

## CODE OF DISCIPLINARY REGULATIONS

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### 2. JURISDICTION OF DISCIPLINARY BODIES

#### 2.1 JURISDICTION, GENERALLY (OR LACK THEREOF), OF UNITS, DISTRICTS, THE ACBL AND TOURNAMENT DISCIPLINARY COMMITTEES (see also CDR 2.2)

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##### 2.1.1 *Unit Jurisdiction.* A Unit has jurisdiction over:

- (a) Persons participating in an ACBL sanctioned event or other activity (sponsored by any Unit, any District or the ACBL) held or occurring within that Unit's geographical boundaries. However, if a Unit sponsors an event in another Unit's geographical boundaries, the Unit in which the event is held may agree to the sponsoring Unit having jurisdiction over any violations of this CDR occurring at that event, but this decision must be made at the time that it gives permission to hold the event within its geographical boundaries.

##### 2.1.2 *District Jurisdiction.* A District has jurisdiction over:

- (a) Persons participating in an ACBL sanctioned event or other activity (sponsored by any Unit, any District or the ACBL) held or occurring within its geographical boundaries (District Disciplinary Committee). However, if a District sponsors an event in another District's geographical boundaries, the District in which the event is held may agree to the sponsoring District having jurisdiction over any violations of this CDR occurring at that event, but this decision must be made at the time that it gives permission to hold the event within its geographical boundaries.
- (b) Decisions of a Tournament Disciplinary Committee from a tournament held in that District's geographical area, a member Unit's Unit Disciplinary Committee and that District's District Disciplinary Committee and the Charged Party in each for appellate purposes only (District Appellate Committee).
- (c) Cases involving alleged violations by member Units referred to in CDR 9.1 (District Disciplinary Committee).

## 2.2 ORIGINAL VS. APPELLATE JURISDICTION OF UNIT AND DISTRICT DISCIPLINARY BODIES

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### 2.2.3 *Original/Appellate Jurisdiction of the ACBL Board of Directors.* The ACBL Board of Directors has original jurisdiction of the following:

- (a) Disputes between Districts.
- (b) Disputes between Units from different Districts.
- (c) Cases involving alleged violations by Districts referred to in CDR 9.2.
- (d) When (i) in the opinion of both a District Board and the ACBL Board of Directors (who must agree), circumstances make it impractical or unfair for Charges to be heard by the District or Unit disciplinary committee that would ordinarily hear such Charges or (ii) in the opinion of the ACBL Board of Directors, the issues involved in a Complaint which led to Charges are of paramount importance to the ACBL.<sup>1</sup> If such Complaint which led to the Charges is disciplinary in nature *and* under a Unit or District disciplinary committee's original jurisdiction, the District Board and the ACBL Board of Directors shall bring the Charges to the ACBL Disciplinary Committee with the direction that the committee conduct a hearing. In those matters where the ACBL Board of Directors is assuming jurisdiction, the ACBL Board of Directors hereby delegates its duties as Charging Party to the ACBL Executive Committee to act on its behalf.
- (e) When a TDC refers a matter heard at a NABC to the ACBL, the matter shall be referred to the ACBL Disciplinary Committee for action. (See also CDR 5.3.14(c).)
- (f) When an ACBL member has been found guilty and/or disciplined by another bridge organization for an Ethical Violation, the ACBL CEO may refer the matter to the Ethical Oversight Committee for resentencing purposes, *but only if* the sentence imposed was less than that contained in the suggested sentencing guidelines enacted by the World Bridge Federation.

In all other cases, the ACBL shall honor the discipline imposed by such other bridge organization, enforcing it in ACBL events, *unless* the ACBL member requests a hearing under ACBL Regulations or other rules and provides substantial evidence that:

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<sup>1</sup> The Board must by motion determine that it is impractical or unfair for the Unit or District disciplinary committee to hear the Charges. Conversely, in other cases, the Board by motion may determine that a matter is so important to the ACBL that the Unit or District disciplinary committee should not hear it but, rather, the matter should be heard by the ACBL Disciplinary Committee.

- 1) he or she was not accorded a fair process in the hearing held by the other bridge organization; and/or
- 2) the penalty imposed was grossly inappropriate for the Ethical Violation proven.

The initial decision as to whether substantial evidence was provided showing lack of a fair process and/or grossly inappropriate penalty shall be made by the ACBL CEO with the advice of In-House Counsel.

If a new hearing is requested and granted, the penalty imposed by such other bridge organization will not be enforced by the ACBL until and unless the findings and penalty that had been imposed are affirmed by the Ethical Oversight Committee. Notwithstanding the foregoing sentence, the Ethical Oversight Committee shall be entitled to impose its own discipline according to this CDR following such hearing. During such hearing, the Ethical Oversight Committee shall review the record of the hearing of the other bridge organization, to the extent one is available, but may also consider new evidence (even that from another bridge organization or from a non-ACBL sanctioned bridge tournament).

