AMERICAN CONTRACT BRIDGE LEAGUE
CODE OF DISCIPLINARY REGULATIONS

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Definitions

ACBL	American Contract Bridge League and, as the context requires, any of its affiliates.
ACBL CEO	The Executive Director of the ACBL.
ACBL Disciplinary Committee	A non-board committee established by the Board of Directors to accomplish the goals and objectives set forth for it in this CDR. See CDR 1.8 and 2.2.7.
ACBL Handbook	The ACBL Handbook of Rules and Regulations, as amended, supplemented or otherwise modified from time to time.
ACBL Management	The ACBL Executive Director or his or her designee.
ACBL Officials	Members of the ACBL Board of Directors, members of the ACBL Board of Governors, members of any ACBL Foundation Board or of any ACBL committee, sub-committee or commission appointed by the ACBL President, the ACBL Board or a member of the ACBL Board. Members of any District or Unit Board within the ACBL and of any duly appointed or elected committee or sub-committee of such Board. Members of any ACBL Tournament Disciplinary Committee and all independent contractors hired by a Tournament Disciplinary Committee. This includes all Tournament Assistants and Caddies hired to work at an ACBL sanctioned tournament. ACBL employees, including, but not limited to, the ACBL National Recorder, In-House Counsel and ACBL CEO.
ACBL Regulations	This ACBL Code of Disciplinary Regulations, the Laws, the ACBL Bylaws, the ACBL Codification, the ACBL Handbook, the General Conditions of Contest for ACBL events (and Conditions of Contest for a specific event), the Bidding Box Regulations and any other rules and regulations of similar import.
Action	See CDR 4.3.1.
Administrative Suspension	A Suspension imposed by ACBL Management in accordance with CDR 4.3.
Advocate	A person selected by the Charging Party and the Charged Party to represent their respective position before a Disciplinary Body.
Appeals and Charges Committee	A committee of the Board of Directors which hears all disciplinary appeals on behalf of the Board of Directors.
Attorney	A person who is licensed or has been licensed to practice law in any jurisdiction.
Automatic Probation	Probation automatically imposed by ACBL Management in accordance with CDR 4.2.

Automatic Suspension	A Suspension automatically imposed by ACBL Management in accordance with CDR 4.2.
Automatic Review	See CDR 7.2.6.
Board of Directors	The governing body of the ACBL.
bridge organization	An independent organization that organizes bridge in a certain location or geographical area such as a National Bridge Federation (as defined by the World Bridge Federation, for example, the United States Bridge Federation) or Zonal Conference of the World Bridge Federation (for example, the European Bridge League).
Cause	With respect to removal of a member of a Disciplinary Body "for cause," the reasons affecting and concerning the ability and fitness of such member to perform the duty imposed upon him that are sufficient to warrant removal; it does not mean some arbitrary or capricious action.
CDR	This ACBL Code of Disciplinary Regulations, as amended, supplemented or otherwise modified from time to time.
Charge	A matter brought to a Disciplinary Body based upon a Complaint that sets forth an offense (i.e., a particular kind of act or conduct set forth in CDR 3 that produces liability to discipline) of which a Charged Party is alleged to be guilty.
Charged Party	A person against whom Charges have been brought.
Charging Party	The official of a District or the ACBL who, acting upon a Complaint, brings Charges against another.
Collusive Cheating	An agreement made between two or more people, at least one of whom is a contestant, to exchange or pass information illicitly. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.
Comfortable Satisfaction	A burden of proof that is met when, after a careful weighing of the evidence and the facts proved by direct, circumstantial or other evidence, the decision maker has a comfortable satisfaction that he or she has reached a correct and just conclusion. It is higher than "preponderance of the evidence" standard but not as high as "beyond a reasonable doubt." Direct evidence, circumstantial evidence, hearsay evidence, witness statements, mathematical analysis and any other relevant evidence (including evidence from outside of the ACBL) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.
Complainant	An ACBL Recorder who brings a Complaint.
Complaint	A written accusation by an ACBL recorder based on a reported Incident from a member, a non-member playing in an ACBL sanctioned tournament, ACBL Management, a Unit or a District alleging an act or conduct not in conformance with the ACBL's standards that requests that Charges be brought to an appropriate Disciplinary Body for a hearing.

Conference	A voluntary association of neighboring Units and/or Districts organized to advance the purposes of ACBL and its member Units.
DIC	Director-in-Charge.
Disciplinary Bodies	Those committees set forth in CDR 1 which are authorized to hear cases involving the discipline of ACBL members (or non-members of the ACBL when participating in ACBL sanctioned events) or affiliates.
Disciplined Person	A person whom a Disciplinary Body has determined to be guilty of the Charge(s) brought against him or her and who shall be subjected to a discipline set forth in CDR 4.
Discrimination	Actions against a full-time or part-time ACBL employee, independent contractor, member, or participant in an ACBL sanctioned event because of that person's race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics covered by federal law.
District Disciplinary Committee	See CDR 1.2.
Electronic Presence	Participation in a hearing by means of a conference telephone or similar communications equipment or by electronic video screen communication; participation by such means shall constitute presence in person at a hearing as long as all persons participating in the hearing can hear each other at the same time and each person can participate.
Eligibility Points	Masterpoints assigned to be used for placement in a flight, bracket, or stratification category and used to ensure proper seeding. These points shall not be used for attaining ACBL ranks or in any masterpoint race. For the purpose of this CDR, the Eligibility Points assigned shall equal points forfeited by the action of a Disciplinary Body.
Ethical Oversight Committee	A non-board committee established by the Board of Directors which hears original cases of cheating or serious breaches of ethics or other disciplinary referrals per CDR 2.2.3(f).
Ethical Violations	Serious and/or repeated infractions of the Laws or noncompliance with, or violation of, this CDR or other ACBL Regulations or other rules (or noncompliance with, or violation of, the rules and regulations of another bridge organization) that involve improper conduct consciously perpetrated. They may produce improper or unfair advantages, but no proof of intent to gain such unfair or improper advantage is necessary for a finding of guilt. Examples of "Ethical Violations" include, but are not limited to, those set out in Part I of Appendix B to this CDR.
Expulsion	See CDR 4.1.5.
Expunged or Expungement	The removal of a discipline, after such discipline has been served, from a person's disciplinary record so that it is as though the discipline was never imposed.

Hearing

A location where a disciplinary procedure under this CDR is held, which may be a physical location, virtual location via telephone or other electronic means, or a combination of these.

Hearing Report

A form report provided by the ACBL to a Disciplinary Body for completion following a hearing which provides a summary of the facts, the Disciplinary Body's findings and what discipline, if any, is to be or was imposed.

Incident

An occurrence of conduct or actions by a player or an ACBL member which may be the basis for a player memo or a Complaint.

Law

A provision in the "Laws of Duplicate Contract Bridge" or the "Laws of Duplicate Bridge", as each, respectively, may be amended, supplemented or otherwise modified from time to time.

member in good standing

An ACBL member shall be deemed to be in "good standing" when such member's dues, if dues are required, are current and such member is not currently:

1. expelled;
2. serving a term of suspension;
3. serving indefinite probation;
4. serving a Probation, the initial term of which was 24 or more months; or
5. serving a term of probation following a Suspension, the initial term of which was more than 90 days.

