made privately or publicly
Penalty points:	may be imposed by Race Direction on a rider in any number from 1 to 10, points are cumulative and expire after a period of 365 days from the date they were imposed. Automatic sanctions apply to a rider accumulating points as follows: <ul style="list-style-type: none">• 4 Points - Start the next race from last grid position.• 7 Points - Start the next race from pit lane.• 10 Points - Disqualification from participation at the next event (or from the race results if this occurs at the last event of the season). Points re-set to 0 after a rider reaches 10 points and serves a disqualification.

Fines:	cash penalty up to 10,000 USD
Drop of Position:	the rider must go back the number of positions decided by the Race Direction
Ride through:	see Art. 1.19
Time penalties:	the imposition of time affecting the rider's actual result up to 2 minutes and the cancellation of time
Grid penalty:	the imposition of a drop of any number of grid position at the rider's next race
Disqualification:	disqualification from an event, practice sessions (black flag, black flag with orange disc), race (black flag, black flag with orange disc) or from its results
Points loss:	the loss of points from the Championship races already run
Suspension:	the loss of rights to participate in the Championship may be applied to one or more races
Exclusion:	the final and complete loss of all rights of participation in any activity under FIMNA or AMA control

3.2.2 Plurality of Penalties

Any offender may have several penalties pronounced against him according to the circumstances.

3.3 The Disciplinary and Arbitration Bodies

The disciplinary and arbitration bodies of FIM North America, qualified to deal with disciplinary and arbitration matters, are:

- The Race Direction
- The FIM North America Stewards
- The Permanent Bureau
- The Court of Arbitration for Sports (CAS)

3.3.1 The Race Direction

3.3.1.1 Composition

The Constitution of the Race Direction is in accordance with the requirements laid down in Article 1.6.

3.3.1.2 Authority and Competence

The Race Direction has the authority to penalize riders, teams' personnel, officials, promoters, organizers and all the persons involved in any capacity

whatsoever in an event or in the Championship for :infringements of the Regulations.

- any voluntary or involuntary action or deed accomplished by a person or a group of persons during a meeting, contrary to the current regulations or instructions given by an official of the meeting.
- any corrupt or fraudulent act, or any action prejudicial to the interests of the meetings or of the sport, carried out by a person or a group of persons occurring during an event.
- having been unable to ensure the smooth and efficient running of the event or for serious breaches of the Regulations.

The Race Direction is competent to adjudicate upon a protest relating to infringements of the Regulations.

3.3.1.3 Penalties that may be pronounced by the Race Direction

The following penalties may be pronounced by the Race Direction:

- warnings
- penalty points
- fines
- drop of position
- ride through
- time penalties
- grid penalty
- disqualification
- points loss (withdrawal of Championship points)
- suspension

3.3.2 The FIM Stewards Panel

3.3.2.1 Composition

The Composition of the FIMNA Stewards Panel is in accordance with the requirements laid down in Article 1.7.

3.3.2.2 Competence

The FIMNA Stewards Panel will hear any appeals against decisions taken by the Race Direction.

3.3.2.3 Penalties that may be pronounced by the FIMNA Stewards Panel only following an appeal:

- warnings
- fines
- time penalties

- grid penalty
- disqualification
- points loss (withdrawal of Championship points)
- suspension

3.4 Protests and Appeals

3.4.1 Right of protest

Any legal entity or any individual, rider, team, manufacturer, official etc. affected by a decision taken under the authority of FIMNA, has the right to protest against that decision.

No protest may be lodged against a decision of the Race Direction entailing:

- a drop of position.
- a ride through.
- a disqualification from the practice sessions or races by means of a black flag or black flag with orange disc.
- a fine for speeding in the pit lane
- a photo finish

3.4.2 Right of appeal to the FIM North America Stewards against a decision of the Race Direction

No appeal may be lodged against a decision entailing or not:

- a drop of position.
- a ride through.
- a disqualification from the practice sessions or races by means of a black flag or black flag with orange disc.
- a fine for speeding in the pit lane
- a photo finish

When no appeal may be lodged the decision of the Race Direction is final.

