

APPENDIX C
to the ACBL HANDBOOK OF RULES AND REGULATIONS

RECORDER REGULATIONS ~~AND PROCEDURES~~

GOAL

Questions regarding the application of these regulations should be directed to the Office of the National

The Recorder at ACBL Headquarters (recorder@acbl.org).

I. GOAL OF RECORDER SYSTEM

The System ACBL's recorder system is intended to:

A. be the first line of the investigative body to handle matters that: potential violations of the Code of Disciplinary Regulations;

A. by themselves do not warrant the filing of formal charges;

B. are very serious where only the implication of wrongdoing exists without the substantial evidence required to bring formal charges;

C. are a request to have the Subject's behavior modified by counseling and/or education.

B. engage in behavior modification through the Player Memo and Zero Tolerance system;

C. counsel and educate members on the practice of Active Ethics.

II. DEFINITIONS

A. __Appointing Body: The entity (ACBL, District or Unit) that appoints, hires, or designates the Recorder.

B. __Assistant Recorder: A person authorized to act on behalf of a Recorder. Unless otherwise noted, every reference to a Recorder applies equally to an Assistant Recorder and a Temporary Recorder.

C.- CDR: The ACBL Code of Disciplinary Regulations, as amended, supplemented, restated or otherwise modified from time to time.

D. Complaint: A written accusation by an ACBL member, a non-member playing in an ACBL sanctioned event, ACBL ~~management~~Management or a Unit or District alleging ~~grounds for discipline outlined~~an act or conduct ~~not in CDR Section 3 and requesting conformance with the ACBL's standards~~ that ~~charges~~requests that Charges be ~~made~~brought to ~~the~~an appropriate Disciplinary Body for a hearing.

~~D.-E. Disciplinary Bodies: Those committees set forth in CDR 1 which are authorized to hear cases involving discipline of ACBL members (or non-members of the ACBL when participating in ACBL sanctioned events) or affiliates.~~

E. File: The collection of written or digitized documents that includes the Player Memo or a report of wrongdoing, any responses, all investigative notes and other relevant documents.

~~E.-G. Office of the National Recorder: The administrative office of the ACBL National Recorder.~~

H. Player Memo: A written document informing the Recorder about an ~~incident. This~~Incident. The Player Memo is not necessarily a Complaint, but it may be used as the basis for a Complaint.

I. Record: Filing of the Incident under the Subject's name at the local level and in the national database maintained by the Office of the National Recorder.

J. ~~F.-~~Recorder: The person with the ultimate responsibility for carrying out the duties outlined in these ~~guidelines~~regulations.

~~G.-K. Reporter: The person who files the Player Memo or report of wrongdoing with the Recorder~~the Player Memo.

~~H.-L. Subject: The person who is the subject of thea~~ Player Memo or report of wrongdoing.

- F. M. Temporary Recorder: A person authorized to act on behalf of a Recorder for a specified time period.

Capitalized terms used in this Appendix C without definition shall have the meaning assigned to them in the ~~ACBL Code of Disciplinary Regulations~~ CDR.

I. APPOINTMENT

~~A.~~ With the exception of the ACBL National Recorder, a Recorder is an official of the Appointing Body. Such Recorder may be removed from office by whatever reasonable procedures are established by the Appointing Body. Each Appointing Body should establish procedures for appointment and replacement of Recorders, Assistant Recorders and Temporary Recorders. These procedures should be constructed to distance the position and person of Recorder from the political arena.

II. QUALIFICATIONS

A Recorder must be qualified to perform the duties outlined in these ~~guidelines~~ regulations. These qualifications are not absolute. However, an ideal candidate will have the following attributes:

- A. Unimpeachable ethics, integrity, and honesty, and as well as a calm demeanor;
- B. ~~The ability~~ Ability to discuss, without offending the Subject, all matters, including the most serious ethical concerns;
- C. Excellent communication skills;
- D. Acknowledged bridge ability;
- E. ~~The ability~~ Ability to act in a non-political manner;
- F. Ability to maintain confidentiality; and
- ~~F.G.~~ Familiarity with the Laws of Duplicate Bridge and the ~~ACBL Code of Disciplinary Regulations~~ CDR.

IV. DUTIES AND RESPONSIBILITIES

The duties and responsibilities of a Recorder are as follows:

A. ~~A. To receive, investigate and evaluate~~ Receive Player Memos and/or other reports of wrongdoing;

B. Evaluate the Player Memo to determine whether the Incident described can be properly investigated based on the Reporter's request to keep their identity confidential.

C. Consult with the Office of the National Recorder to request a search of the Subject's history of Player Memos on file in the national database to determine whether this Subject has evidenced a pattern of improper conduct.

D. Investigate and make a determination of whether to (1) submit a Recorder Complaint to the Charging Party in accordance with the CDR or (2) Record the Incident.