A member who is not in good standing may not:

1. Serve in any elected or appointed position in ACBL;
2. Receive any subsidy or remuneration from ACBL;
3. Participate in Masterpoint races;
4. Receive recognition for Masterpoint rank promotion;
5. Publish an article in any ACBL publication;
6. Vote in any election in which general membership is electorate;
7. Serve as a club manager or director;
8. Participate in events where such participation is prohibited by Conditions of Contest;
9. Vote in a Hall of Fame election.

reprinted in ACBL Codification, Chapter 1, section 2.3.1-2.3.2

Month

For the purposes of this CDR, a month is equal to thirty (30) days.

NABC

North American Bridge Championships.

NBO

A National Contract Bridge Organization (as defined in the World Bridge Federation Bylaws) that is a member of the World Bridge Federation and controls bridge in its country (as defined in the World Bridge Federation Bylaws).

Negotiated Resolution	An agreement for resolution of a disciplinary proceeding between the Charging Party and the Charged Party presented to the Disciplinary Body for its approval. (See CDR 5.2.14.)
player memo	A written document informing the recorder about an Incident. The player memo is not necessarily a Complaint, but it may be used as the basis for a Complaint.
preponderance of the evidence	Evidence that is more convincing than the evidence opposed to it.
President	The President of the ACBL Board of Directors.
prima facie	Evidence that is sufficient to establish a fact in question until rebutted.
Probation	See CDR 4.1.2.
recorder	A person assigned the duty to collect and record player memos and other reports, investigate allegations of wrongdoing and educate players regarding demeanor and ethical behavior pursuant to ACBL Regulations.
Recorder Complaint	See CDR 5.2.1.
Reprimand	See CDR 4.1.1.
sanctioned event	For this CDR, any ACBL sanction issued by the ACBL to a club, Unit or District and any event awarding ACBL masterpoints which is conducted and sponsored by the ACBL.
Suspended Sentence	See CDR 4.1.3.
Suspension	See CDR 4.1.4.
Suspension Pending Hearing	See CDR 4.4.
TDC	A NABC Tournament Disciplinary Committee. It has limited disciplinary powers and it conducts a hearing and completes its deliberations at or immediately after an ACBL NABC tournament and hears Charges arising from Incidents occurring at a tournament. The NABC Tournament Conduct Committee is a TDC. (See also CDR 1.4 and 5.3.)
Unit Sponsored Club	A club which has any one or more of the following features: (a) a board which is the same as the Unit Board or whose members are appointed by the Unit; (b) a co-mingling of funds with those of the Unit; (c) the placement of funds in a Unit-owned account; or (d) the appointment of a club manager or director by the Unit.
Zonal Conference	Zones established by the World Bridge Federation within each the five continents that organize, manage and administer contract bridge activities within their geographical boundaries.

Unless the context clearly dictates otherwise, the singular includes the plural and the masculine includes the feminine and vice versa. Masterpoints is a registered trademark of the ACBL.

CODE OF DISCIPLINARY REGULATIONS

The purpose of this Code of Disciplinary Regulations (CDR) is to set forth a comprehensive disciplinary process and structure that provides a fair hearing to every ACBL member (or non-member of the ACBL participating in ACBL sanctioned events) charged with a disciplinary infraction. However, it is to be understood that disciplinary proceedings are not criminal or civil trials in that they do not involve personal liberty but rather the privileges of membership in the ACBL or continued participation in ACBL sanctioned events. Disciplinary proceedings under this CDR do not establish the guilt of the accused in a legal sense, as understood in a court of law – rather they only establish a Charged Party's guilt as affecting the ACBL's judgment of his or her fitness for the privileges of membership or continued participation in ACBL sanctioned events.[1] They are the internal administrative proceedings of a membership organization and the procedures listed herein are not to be expanded upon or added to in the conduct of proceedings.

In the event of any inconsistency between this CDR and the specific actions of the Board of Directors as set forth in the ACBL Codification, this CDR shall control.

1. ACBL DISCIPLINARY BODIES

1.1 SIZE OF DISCPLINARY PANELS

1.1.1 All ACBL Disciplinary Bodies, whether exercising original or appellate jurisdiction, must consist of a minimum of 3 members.

1.2 DISTRICT DISCIPLINARY COMMITTEE

1.2.1 Each District shall have a standing Disciplinary Committee chairperson.

1.2.2 Each District shall have either a standing District Disciplinary Committee, which shall be responsible for conducting disciplinary hearings in conformance with this CDR, or procedures to appoint such a committee when necessary.

1.3 DISTRICT APPELLATE COMMITTEE

1.3.1 Each District shall have a standing Appellate Committee chairperson who may not be the same person hearing the matter as in CDR 1.1 or 1.2.

1.3.2 Each District may have a standing District Appellate Committee, which shall be responsible for conducting appellate hearings in conformance with this CDR, but, at a minimum, must have procedures to appoint such a committee when necessary. In no event may a member of this committee be a member of the committee hearing the matter as in CDR 1.1 or 1.2.

1.4 NABC TOURNAMENT DISCIPLINARY COMMITTEE

1.5 DISCIPLINARY COMMITTEE OF SPONSORING ORGANIZATION

These are disciplinary committees of organizations (except Districts or the ACBL) sponsoring an ACBL sanctioned tournament or event.

1.6 ACBL MANAGEMENT

1.7 ETHICAL OVERSIGHT COMMITTEE

1 Paraphrased from Ch. XX of Robert's Rules of Order Newly Revised.

1.8 ACBL DISCIPLINARY COMMITTEE

1.9 APPEALS AND CHARGES COMMITTEE

1.10 Online Ethical Oversight Committee (OEOC).

2. JURISDICTION OF DISCIPLINARY BODIES

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

2.1.1 [Abrogated.]

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 District's District Disciplinary Committee and the Charged Party for appellate purposes only (District Appellate Committee).

(c) Cases involving alleged violations by member Units referred to in CDR 9.1 (District Disciplinary Committee).

(d) Members of that District when such member is participating in an ACBL sanctioned event or other activity sponsored by any Unit, any District, or the ACBL.

(e) Persons participating in a club sponsored ACBL sanctioned event held within the District's geographical boundaries relating to Complaints of alleged (i) cheating by use of signals, other unauthorized information or other forms of cheating or (ii) serious breaches of ethics.

2.1.3 *ACBL Jurisdiction*. The ACBL (acting through the Board of Directors[2] or ACBL Management) has jurisdiction over:

(a) Members of the ACBL or others disciplined, for appellate purposes only, except where otherwise specified in this CDR.

(b) Persons participating in an ACBL sanctioned event or other activity sponsored by a Unit, District or the ACBL.

(c) ACBL members who have been found guilty by any other bridge organization.

2 The Board of Directors will act through its Executive Committee, the ACBL Disciplinary Committee or the Appeals and Charges Committee.

(d) [Reserved.]

(e) [Reserved.]

(f) Violations of CDR 3.23, 3.24, 3.25, 3.26, and 3.27.

2.1.4 *TDC Jurisdiction*. A NABC Tournament Disciplinary Committee, as well as the disciplinary committee of the sponsoring organization, has jurisdiction over persons in attendance at that tournament. Tournament Disciplinary Committees are established with the approval of the ACBL President for hearing Charges related to Incidents occurring at NABCs.