Nothing in this section shall prohibit the ACBL from initiating its own independent disciplinary process for Ethical Violations by such ACBL member in ACBL sanctioned events.

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#### *2.2.7 Original/Appellate Jurisdiction of the ACBL Disciplinary Committee*

The ACBL Disciplinary Committee shall hear cases regarding those matters specified in CDR 2.2.3(d) and (e) or other cases when so instructed by the ACBL Board of Directors or as otherwise expressly so stated in this CDR. This committee shall also act as an appellate body and hear appeals per CDR 7.3. (See also CDR 5.3.4(b)(iii).)

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## PROCEDURES FOR DISCIPLINARY BODIES OF ORIGINAL JURISDICTION

### 5.2 SPECIFIC PROCEDURES FOR THE CONDUCT OF HEARINGS BY A UNIT DISCIPLINARY COMMITTEE, DISTRICT DISCIPLINARY COMMITTEE, THE ETHICAL OVERSIGHT COMMITTEE AND THE ACBL DISCIPLINARY COMMITTEE (See also CDR 5.1.)

#### 5.2.3 *Charged Party's Rights.* A person charged with one of the grounds for discipline set forth in CDR 3 shall be entitled to:

- (a) Receive written notice of the date, time, and place of the hearing. Even if a person admits to a Charge, unless pursuant to a Negotiated Resolution (as set forth in CDR 5.2.14), a hearing shall nevertheless be held to determine and impose appropriate discipline.
- (b) Be furnished with a written statement of the Charges, the Complaint upon which the Charges are based (or a summary of the facts of such Complaint), and the name of the Complainant.
- (c) For hearings at the Unit- or District-level, be represented at the hearing by another person who shall not be an Attorney or a member of the ACBL Board of Directors. The Charged Party may be represented by an Attorney outside the hearing room.
- (d) For hearings at the Ethical Oversight Committee, ACBL Disciplinary Committee and Appeals and Charges Committee (when the latter two are acting with original jurisdiction), be represented at the hearing by another person who shall not be a member of the ACBL Board of Directors.
- (e) Produce evidence and make statements on his/her own behalf.
- (f) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
- (g) Question persons testifying. The chairperson may restrict this right if abused.

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### 5.2.5 *Required Appearance at Hearings*

- (a) Either the Charging Party and/or the Charging Party's Advocate (or a Presenter) is required to appear in person, by telephone or by Skype, or some similar mechanism, at the person's expense.
- (b) When a Disciplinary Body's chairperson determines (upon request by either the Charging Party or the Charged Party) that a witness' testimony is critical to a hearing, then such witness is required to appear in person, by telephone or by Skype, or some similar mechanism, at the ACBL's expense or to provide a signed witness statement. *Failure to appear at the hearing in person or by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause for such failure is provided to the Disciplinary Body's chairperson. "Reasonable cause" shall be liberally construed.*
- (b) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

## 5.3 SPECIFIC PROCEDURES FOR CONDUCT OF HEARINGS BY A TOURNAMENT DISCIPLINARY COMMITTEE

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### 5.3.3 *Required Appearance at Hearings*

- (a) Either the Charging Party and/or the Charging Party's Advocate (or a Presenter) is required to appear in person, by telephone or by Skype, or some similar mechanism, at the person's expense.
- (b) When a Tournament Disciplinary Committee chairperson determines (upon request by either the Charging Party or the Charged Party) that a witness' testimony is critical to a hearing, then that witness is required to appear or to provide a signed witness statement. *Failure to appear at the hearing in person or by telephone, or to provide a signed written or electronic statement, shall be grounds for discipline, unless reasonable cause for such failure is provided to the Tournament Disciplinary Committee chairperson. "Reasonable cause" shall be liberally construed by the Disciplinary Committee chairperson.*
- (c) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

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5.3.11 *Finality of Proceedings.* A person who has been subjected to a disciplinary proceeding conducted by a Tournament Disciplinary Committee under CDR 5 shall not be subject to any further proceedings by any other Disciplinary Body for the same matter arising out of the same operative facts, except pursuant to appeal and/or for additional

disciplines as provided under CDR 4.2, and 5.3.14. A TDC has the same options for discipline as any other Disciplinary Body other than Expulsion. However, a Suspension or a Probation imposed by a Tournament Disciplinary Committee may not exceed ninety (90) days nor may a Probation following a Suspension exceed ninety (90) days; provided, however, that the cumulative period of suspension followed by the period of probation may not exceed ninety (90) days.