3.4.3 Right of appeal to the MotoAmerica Permanent Bureau against a decision of the FIM North America Stewards

No appeal may be lodged if the FIM North America Stewards confirm the previous decision of the Race Direction. In this case, the decision of the FIM North America Stewards is final.

3.4.4 Right of appeal to the Court of Arbitration for Sport (CAS) against a decision of the MotoAmerica Permanent Bureau

No appeal may be lodged against a decision entailing or not:



- a drop of position.
- a ride through.
- a disqualification from the practice sessions or races by means of a black flag or black flag with orange disc.
- a fine for speeding in the pit lane
- a photo finish

The decision of the CAS is final.

3.4.5 Procedure and time limit for protests

All protests must be submitted and signed only by the person directly concerned. Each protest must refer to a single subject only and the intention to protest must be notified to Race Direction within 30 minutes of the publication of the results. The protest must then be confirmed in writing or withdrawn within 1 hour at the latest after the publication of the results. Protests must be handed to a responsible official (Race Director or any member of Race Direction) together with the security deposit of 750 USD or equivalent.

Teams and riders contracted to compete in the Championship may submit a letter of guarantee from MotoAmerica in lieu of payment.

A protest against the eligibility of a rider, team or a motorcycle to enter a class or event must be made before the start of the official practice.

A protest against a machine on technical control compliance grounds (eg. weight, noise, materials, etc.) may be made after the start of official practice.

After Superbike race 1, the intention to protest other riders for technical reasons must be submitted within 15 minutes of the end of the race. For sporting protests the time limits remain as above.

3.4.6 Hearing of a protest

After a hearing, the Race Direction must make a decision on any protest presented. The protest has to be judged according to the provisions of the Regulations.

3.4.7 Effect of the decision upon a protest

The decision of the Race Direction of determination of penalty is immediate.

3.4.8 Time limits for the lodging of an appeal

The time limit for lodging a statement of appeal is:

against a decision of the Race Direction	30 minutes
against a decision of the FIM North America Stewards	5 days
statement of appeal before the CAS	5 days

The time limits shall be taken from the date and time of receipt of the decision by the appellant.

3.4.9 Lodging of an appeal

To be admissible, the statement of appeal must be submitted by letter to the FIM North America Stewards or sent by registered letter or special courier to FIM North America and postmarked to be forwarded to the MotoAmerica Permanent Bureau.

The correct security deposit for appeal must be handed to FIM North America Chief Steward for an appeal before the FIM Stewards or paid to FIM North America for an appeal to the MotoAmerica Permanent Bureau.

3.4.9.1 Security deposit for appeals

The amount of the security deposit is 1,500 USD.

Teams and riders contracted to compete in the Championships may submit a letter of guarantee.

Within 10 days following the statement of appeal before the MotoAmerica Permanent Bureau, the appellant assigns to FIMNA a brief of appeal stating the facts.

If the appeal was not lodged and/or the security deposit for the appeal was not paid within the dead line specified in article 3.4.6, the appeal will be declared inadmissible without hearing.

3.4.9.2 Security deposit payable upon an adjournment

If an adjournment to call further witnesses is ordered upon the request of one of the parties involved, this party must provide an additional financial guarantee within a time limit to be fixed by the disciplinary body. The hearing will not be continued until this guarantee has been paid. In case of no provision of the guarantee within the time limit, the disciplinary body will make a determination on the appeal based on the evidence of the original witness.

3.4.9.3 Time limits to be observed for appeal hearings

The FIM North America Stewards must be convened to examine an appeal immediately after the brief of appeal is received.

The MotoAmerica Permanent Bureau must be convened to examine an appeal not later than 6 weeks after the brief of appeal is received. The FIM North America Stewards must in all cases pronounce a decision.

3.4.10 **Effect of an appeal**

On request of the appellant, the FIM North America Stewards Panel may decide a stay of the provisional execution adjudicated by the Race Direction by injunction or in its decision.

On request of the appellant, the MotoAmerica Permanent Bureau may decide a stay of the provisional execution adjudicated by the FIM North America Stewards Panel by injunction or in its decision.