2.1.5 *Limits on the Jurisdiction of Disciplinary Bodies*

(a) Other than ACBL Management, none of the Disciplinary Bodies noted in CDR 1 has jurisdiction over an ACBL employee (whether an ACBL member or not) in pursuit of his or her employment with the ACBL.

(b) Only ACBL Management, in accordance with CDR 2.2.5 (Jurisdiction of ACBL Management), has jurisdiction over a club's manager or staff based on actions taken by such manager or staff in pursuit of their club activities or duties.

(c) Other than CDR 2.1.2 (e) and actions at a Unit Sponsored Club, Districts and the ACBL have no original jurisdiction over behavior at club sponsored games.

2.2 ORIGINAL VS. APPELLATE JURISDICTION OF DISTRICT DISCIPLINARY BODIES

2.2.1 [Abrogated.]

2.2.2 *Original/Appellate Jurisdiction of Districts*

(a) Districts shall have original jurisdiction in the following cases:

(1) Cases involving Charges against a person arising from that person's participation in an ACBL sanctioned event or other activity sponsored by the District.

(2) Cases involving an alleged violation by Units referred to in CDR 9.1.

(3) Cases involving disputes between Units from the same District.

(4) In hearing appeals of a barring from a sanctioned game at a club. (See also CDR 7.0)

(b) Districts shall have appellate jurisdiction in the following cases:

(1) An appeal of a decision of a District Disciplinary Committee, except a decision against or for a Unit as an entity that had been brought pursuant to CDR 9.1. (See also CDR 7.1.1(b) and (c) and 9.1.3.)

(2) When otherwise expressly stated in this CDR.

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) Cases in which:

(1) Circumstances make it impractical or unfair for a matter to be handled by the District, or

(2) The issues involved are of paramount importance to the ACBL.

ACBL Management may use the Executive Committee of the ACBL Board of Directors to make a determination under subrule (d).

In these disputes or cases, the ACBL Board of Directors delegates its duties as Charging Party to the Executive Director to act on its behalf. Any dispute or case that results in a Charge shall be heard by the ACBL Disciplinary Committee.

(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:

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.

2.2.4 *Original/Appellate Jurisdiction of the Appeals and Charges Committee.*

The Appeals and Charges Committee reviews and hears disciplinary cases on behalf of the full Board of Directors as set forth in this CDR. Specifically, it shall consider matters arising under CDR 2.2.3(a), (b) and (c), subject to approval, modification or rejection by the Board of Directors.

2.2.5 *Original Jurisdiction of ACBL Management.*

ACBL Management has original jurisdiction over matters set forth in CDR 4.2 (Automatic Probation and Automatic Suspension), 4.3 (Administrative Suspension), 5.1.12 (sexual harassment) and other sections where expressly so provided in this CDR.

2.2.6 *Original Jurisdiction of the Ethical Oversight Committee.*

(a) The Ethical Oversight Committee has original jurisdiction over limited matters involving any ACBL member or non-member participating in any face-to-face event that awards ACBL masterpoints. This includes the face-to-face part of ACBL sanctioned events that occur online but are subsequently played face-to-face. (See also CDR 2.2.3(f).)

(b) The Ethical Oversight Committee shall, upon Charges being brought by ACBL Management whether based upon a Complaint submitted by the ACBL or another entity or individual, hear original cases of alleged (i) cheating by use of signals, other unauthorized information or other forms of cheating or (ii) serious breaches of ethics.

In-House Counsel, the ACBL President and the District Director of the Charged Party shall be notified of a decision to hold an Ethical Oversight Committee hearing. The results of its hearings shall be reported to the parties, the Board of Directors, the District Director of the Charged Party, In-House Counsel and ACBL Management.

(c) In matters before the Ethical Oversight Committee, the ACBL National Recorder (or a designee) shall be the Complainant and the ACBL CEO shall be the Charging Party.

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).)

2.2.8 Original Jurisdiction of the Online Ethical Oversight Committee.

(a) The Online Ethical Oversight Committee (OEOC) has original jurisdiction over all matters involving any ACBL members and non-members participating in any online event that awards ACBL masterpoints. In events that occur online but are partially played face-to-face, the Online Ethical Oversight Committee shall have jurisdiction over incidents occurring online.

(b) The Online Ethical Oversight Committee shall, upon Charges being brought, have original jurisdiction of all ethics-related cases arising from online play.

(c) In-House Counsel, the ACBL President and the District Director of the Charged Party shall be notified of a decision to hold an OEOC hearing. The results of its hearings shall be reported to the parties, the Board of Directors, the District Director of the Charged Party, In-House Counsel and ACBL Management.

3. GROUNDS FOR DISCIPLINE, OTHER THAN ADMINISTRATIVE SUSPENSION, UNDER THIS CDR

3.1 Violation of Laws of Duplicate Bridge.

3.2 Violation of ACBL Regulations. Administrative regulations, such as rules pertaining to sanctioned games at clubs as set forth in Ch. 4 – The Club Sanctioned Bridge Game of the *ACBL Handbook*, are exempted.

3.3 Leaving a session prior to completion of play without good cause or the permission of the DIC.

3.4 Accusations of unethical bridge conduct publicly made at an ACBL sanctioned event, not made privately to a tournament director or other tournament official.

3.5 Violation of CDR 4.5.

3.6 Betting on the results of any ACBL sanctioned event.

3.7 Actions or behavior unbecoming (i) a person participating in an ACBL sanctioned tournament or event or an ACBL activity (including a Unit or District activity) or (ii) a person attending (at the time and site of) an ACBL sanctioned tournament or event or an ACBL activity (including a Unit or District activity). For the avoidance of doubt, a disciplinary hearing pursuant to this CDR is an ACBL activity.

3.7.1 "Site" includes, but is not limited to, parking lots, elevators, communal areas, restaurants and hotels at or around the location of such tournament, event or activity.

3.7.2 A private and confidential conversation is not within the ACBL's jurisdiction even if it takes place at a tournament site *unless* it is a violation of another section of this CDR.

3.7.3 Notwithstanding CDR 3.7.2, e-mails or letters sent (or telephone calls or social media posts made) to an ACBL Official or entity (such as a Unit or District Board) may constitute a violation of this CDR 3.7 even if such conduct takes place after a tournament or event has ended. (See also CDR 3.11.)

3.7.4 E-mails or letters sent (or telephone calls or social media posts made) to private individuals shall not constitute a violation of this CDR 3.7 *unless* it is a violation of another section of this CDR.

3.7.5 Being placed on an Administrative Suspension three (3) or more times within a four (4) year period shall constitute a violation of this CDR 3.7.

3.7.6 A series of Zero Tolerance violations may be used to establish a pattern of conduct that may constitute a violation of this CDR 3.7.

3.8 [Reserved.]

3.9 [Reserved.]

3.10 [Reserved.]

3.11 Improper conduct toward any ACBL Official or Disciplinary Body in performance of their ACBL duties or functions.

3.12 Influencing or attempting to influence an entrant or entrants other than one's partner or teammates to withdraw from any ACBL sanctioned event.