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5.3.14 *Additional Discipline Recommended.* When the Tournament Disciplinary Committee determines the Charged Party has committed an offense which may warrant a discipline exceeding ninety (90) days, the Tournament Disciplinary Committee, after imposing either a Suspension of ninety (90) days, a Probation of ninety (90) days or both (not to exceed 90 days cumulatively) under this CDR 5.3 (see specifically CDR 5.3.11), shall within ten (10) days refer its Hearing Report with its recommendations for discipline of more than ninety (90) days and the reasons for it via ACBL Management to:

- (a) The Unit Disciplinary Committee of the Unit having jurisdiction when the Incident occurred during a Sectional tournament. The next higher level appellate body shall hear any appeal from the decision of the Tournament Disciplinary Committee and/or the Unit Disciplinary Committee.
- (b) The District Disciplinary Committee of the District having jurisdiction when the Incident occurred during a Regional tournament. The next higher level appellate body shall hear any appeal from the decision of the Tournament Disciplinary Committee and/or the District Disciplinary Committee.
- (c) The ACBL Disciplinary Committee when the Incident occurred during a NABC or another event sponsored by the ACBL. The next higher level appellate body shall hear any appeal from the decision of the NABC Tournament Conduct Committee and/or the ACBL Disciplinary Committee. (See also CDR 7.3.1.)
- (d) The sponsoring organization having jurisdiction when the Incident occurred. The next higher level appellate body shall hear any appeal from the decision of the Tournament Disciplinary Committee and/or the sponsoring organization.

Appeal rights will be stayed until the second disciplinary committee has reviewed the Hearing Report and rendered a decision regarding the application of additional discipline. Such second disciplinary committee may, but is not required to, access the record of the Tournament Disciplinary Committee hearing(s).

## 7. PROCEDURES FOR APPELLATE BODIES

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### 7.1 APPEALS TO A DISTRICT APPELLATE COMMITTEE

7.1.1 *Right to Appeal a Disciplinary Body's Decision.* The Disciplined Person and/or the Charging Party may file a written request to appeal with the District Appellate Committee chairperson (and/or the District President, or their respective designee, who shall promptly forward such written appeal to the District Appellate Committee chairperson) from:

- (a) A decision of the Tournament Disciplinary Committee (other than a NABC Tournament Conduct Committee) at a tournament held in that District;
- (b) A decision of a Unit's Unit Disciplinary Committee. Such Unit must be located within the geographical area of the District; or
- (c) A decision of that District's District Disciplinary Committee.

7.1.2 *How to Appeal to a District Appellate Committee.* A written request to appeal must be made within thirty (30) days following the mailing of the official written notice of the decision being appealed. For a request for an appeal to be granted by the District Appellate Committee chairperson and considered by the District Appellate Committee, a written statement must accompany the request. The statement shall provide an allegation, with a summary of the reasons supporting their position, that at least one (1) of the following exists:

- (a) The decision is not supported by the weight of the evidence presented at the hearing held by the lower level Disciplinary Body (i.e. not an appellate body except CDR 5.3.14(a) and (b) and CDR 7.0);
- (b) Procedures employed were inconsistent with this CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process;
- (c) Discipline imposed is inappropriate; and/or
- (d) One (1) or more person(s) on the hearing panel had a bias, which affected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

## 7.2 APPEALS TO THE APPEALS AND CHARGES COMMITTEE

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7.2.3 *How to Appeal to the Appeals and Charges Committee.* A written request for an appeal must be given to the Appeals and Charges Committee within thirty (30) days following the mailing of the official notice of the ruling. For an appeal to be granted by the Appeals and Charges Committee chairperson, and considered by the Appeals and Charges Committee, a written statement must accompany the request. The statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one (1) of the following exists:

- (a) The decision is not supported by the weight of the evidence presented at the hearing held by the lower level Disciplinary Body (i.e. not an appellate body except CDR 5.3.14(c));
- (b) Procedures employed were inconsistent with this CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process.
- (c) Discipline imposed is inappropriate; and/or
- (d) One (1) or more person(s) on the hearing panel had a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

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## 7.3 APPEALS TO THE ACBL DISCIPLINARY COMMITTEE

7.3.1 *Right to Appeal a Disciplinary Body's Decision.* The Disciplined Person and/or the Charging Party may file a written request to appeal with the ACBL Disciplinary Committee chairperson from a decision of a NABC Tournament Conduct Committee. However, if the ACBL Disciplinary Committee is automatically reviewing a NABC Tournament Conduct Committee request for additional discipline pursuant to CDR 5.3.14(c), the request to appeal shall be made to the Appeals and Charges Committee.