~~E. B. To check a Subject's history upon receipt of a new Player Memo involving said Subject;~~

~~C. To educate Reporters~~ Educate Reporter and Subjects about proper demeanor and ethical behavior in accordance with the Laws of Duplicate Bridge and the ~~ACBL Code of Disciplinary Regulations~~ CDR;

~~D. To communicate with those involved in a reported incident, particularly the Reporter and Subject;~~

F. Contact the Reporter to (1) acknowledge receipt of the Player Memo and (2) communicate the final determination to either submit a Recorder Complaint or to Record it;

Record

~~E. To maintain a record of all Player Memos, including investigation and resolution;~~ /or reports of wrongdoing and relevant

- F. To make information pertaining to the incident with the Appointing Body and with the Office of the National Recorder by submitting the complete File to recorder@acbl.org.
- H. Make or assist with an impartial presentation of evidence to a disciplinary committee;
- G. To prosecute ___ Committee or Prosecute the Complaint on behalf Charges as the Charging Party's Advocate at ___ the request of the Charging Party;
- I. Investigate Direct Complaints submitted to the Charging Party at his or /her Appointing Body when selected request and provide an investigation report and/or appointed to do so recommendation whether to file Charges.
- J. Educate and provide guidance to members regarding conduct and ethics.
- K. Educate Club Managers and Club Directors about club discipline matters and how to properly handle these Incidents.
- M. Any other duties as reasonably assigned by the ACBL National Recorder.

VI. AUTHORITY OF THE RECORDER

- A. A Recorder has no disciplinary authority and MUST must not give any such indication to the contrary.
- B. A Recorder, as a means to resolve a Player Memo or Memos in accordance with the CDR, may file a Recorder Complaint or a Complaint regarding a pattern of conduct against a Subject with an appropriate Disciplinary Body: the Charging Party of the proper organization with jurisdiction.
- C. A Recorder may choose to inform a Subject that a Complaint may be filed in the future should the undesirable behavior continue.

VII. ELIGIBILITY FOR OTHER BRIDGE OFFICE

- A. A Recorder should not, during the tenure of office, serve on any Disciplinary Body created under authority of that Recorder's Appointing Body. If already a member of such a body, a Recorder must assume inactive status or resign.
- B. A Recorder should not, but may, be a member of a disciplinary committee for another Appointing Body. A Recorder must not participate in any case in which the facts may present a conflict of interest and must not be a member of the disciplinary committee for any case that he investigated as a Recorder.
- C. A Recorder may be a member of any disciplinary committee after leaving office, but shall not hear any case with which (s)he was involved while serving as a Recorder.
- D. A Recorder may be a member of any bridge appeals committee so long as this service does not create a conflict of interest or the appearance of a conflict of interest.
- E. A Recorder should decline to serve on a bridge appeals committee when other qualified individuals are available.

VIII. TOURNAMENT RESPONSIBILITIES

- A. The Recorder should be available for any tournament sponsored by his or her Appointing Body; to serve as the Recorder for that tournament. If not available, the Recorder or the Appointing Body is ~~responsible to~~ nominate ~~should assign an Assistant Recorder or designate~~ a qualified assistant ~~Temporary Recorder~~ Temporary Recorder to perform ~~all recorder functions~~ the duties and responsibilities for the tournament. The Assistant Recorder ~~is or~~ Temporary Recorder shall be subject to all limitations imposed on the Recorder. In the event that no Recorder is available at a tournament, the ~~Director-in-Charge (DIC)~~ will act as an on-site Recorder. The DIC is responsible for sending any and all Player Memos to the organization's Recorder.
- B. The If serving as on-site Recorder, the DIC of the tournament shall also ensure that a copy of all Player Memos ~~are~~ is forwarded to the ~~ACBL Office~~ of National Recorder for review.

IX. GUIDELINES FOR EXECUTION OF DUTIES

- A. The Recorder must make his or her best effort to maintain the confidentiality of the Player Memos. Unless confidentiality is waived by the Reporter, the Recorder should maintain, as confidential, the identity of the Reporter, even if this precludes speaking with the Subject of the report. Such information may be revealed only when necessary to the investigation and in maintaining ~~files~~Files and other records. Violating the confidentiality of the process is a basis for removal from office. This responsibility is of the highest priority and must continue even after the Recorder's duties have ended. However, the Reporter should be made aware that a need for confidentiality may impede or preclude an investigation.
- B. The Subject and the Reporter are entitled to privacy regarding the reported ~~incident~~Incident, subject to the needs of the investigation. If the Recorder files a Complaint based, in whole or in part, upon a Player Memo, that Player Memo becomes evidence and the Reporter becomes a witness, if available, subject to the Reporter's continuing right to assert confidentiality. Further confidentiality and privacy, if any, are determined by the ~~Code of Disciplinary Regulations.~~CDR.
- C. A Recorder should inform ~~club managers~~Club Managers, tournament chairpersons and tournament directors of the proper procedures for delivery of Player Memos or reports of wrongdoing to the Recorder.
- D. Upon receipt of a Player Memo, a Recorder should make an initial assessment ~~as to~~regarding whether the subject matter and related current or prior reports could form the basis for a Complaint or whether the Player Memo should simply be ~~recorded~~Recorded.
- E. Upon receipt of a Player Memo that could be the basis for a Complaint, the Recorder investigates the matter or refers the Player Memo to the appropriate Recorder to investigate. **Matters that could involve ~~ethical breaches~~Ethical Violations should be referred to the ACBL National Recorder for evaluation prior to the start of an investigation.** If the confidentiality of the Reporter has been waived, the Recorder may discuss the case with the Subject and give the Subject an opportunity to reply to the report in writing. As appropriate and as confidentiality permits, the

Recorder may investigate further by interviewing witnesses and/or holding additional meetings with the Reporter or the Subject.