3.13 Knowingly and/or intentionally submitting, or causing to be submitted, false information to an ACBL Official or a Disciplinary Body. Negligently submitting, or causing to be submitted, false information to an ACBL Official or a Disciplinary Body may be included as a lesser included offense (or the sole offense) in this CDR 3.13 and it will not be considered an Ethical Violation.

3.14 Failure to appear before a disciplinary committee in violation of CDR 5.2.5(b) and/or 5.3.3(b).

3.15 Initiating disciplinary action against another with no reasonable basis or appealing the decision of a Disciplinary Body with no reasonable basis. (The rejection of a Complaint by a Charging Party is not automatically a finding that there was not a reasonable basis for such Complaint.)

3.16 Refusing any reasonable request for cooperation by a duly appointed recorder, including the National Recorder, or assistant recorder pursuant to the proper conduct of the recorder's duties.

3.17 Improper conduct, a breach of ethics or improper behavior by an ACBL member for which another bridge organization has issued a finding of guilt against said member pursuant to CDR 2.2.3(f).

3.18 Misappropriation of ACBL, Unit or District funds.

3.19 Partnering or playing on a team with a person who is presently serving a Suspension from

the ACBL or who is presently expelled from the ACBL.

3.20 Cheating and other Ethical Violations.

3.21 Attempting to influence a decision of a Disciplinary Body outside of the hearing process(es).

3.22 Discussion or dissemination of the content of a disciplinary hearing, other than information released to the public pursuant to ACBL Regulations, outside the hearing room by a Disciplinary Body member with any party (whether a party to the hearing or not).

3.23 Unauthorized access to password-protected information or misrepresenting one's identity to access a website and/or electronic data of the ACBL and/or those of clubs, Units and/or Districts.

3.24 Cyber-attacks or similar intentional electronic disruptions, or attempts at such electronic disruptions, of websites and/or electronic data systems of the ACBL and/or those of clubs, Units and/or Districts.

3.25 Unauthorized use of ACBL-provided member data for (a) personal use, (b) financial gain and/or (c) harassment.

3.26 Unauthorized use of copyrighted ACBL materials or software.

3.27 Unauthorized use of trademarks registered by the ACBL.

4. OPTIONS FOR IMPOSITION OF DISCIPLINE

4.1 DISCIPLINES IMPOSED. Except for disciplines which may be imposed at a tournament under CDR 5.3 or the resolution of a CDR 9 alleged offense, the subsections in this CDR 4 set forth the only discipline which may be imposed by a Disciplinary Body. A Disciplinary Body may choose to combine such disciplines. Except for CDR 4.1.6, a disciplinary action by a Disciplinary Body shall apply to *all* events sanctioned by the ACBL.

The following disciplines do not apply to the conditions for a player's readmission to the ACBL, conditions for a player being allowed to play following a Suspension, or the authority of any sanctioned ACBL club to remove or ban any player from playing at that club's games.

All disciplines, other than CDR 4.1.1 and 4.1.9, shall be matters of public record on the ACBL website. All disciplines shall be filed in the Disciplined Person's disciplinary record.

Discipline imposed shall be subject to ACBL Regulations and other rules in effect at the time during which the Incident(s) occurred which led to the discipline. (See also CDR 10.6.)

4.1.1 *Reprimand.* A determination that a person has committed an offense warranting discipline for which the appropriate discipline is a written statement of censure from the Disciplinary Body that includes an explanation of the relevant disciplinary policy and a warning against further related violations.

Once a Charged Party has been found guilty of a violation under this CDR, a Reprimand is the minimum discipline that must be imposed. Notation in the minutes of a Unit or District organization that a Reprimand has been imposed shall be considered a *public* Reprimand.

4.1.2 *Probation*. A determination that a person has committed an offense warranting discipline such that the person must lose some of the privileges of membership and such that any further disciplinary violation, whether similar or different, may result in Suspension or Expulsion. See also CDR 4.5.

a. If the member is disciplined for another offense during a discrete probationary period, then if the new discipline is:

(1) Reprimand or Expulsion: no further discipline.

(2) Probation of more than ninety (90) days or a Suspension: the previous Probation becomes a Suspension for the remainder or half of the previous probationary period, whichever is longer. The new discipline shall be consecutive to, not concurrent with, the initial discipline. (See also CDR 4.1.8(b) and 4.2.)

(3) Other discipline: the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension. The new discipline shall be consecutive to, not concurrent with, the initial discipline. (See also CDR 4.1.8(b) and 4.2.)

b. If the member is disciplined for another offense during an indeterminate, permanent or lifetime probationary period, then if the new discipline is:

(1) Reprimand or Expulsion: no further discipline.

(2) Probation of more than ninety (90) days or a Suspension: the committee issuing the new discipline shall determine how much of the previous Probation shall become a period of suspension. That Suspension must be for a minimum of one (1) year. The new discipline shall be consecutive to, not concurrent with, the initial discipline. (See also CDR 4.1.8(b) and 4.2.)

(3) Other discipline: the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension. The new discipline shall be consecutive to, not concurrent with, the initial discipline. (See also CDR 4.1.8(b).)

c. During the entirety of any probationary period which is longer than ninety (90) days, a Disciplined Person shall not be eligible to direct an ACBL sanctioned game awarding masterpoints unless specifically authorized by ACBL Management or the ACBL Board of Directors. (See also Codification, Ch. I.A.2.3.)

4.1.3 *Suspended Sentence*. A determination that a person has committed an offense warranting discipline such that a Suspension would normally be imposed, effective immediately, but based on mitigating circumstances the Suspension is being waived, conditioned on good behavior or compliance with conditions imposed by the committee for a specified period. When a Suspension is imposed and the execution of it has been waived, such Suspended Sentence shall be deemed to be Probation for the period discipline was originally imposed. (See also CDR 4.1.2 and Codification, Ch. I.A.2.3.)

4.1.4 *Suspension*. A determination that a person has committed an offense warranting abrogation of all ACBL rights and privileges, including membership, for a specified period. (See also CDR 4.1.8(b) and 4.5 and Codification, Ch. I.A.2.3.)

4.1.5 *Expulsion*. A determination that a person has committed an offense warranting permanent abrogation of all ACBL rights and privileges, including membership. (See also CDR 4.1.8 and 4.5 and Codification, Ch. I.A.2.3.)

4.1.6 *Exclusion from Events and Programs*. A determination that a person has committed an offense warranting abrogation of the person's right to play in certain specified events or to participate in certain programs sponsored by the ACBL, Districts and/or Units and receive the benefits therefrom. (See also CDR 4.1.8.)

4.1.7 *Reduction or Forfeiture of Masterpoints or Tournament Rank or Disqualification.* A determination that a person has committed an offense at a tournament warranting: (1) forfeiture of a specified number or all the masterpoints earned in a particular event or in the tournament in which the offense(s) occurred, (2) a reduction of rank in a particular event, (3) disqualification in the particular event or the tournament in which the offense(s) occurred, (4) disqualification from yearly races or awards, or (5) any combination of the above. (See also CDR 4.1.8.)

(a) When the determination has been made *before* the termination of the applicable correction period, resulting in a reduction in rank or disqualification, the standing of the other contestants in the event shall be adjusted to reflect such determination.

(b) When the determination has been made *after* the termination of the applicable correction period, a reduction in rank or disqualification shall not affect the standing of the other contestants in the event even though there may be no winner because of such action. (See also CDR 4.1.8(d).)