3.11 **Procedure before all the Disciplinary and Arbitration Bodies**

3.11.1 Right to a hearing

It shall be the unquestionable right of any person or body charged with any offense under the Regulations to defend themselves, either in person or by proxy.

Any party convened before a disciplinary or arbitration body has the right to be represented by one defense counsel of its own choice and at its own expense. Adequate notice of this intention must be given in order that this may also be notified to all other parties in the case. Failure to do so may result in the disciplinary or arbitration body upholding an objection to such representation.

If any of the parties duly convened do not appear, judgment can be rendered by default.

The disciplinary or arbitration bodies may decide that the hearing take place by means of a telephone conference call or through any other means of communication using a telephone or electronic device. Such a method of conducting a hearing shall only take place with the consent of all parties involved.

3.11.2 The Hearing

The hearing shall be public unless the disciplinary or arbitration body itself decides otherwise in exceptional circumstances.

The hearing shall be conducted English. Should one of the parties wish to use another language, it shall provide the necessary interpreters at its own costs.

The appellant must be present or duly represented, failing which, the protest will not be admissible and the costs shall be borne by the appellant.

Once the proceedings have begun, each of the parties involved will state their respective cases without the witnesses being present.

After statements of the parties concerned, the disciplinary or arbitration body shall hear the various witnesses and experts in order to complete the

evidence. The parties involved in the case shall have the right to question all witnesses and experts on their evidence.

Any member of the disciplinary or arbitration body may, at any time during the hearing may question any of the parties involved, the witnesses and experts.

3.11.3 Witnesses and Experts

Each party is responsible for the convening and appearance of its own witnesses, as well as their expenses unless decided otherwise by the Court.

The disciplinary or arbitration body has no authority to oblige the witnesses to swear on oath; therefore, testimony shall be given freely. The witnesses may only testify to the facts they know and shall not be allowed to express an opinion, unless the disciplinary or arbitration body should regard them as experts on a particular subject and should ask them to do so. After having made their statements, the witnesses may not leave the room and shall not be allowed to speak to any other witness who has still to give evidence.

The arbitration body may summon experts.

3.11.4 Judgment

Decisions of all disciplinary or arbitration bodies will be reached by a simple majority of votes. All members will have equal voting rights which must be exercised when a decision is required. Abstention is not permitted.

Each member of the disciplinary or arbitration body binds himself to keep all deliberations secret.

3.11.5 Notification of Judgments

The decisions of the Race Direction or of the FIM North America Stewards must be notified directly at the event venue, or failing that, addressed by registered letter with acknowledgement of receipt. All judgments of the MotoAmerica Permanent Bureau must be notified, in writing, by registered letter with acknowledgement of receipt in order to inform all the parties concerned.

3.11.6 Publication of Judgments

The disciplinary or arbitration body imposing a penalty or adjudicating a protest or an appeal must have its findings published and quote the names of all parties concerned. The persons or bodies quoted in these statements have no right of action against FIM North America nor against any person having published the statement.

Furthermore, final decisions will be published in the media center and in the AMA Magazine unless the arbitration body itself decides otherwise.

3.12 Costs of procedure

The costs of a disciplinary or arbitration decision will be assessed by the FIMNA and will be awarded against the losing party, unless the arbitration body decides otherwise.

3.12.1 Payment of fines and costs

If the penalty is definitive, all fines and costs must be paid to FIM North America within 30 days of notification of the judgment decision according to Article 3.5.5. The person or body affected by the decision shall be automatically suspended from participation in all FIM North America and AMA activities, until such time as full payment has been received.

3.13 Law of Mercy

FIM North America, after consultation with the MotoAmerica Bureau may mitigate or completely forgive the penalty of a person or group of persons after having exhausted all the appeal procedures.

3.14 Arbitration Clause

Final decisions made by the disciplinary bodies (exception art. 3.4.2.3) may be submitted exclusively to the Court of Arbitration for Sport by way of appeal within the time limit as laid down in article 3.4.6, which shall have exclusive authority to impose a definitive settlement in accordance with the Code of Arbitration applicable to sport.