F. After a complete investigation, the Recorder makes an evaluation:

1. ~~4.~~ If a Recorder will be filing a Recorder Complaint, the Subject should be so informed by the Recorder. If the Reporter may be a witness or his ~~report~~ Player Memo may be used as part of the Complaint, he should be so informed by the Recorder. ~~If the Reporter requests confidentiality, the Recorder must prepare the Complaint without reference to the Player Memo. The Complaint is filed with the appropriate organization's Recorder.~~

~~2.~~ When the Recorder is recording the Player Memo, he should retain a copy of the file and send a copy of the file to the ACBL National Recorder. If the Player Memo contains any possible an indication of wrongdoing under the CDR, it should be ~~recorded and~~ Recorded and a Recorder Complaint should be prepared (attaching a copy of the Player Memo and any relevant exhibits). The Complaint is filed with the appropriate organization's Charging Party.

2. When the Recorder is merely Recording the Player Memo, he should retain a copy of Player Memo and any Files from an investigation and send a copy of the Player memo and any Files to the ACBL National Recorder.

G. A Recorder should communicate with the Reporter regarding the status of ~~ahis or her~~ Player Memo. Given the circumstances of any case and the need to preserve the Subject's rights of confidentiality, the Recorder has discretion to limit the amount of information given to the Reporter. This includes the discretion to tell the Reporter only that ~~(1)~~ the Player Memo was received and is being addressed or ~~(2ii)~~ the Player Memo was received and the Recorder has concluded the investigation, stipulating ~~one of (a)~~ the following results: Incident was Recorded or (b) the Incident was referred to a Charging Party requesting a disciplinary hearing.

- ~~a. The incident was recorded;~~
- ~~b. The incident was referred for discipline; or~~

~~e. No further action was taken.~~

H. ~~Nothing in this document shall supersede the provisions of the ACBL Code of Disciplinary Regulations~~CDR.

X. RECORDER FILES

A. ~~All files~~Files are the property of the ~~investigating Recorder's Appointing Body~~Office of the National Recorder. Access to that ~~file~~File is by permission of the ~~National Recorder or the Appointing Body.~~

~~B. Periodically, a Recorder should review all files in his or her possession. During these reviews, a Recorder should note if more than one Player Memo involves the same Subject. If so, (s)he should evaluate the memos for possible action based on a pattern of behavior.~~

~~C. To the extent possible, a Recorder should cross-file the Player Memos under both the Reporter's name and the Subject's name.~~

NATIONAL

XI. OFFICE OF NATIONAL RECORDER

~~A. The National Office of the National Recorder is the administrative office of the ACBL National Recorder.~~

~~B. Daily administration is under the aegis of the ACBL National Recorder. The primary purpose of this office is to help~~ The staff of that office assists which helps the ACBL National Recorder with the performance of his ~~or her~~ legitimate duties.

~~C. The National Office of as described in his job description. These duties include educating and providing guidance to all members as well as Unit and District Recorders and Disciplinary Committees regarding proper procedures for handling disciplinary matters in accordance with these Recorder maintains all ACBL Recorder files.~~

~~D. The files are Regulations and the property of ACBL~~CDR.

SPECIAL ACBL RECORDER REGULATIONS AND PROCEDURES

~~A. XII. ACBL NATIONAL RECORDER~~

~~1. The ACBL National Recorder is selected and hired by ACBL Management. With the approval of ACBL Management, the ACBL National Recorder may appoint assistants.~~

~~2. Each Assistant ACBL National Recorder will perform those functions assigned by the ACBL National Recorder. The authority of an Assistant ACBL National Recorder may never exceed the authority of the ACBL National Recorder.~~

~~B. ADDITIONAL ACBL NATIONAL RECORDER DUTIES~~

~~1. The ACBL National Recorder may submit evidence or Player Memos to the Anti-Cheating Commission (ACC) for evaluation of a recommendation. The National Recorder will regularly provide any relevant ethical Player Memos or other evidence to the ACC.~~

~~2. The ACBL National Recorder may also receive information in forms other than Player Memos. These reports may be from any source or sources. The ACBL National Recorder, if appropriate, should then document the information received.~~

~~3. The ACBL National Recorder shall have additional duties, including but not limited to:~~

- ~~a. Advising Unit and District Recorders;~~
- ~~b. Conducting seminars for Recorders at NABCs.~~

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