4.1.8 *Forfeiture of Masterpoints/Titles for Unethical Behavior.*

(a) Any ACBL member (or non-member participating in an ACBL sanctioned event) convicted of premeditated or collusive cheating in an ACBL sanctioned event, or any participant(s) who admits to such action or actions, shall forfeit all masterpoints, titles and ACBL status ranks or other ACBL related awards theretofore earned by said participants through participation in all ACBL events.

The partners and teammates of said participant(s) shall forfeit all masterpoints, titles and ACBL status ranks or other ACBL related awards theretofore earned while playing with said participant(s) during the seven (7) years preceding the date the Charges were brought through and including the date of the final decision of a Disciplinary Body.

(b) Any participant(s) in an ACBL sanctioned event suspended because of Ethical Violations, other than those set forth in CDR 4.1.8(a), shall forfeit any masterpoints and titles won in the event in which the offense(s) occurred. Further:

(1) When a Suspension of less than one (1) year has been imposed, the committee may remove the masterpoints, titles or other ACBL related awards theretofore earned within the twelve (12) calendar months preceding the date of the offense(s).

(2) When a Suspension of one (1) year or longer has been imposed, the committee must remove at a minimum all masterpoints, titles or other ACBL related awards theretofore earned within the twelve (12) calendar months preceding the date of the offense(s). The committee may remove additional masterpoints, titles and/or ACBL status ranks or other ACBL related awards previously earned by said participants through participation in all ACBL events as it deems appropriate.

(c) Teammates and partners of (a) participant(s) who suffer(s) penalties as provided in CDR 4.1.7 and 4.1.8(b) shall forfeit any masterpoints and title(s) won in events in which the offense or offenses occurred.

(d) Titles forfeited pursuant to CDR 4.1.8(a), (b) or (c) shall remain vacant and there shall be no change in rankings or awarding of masterpoints for other contestants. First place awards for Unit masterpoint races forfeited pursuant to CDR 4.1.8 (a), (b), or (c) shall not remain vacant. The second-place awardee shall move up to first place and lower ranked awards will be filled by a relevant change in rankings for other lower-ranked contestants. Awards for other than first place forfeited pursuant to CDR 4.1.8 (a), (b), or (c) shall remain vacant and there shall be no change in rankings for other contestants. (See also CDR 4.1.7(b).)

(e) Management shall assign Eligibility Points to equal the number of

masterpoints that have been forfeited by the Disciplinary Body's decision.

4.1.9 *Expungement.*

(a) No Disciplinary Body may order Expungement as a part of a discipline imposed.

(b) A discipline which has been imposed by a Disciplinary Body of original jurisdiction may be Expunged from a Disciplined Person's record only by action of an appellate body for good cause when hearing an appeal filed in accordance with CDR 7.

(c) The Appeals and Charges Committee may also hear a request to have a Disciplined Person's record Expunged and order Expungement at the Appeal and Charges Committee's sole discretion.

4.2 AUTOMATIC PROBATION AND AUTOMATIC SUSPENSION BY ACBL MANAGEMENT

4.2.1 *Policy.* A person upon whom discipline (other than a Reprimand) has been imposed twice in accordance with CDR 4.1 within a twenty-four (24) month period shall be automatically placed on Probation for two (2) years ("Automatic Probation") by ACBL Management. Such automatic discipline imposed because of multiple offenses shall be consecutive to the imposition of the original discipline.

A violation of such Automatic Probation shall result in automatic Suspension for sixty (60) days ("Automatic Suspension") by ACBL Management (which shall suspend any Probation until such Suspension has been served) plus such additional disciplines, up to and including Expulsion, as may be determined by the Appeals and Charges Committee. At the meeting of the Appeals and Charges Committee to determine such additional discipline, if any, the Disciplined Person is entitled to be present (i) in person, (ii) through a qualified representative or (iii) by telephone to discuss the case.

Such Automatic Suspension imposed because of violation of the Automatic Probation shall be consecutive to the imposition of the original discipline, except that any Probation must be served following all Suspensions. (See also CDR 5.1.15.)

4.2.2 *Violation of Automatic Probation*. For purposes of CDR 4.2.1, a violation of Automatic Probation is deemed to have occurred when a person who is then under Automatic Probation violates an ACBL Regulation and is disciplined as a result of such violation, *unless* that new discipline is subsequently reversed by an appellate body and, in the event of any further hearing(s), no further discipline is imposed.

4.3 ADMINISTRATIVE SUSPENSION BY ACBL MANAGEMENT

4.3.1 *Reasons for an Administrative Suspension*. ACBL Management may impose an Administrative Suspension on a person who:

(a) Has not paid dishonored checks to the ACBL, its Districts, Units or Conferences;

(b) Has failed to pay a valid hotel bill to a hotel supporting an ACBL tournament without notifying ACBL and the hotel that he or she disputes such obligation in good faith;

(c) Has failed to pay a debt to the ACBL, its Districts, Units or Conferences without notifying the ACBL that he or she disputes such obligation in good faith;

(d) Has failed to accurately submit club masterpoint reports in a timely manner (the person must be either the club owner and/or club manager);

(e) Has violated an ACBL Confidentiality Agreement or any other contract with the ACBL;

(f) Has caused damage to any facility associated with an ACBL tournament during the conduct of such tournament without adequate reason or justification and failed to make reasonable compensation or restitution for it; and/or

(g) Has filed a civil action (which may or may not result in arbitration) or submits a dispute to arbitration for damages (the "Action") against the ACBL upon the occurrence of any of the following (this does not apply to civil actions brought by ACBL employees for anything concerning their ACBL employment): (1) a judgment in the Action which is favorable to the ACBL; (2) a dismissal of the Action by the court or the arbitrator(s) with or without prejudice; (3) failure by the ACBL member to prosecute the Action for any consecutive six (6) month period after filing of the Action; or (4) a settlement of the Action which does not specifically waive the provisions of this CDR 4.3.1(g).

4.3.2 *Additional Reason for Administrative Suspension*. If ACBL Management has cause to believe that a Disciplined Person has violated his or her discipline, ACBL Management may also impose an Administrative Suspension, pending a review by the person's District Disciplinary Committee or other appropriate Disciplinary Body, as the case may be, for consideration of additional disciplines or, alternatively, lifting such Administrative Suspension.

4.3.3 *Relief From CDR 4.3.1 Administrative Suspensions*

(a) Appeal from Administrative Suspension

Unless provided for elsewhere in this CDR, an appeal from an Administrative Suspension imposed under CDR 4.3.1 may be submitted only to the ACBL CEO to be resolved at his or her sole discretion.

(b) Cancellation of Administrative Suspension

(1) ACBL Management may lift any Administrative Suspension imposed under CDR 4.3.1 (other than CDR 4.3.1(g)) within sixty (60) days after the dishonored check(s), hotel bill(s) or outstanding

debt(s) is paid, or the material violation is cured, but, if ACBL Management should not cancel such Administrative Suspension at or before the end of such sixty (60) day period, it shall report to the appropriate Disciplinary Body, giving its reason(s). The Disciplinary Body shall review such reasons and affirm or modify the term of the Administrative Suspension.

(2) An Administrative Suspension imposed under CDR 4.3.1(g) shall be lifted only upon the occurrence of one of the following: (i) payment by the ACBL member of the costs incurred in the Action by the ACBL, its officers, agents, representatives and insurers; or (ii) a resolution by the ACBL Board of Directors absolving the ACBL member of payment of such costs.

"Costs incurred in the Action" shall mean all lawyers' fees and expenses, witness fees and expenses, court costs and other costs related to the defense of the Action. The Appeals and Charges Committee, shall make all determinations and decisions relating to the implementation of this CDR 4.3.3(b)(2).

4.4 SUSPENSION PENDING HEARING

4.4.1 *Policy*. When Charges have been brought against a person, such Charged Party may play in an ACBL sanctioned event pending the hearing *unless* otherwise directed by the (i) Executive Director, (ii) DIC of a Sectional or higher-rated tournament when a Charge is to be heard at that tournament by a Tournament Disciplinary Committee, or (iii) Executive Director when a Tournament Disciplinary Committee has recommended additional discipline pursuant to CDR 5.3.14. When charges have been brought by the World Bridge Federation, a NBO or one of the Zonal Conferences of the World Bridge Federation, such person so charged may play in an ACBL sanctioned event pending hearing *unless* otherwise directed by the ACBL Executive Director.

However, if directed not to play, it is a "Suspension Pending Hearing." Such Suspension Pending Hearing should be rarely issued – only in extreme cases or when a hearing is delayed due to the fault of the person charged. A Suspension Pending Hearing may not be appealed.

4.4.2 *Requirements when Suspension Pending Hearing is in effect*

(a) If a case is before a District-level Disciplinary Body, the hearing must commence within sixty (60) days *unless* the person charged causes a delay.

(b) If a case is before the Tournament Disciplinary Committee, the hearing must commence no later than sixty (60) minutes after the conclusion of the final session the day after the Suspension Pending Hearing was imposed or no later than sixty (60) minutes after the conclusion of the final session of the tournament, whichever is earlier, *unless* the person charged causes a delay.

If the matter is not heard at the tournament due to the delay of the Charged Party, the Suspension Pending Hearing will remain in effect until the proper Disciplinary Body hears the matter or lifts the Suspension Pending Hearing. If the matter is not heard at the tournament for any other reason, the Suspension Pending Hearing must be lifted and the matter must be referred to the appropriate Disciplinary Body to be heard. (See CDR 5.3.14.)

(c) If a case is before the Appeals and Charges Committee, ACBL Disciplinary Committee or Ethical Oversight Committee, the hearing must commence at the next ensuing ACBL Board of Directors' regular meeting or NABC, or 60 days, whichever comes first, consistent with adequate notice, *unless* delay is caused by the person charged.

4.4.3 *Suspension During Investigation*. If a matter is referred to ACBL Management under CDR 5.1.12 as involving sexual harassment of an ACBL employee or a Unit or District tournament employee, and if the matter meets the standards described in CDR 4.4.1 above, the ACBL CEO may temporarily suspend the person against whom allegations have been made during the investigation and determination. However, the investigation must be completed and the determination made within sixty (60) days, *unless* the person against whom allegations have been made causes the delay, or the temporary Suspension Pending Hearing will be lifted after sixty (60) days.

4.5 LIMITS ON PARTICIPATION FOLLOWING DISCIPLINE. While serving a Suspension of any kind or while expelled, a Disciplined Person may not participate in any national, District, Unit, club or other ACBL sanctioned activity, including, but not limited to (i) acting as non-playing captain, (ii) kibitzing any game or event, (iii) being physically present in the playing area of a tournament, or (iv) participating personally or through a corporation or other entity, agent, "doing business as" or other device in bridge-related affairs of the ACBL or of any ACBL affiliated organization.

4.6 EFFECTIVE DATE. For the effective date of imposition of a discipline set forth in this CDR 4, see CDR 5.1.15.

4.7 HEARING REPORT REQUIRED BEFORE DISCIPLINE IMPOSED. A Hearing Report must be submitted to ACBL Management by the Disciplinary Body whether or not any discipline is imposed. Further, in order that a disciplinary action may be considered in imposing Automatic Probation or Automatic Suspension pursuant to CDR 4.2, a Hearing Report must be on file with ACBL Management. *ACBL Disciplinary Recommendations* are attached in CDR Appendix B.

5. PROCEDURES FOR DISCIPLINARY BODIES OF ORIGINAL JURISDICTION

5.1 GENERAL PROCEDURES FOR CONDUCT OF HEARINGS BY DISCIPLINARY BODIES OF ORIGINAL JURISDICTION (See also CDR Appendix A *(Guidelines for Conducting Disciplinary Proceedings)*)

5.1.1 *CDR as Guide*. The chairperson of the Disciplinary Body should be familiar with this CDR and its *Guidelines for Conducting Disciplinary Proceedings* (CDR Appendix A).

5.1.2 *Simple, Fair Hearing*. The procedures before these committees are intended to promote a hearing that is fair and expeditious under the circumstances prevailing and as simple and informal as circumstances permit, keeping in mind at all times the rights of the parties. All participants have the right to be present at the hearing, which may be electronic and/or in person. There shall be no motion practice other than a request for continuance or postponement if good cause is shown for such request. (See also CDR 5.1.8. and 5.1.9.) All issues other than a request for a continuance or postponement shall be decided at the hearing.

5.1.3 *Recordkeeping Required*. A record must be kept of a hearing:

(a) Charges must be in writing, based upon the allegations in the Complaint, and submitted by the Charging Party to the chairperson of the appropriate Disciplinary Body with jurisdiction in the matter. Charges must direct that the Disciplinary Body hold a hearing. The Charges must set forth the specific sections of the CDR that allegedly have been violated by the facts and evidence presented in the Complaint. The Charges and accompanying Complaint are an integral part of the hearing record.

(b) A stenographic or recorded record of the hearing shall be kept. The Disciplinary Body shall also preserve a copy of all documentary evidence presented to it. If such a record (or a similar facsimile of it) or documentary evidence is not available, the appellate body may remand the issue to the original (or immediately preceding) Disciplinary Body to be reheard. Should a stenographic or recorded record of the hearing be requested, the cost, if any, shall be borne by the party requesting the record (who must also provide, if requested, a free copy to the other party and the committee). Only the parties to the hearing and the reviewing Disciplinary Body, and the Disciplinary Body who heard either the original matter or the intermediate appeal of the matter may have access to such record.

5.1.4 *Informal Rules*. The Disciplinary Body shall not be bound by rules of courts of law, whether of substantive law, evidence or procedure, and shall be liberal in receiving evidence. The receipt of evidence is not necessarily indicative of the weight or the credit which the committee may give it in their ultimate determination. Thus, hearsay evidence, unsworn written statements or relevant evidence from another ACBL jurisdiction or another bridge organization may be admitted and given such weight at the hearing as the committee deems appropriate.

5.1.5 *Opening/Closing Statements*. The Disciplinary Body shall determine the use of opening and closing statements at the hearing and the submission of briefs and memoranda.

5.1.6 *Pre-hearing Matters*. Pre-hearing conferences with the parties may be held relative to the procedural questions relating to the matter before the Disciplinary Body if, in the committee's or its chairperson's judgment, it is so warranted. Notwithstanding the foregoing, once Charges have been brought, such Charges may not be dismissed on a motion to dismiss or a motion for summary judgment prior to a hearing on the merits of the Charges.

5.1.7 *Other Pre-hearing Matters*. Under such terms and conditions as the Disciplinary Body, in its discretion, shall deem proper it may (but shall not be required to):

(a) Direct pre-hearing disclosure of available evidence (or a summary of that evidence) and the identity of witnesses;

(b) Permit presentation of sworn or unsworn written statements for use at the hearing;

(c) Limit the number of witnesses to be heard at the hearing;

(d) Clarify and define the issues to be heard at the hearing; and

(e) Consolidate proceedings where the parties or the issues are the same.

5.1.8 *Postponed Hearing*. The hearing may be postponed or adjourned from time to time for good cause shown upon the application of a party or upon the Disciplinary Body's own motion.

5.1.9 *Challenging Committee Members for Cause*. There shall be no automatic challenges to the members of any Disciplinary Body. There may be challenges for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the committee members shall decide the validity of the challenge. A majority vote of such remaining members is required to remove a member for Cause. (See also CDR 7.1.2(d), 7.2.3(d) and 7.3.2(d).)

5.1.10 *Discovery of Evidence*. Other than as expressly provided in this CDR, the Charged Party shall not be entitled to prehearing discovery as might be provided in civil litigation. Production of documents is limited to reports and statements received or prepared for the investigation and prosecution of the Charges as well as any documents referred to in the Charges.

5.1.11 *Advocate*. The Charging Party and the Charged Party each have the right to appoint an Advocate who shall not be a member of the ACBL Board of Directors to represent them before a Disciplinary Body at their own cost.

5.1.12 *Sexual Harassment.* If at any time during a disciplinary proceeding it becomes apparent that it may involve a person's sexual harassment of a full-time or part-time ACBL employee or a Unit or District tournament employee, the proceeding shall be suspended and the matter shall be immediately forwarded, in writing, to ACBL Management for action:

(a) Pursuant to the Workplace Harassment Policy set forth in the ACBL Employee Handbook, ACBL Management shall expeditiously investigate the matter referred and

(1) if a determination is made that there is no issue of sexual harassment, ACBL Management shall return the matter to the Disciplinary Body for resumption of the proceedings, or

(2) if a determination is made that there is an issue of sexual harassment, ACBL Management shall take any action deemed necessary or appropriate or required by federal or state law.

(b) A written notice of the decision(s) of ACBL Management and the reasons for that decision shall be provided to the accused person, the Disciplinary Committee chairperson and the Appeals and Charges Committee chairperson. (See CDR 7.2.6(b) for details of the Appeals and Charges Committee review, if any.)

5.1.13 *Hearing Report Required*. A Disciplinary Body must send to ACBL headquarters a fully typed Hearing Report and a copy of its written decision, if any is produced in writing, within thirty (30) days from the conclusion of the presentation of evidence.

5.1.14 *Notice of Decision*. All formal written notifications of a Disciplinary Body's decision ("Notice of Decision") shall be made by ACBL Management upon receipt of the Disciplinary Body's Hearing Report. Unless the Disciplinary Body has imposed a discipline that begins immediately (see CDR 5.1.15), the Disciplinary Body should not provide its decision to any Disciplined Person in writing (but may verbally inform the Charged Party). Rather, a decision and a Hearing Report should be provided to ACBL Management to enable ACBL Management to make the formal written notification. The effective date for a timely filed request for an appeal of the Disciplinary Body's decision shall be the date on which ACBL Management mails such decision to the parties to the hearing. For purposes of this CDR 5.1.14, "mail" shall include email.

5.1.15 *Imposition of Discipline*. The effective date of imposition of discipline, if any, of an ACBL Disciplinary Body's decision shall be the date noted in the Disciplinary Body's Hearing Report. If the discipline is to take effect immediately, the Disciplinary Body shall immediately notify the Disciplined Person of its decision in writing, provided, however, that the formal written notice to the parties as set forth in CDR 5.1.14, including the date for appeal, shall also be made by ACBL Management. If no effective date is so specified, the effective date of imposition of discipline shall be five (5) days from the date of the mailing of the decision by ACBL Management. When the discipline imposed includes both a period of suspension (and/or exclusion from certain events) and a period of probation, the Suspension (and/or exclusion from certain events) is to be served first followed immediately by the Probation. For purposes of this CDR 5.1.15, "mail" shall include email.

5.1.16 *Contents of Notice of Decision*. The formal Notice of Decision shall contain, in addition to the discipline imposed by the Disciplinary Body, if any, an explanation of what that discipline involves and a description of the offense by number and title by reference to Appendix B of this CDR.

5.1.17 *Distribution of Notice of Decision*. The formal Notice of Decision (other than a Reprimand) shall be sent to the Disciplined Person; the Charging Party; the ACBL

Board of Directors; the Disciplined Person's District president, secretary and recorder; the Disciplined Person's Unit president, secretary and recorder; the appropriate NBO of the World Bridge Federation; the American Bridge Association (if an Ethical Violation); the ACBL CEO; ACBL staff as determined by the ACBL CEO; the Complainant; the appropriate appellate body chairperson; and the World Bridge Federation (if an Ethical Violation).

5.1.18 *Advisor for Committees of Original Jurisdiction*. Due to the simplified procedures of these information hearings, an advisor for committees of original jurisdiction is not routinely required. If a committee of original jurisdiction feels that it needs assistance on procedural matters, it may ask to have an advisor provided to assist it. The advisor shall be selected by and paid for (if any cost is incurred) by the organization responsible for the cost (i.e., District Boards for District Disciplinary Committees and ACBL Management for the ACBL Disciplinary Committee, the Ethical Oversight Committee, the Online Ethical Oversight Committee and the Appeals and Charges Committee). The advisor for the ACBL Disciplinary Committee and the Ethical Oversight Committee shall be chosen jointly by the chairperson of that committee and ACBL Management. The advisor selected shall not be an employee of the organization choosing the advisor (current or former) and shall be impartial. The advisor shall not participate in the determination of guilt or the discipline to be imposed. Notwithstanding the foregoing, In-House Counsel may serve as the advisor to the Appeals and Charges Committee.

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

5.2.1 *Complaint.* A Complaint requesting that Charges be brought to an appropriate Disciplinary Body must be made in writing and submitted to the appropriate Charging Party having jurisdiction, i.e. the District or ACBL (see CDR 2), by any ACBL recorder within the period of limitations described in CDR 5.2.1(a), (b), and (c) below. **Note that a Complaint is the only basis for an official Charge to a District Disciplinary Committee**, **the Ethical Oversight Committee, Online Ethical Oversight Committee or the ACBL Disciplinary Committee.** Each of these committees receives and acts on a Charge, not a Complaint. (See CDR 5.2.2.)

(a) A recorder may file a Recorder Complaint involving a single Incident of conduct within sixty (60) days of receipt by the recorder of a player memo, if and only if such player memo is submitted to the Recorder within one hundred twenty (120) days of the Incident.

(b) A Complaint involving a pattern of conduct must be brought within five (5) years of the earliest instance referenced in the Complaint.

(c) Notwithstanding the previous limitations period above, a Complaint any ethical violation for which CDR 3.20 "Cheating and other Ethical Violations" would apply, is not subject to a period of limitations.

5.2.2 *Charges/Charging Party.* An initial Charge, based upon a Complaint, must be brought expeditiously by the Charging Party of the organization having jurisdiction. (See CDR 2.) Based upon the specifications in the Complaint, the Charge(s) sets

forth the violations located in CDR 3 which subject the person so charged to discipline.

The Charging Party is the official in charge of the organization having jurisdiction. No person sitting on the organization's disciplinary committee should be the Charging Party. If the organization has failed to designate an individual (who may not be the recorder), the president is the Charging Party. The president (or a designee) shall remain the Charging Party in the event that the organization itself is the Complainant.

The Charging Party in deciding to bring a Charge must answer "yes" to each of the following three (3) questions:

(a) Is there *prima facie* evidence that the Complaint has some validity (i.e., that there was misconduct)?

(b) Does the ACBL have jurisdiction?

(c) If the Charged Party is found responsible, would the Disciplinary Body be obligated to issue a discipline?

If the answer is “yes” to all three questions, Charges must be brought.

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) Be represented at the hearing by another person who shall not be a member of the ACBL Board of Directors.

(d) Produce evidence and make statements on his/her own behalf.

(e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.

(f) Question persons testifying. The chairperson may restrict this right if abused.

5.2.4 *Postponement of Hearing.* All Disciplinary Bodies may allow reasonable postponements, adjournments or continuances consistent with the time available to the Disciplinary Body.

5.2.5 *Required Appearance at Hearings*

(a) Either the Charging Party and/or the Charging Party’s Advocate 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.

(c) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

5.2.6 [Reserved.]

5.2.7 *Consideration of Prior Discipline*. A Charged Party's past ACBL discipline (which is a matter of record), should such exist, may not be considered during the hearing in establishing guilt. However, such past ACBL discipline may be relevant to the determination of the severity of the discipline to be imposed if the person is found guilty and who is then, accordingly, a Disciplined Person. A Disciplined Person's prior disciplinary record from another bridge organization may be considered only if subject to CDR 2.2.3(f). (See also CDR Appendix B, Part II.)

5.2.8 *Appeal Rights*. The Disciplined Person and/or the Charging Party may file a written request to appeal with the appropriate appellate body. The Disciplined Person and the Charging Party must be informed by ACBL Management of this right in writing in a timely manner along with notification of the name and address of the chairperson of the appropriate appellate body. The Complainant, if any, shall be informed that it is the Charging Party who has the right to request an appeal. (See CDR 7.)

5.2.9 *Consideration of Player Memos*. Unless an Incident reported on a player memo is included in the Complaint and/or the Charges, neither the player memo nor evidence regarding the Incident noted on the player memo may be considered by the Disciplinary Body in establishing guilt. In determining the severity of the discipline imposed, a player memo dated within the past ten (10) years may be used. When evaluating the relevance of these player memos, the Disciplinary Body should pay special attention to the completeness of the player memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the player memo and the age of the player memo.

5.2.10 Hearing Report. A typewritten Hearing Report shall be produced following all hearings, including a summary of the facts, the Disciplinary Body's findings and what discipline, if any, is to be or was imposed. The Hearing Report must be submitted to ACBL Management within thirty (30) days from the conclusion of the presentation of evidence. ACBL Management shall receive the written Hearing Report and is required to promptly provide a copy to the Disciplined Person and the Charging Party as well as to the ACBL CEO upon request, ACBL staff as determined by the ACBL CEO, and a member or members of the ACBL Board of

Directors (upon a determination by the President that such request is for a proper ACBL business purpose).

5.2.11 *Finality of Proceedings*. A person who has been subjected to a disciplinary proceeding conducted 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 an appeal and/or for additional disciplines as provided under CDR 4.2, 5.3.11, and 5.3.14.

5.2.12 [Reserved.]

5.2.13 *Discipline Outside Guidelines*. When ACBL Management receives a Hearing Report in which the Disciplinary Body has imposed a discipline that contravenes or is inconsistent with this CDR without any reasonable justification for it, ACBL Management shall notify the committee chairperson in writing of such contravention or inconsistency. The Disciplinary Body shall then reconvene on the matter of imposition of discipline only.

5.2.14 *Negotiated Resolution of a Charge*

(a) If the Charges deal with matters other than an Ethical Violation, the Charging Party and the Charged Party may present a Negotiated Resolution of all pending Charges to the Disciplinary Body which would have heard the Charges absent such Negotiated Resolution. This resolution must dispose of all pending Charges against the Charged Party and include the complete parameters of the discipline to be imposed and may include a requirement that the Charged Party testify against any other Charged Party, if any. The Charged Party must waive all his rights to appeal the finding of guilt and the discipline imposed, both administratively and through arbitration or the courts. Upon entering into a Negotiated Resolution, the Charging Party agrees to waive all its rights to appeal as well. When considering whether or not to accept the Negotiated Resolution, the Disciplinary Body must take into account the benefit to the ACBL of the certainty of conviction and the waiver of all appeal rights by the Charged Party and Charging Party. A Negotiated Resolution may consist of a dismissal of all charges.

(b) If a Negotiated Resolution is rejected by the Disciplinary Body, a different panel shall be chosen to hear the Charges. The new panel shall not be informed why the proposed Negotiated Resolution was rejected, nor, if possible, that a proposed Negotiated Resolution was even presented.

(c) If a Negotiated Resolution deals in any manner with Charges that included an Ethical Violation when brought, its terms must be approved by the Appeals and Charges Committee rather than the Disciplinary Body which would have heard the Charges absent such Negotiated Resolution. The Appeals and Charges Committee is not required to review a Negotiated Resolution merely because of the discipline imposed. The Appeals and Charges Committee may, and is encouraged to, conduct its review by telephone or video conference calls between its regularly scheduled meetings at Board of Directors' meetings. The Appeals and Charges Committee may, but is not required to, request written statements, not to

exceed three (3) pages, from the Charging Party, the Charged Party and/or the Disciplinary Body before, or during a period of adjournment after, its review is commenced as to why the proposed resolution is appropriate.

(d) If a Negotiated Resolution is rejected by the Appeals and Charges Committee, the Charges shall be heard by the same panel of the Disciplinary Body which would have heard the Charges absent such Negotiated Resolution.

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

5.3.1 *Expedited Hearing*. Disciplinary procedures at NABC tournaments are intended to be expeditious. Matters that could be heard by a TDC involving tournament discipline shall be heard by a TDC, and the hearing shall be conducted at (or immediately after) the NABC tournament at which the Incident leading to discipline took place. (Refer to CDR 5.3.2 through 5.3.14 for procedures specific to tournament disciplinary proceedings.)

5.3.2 *Complaint/Charges/Charging Party*. A Complaint (which may be in the form of a player memo) involving Incidents at a tournament must be made by a participant in the tournament, by the sponsoring organization's recorder or by the DIC (or his designee, which designation must be in writing) (see CDR 5.3.4 when the subject of a Complaint or a Charged Party is no longer present at the tournament or when a Complaint is made following the conclusion of the tournament).

An initial Charge, based upon the Complaint, must be brought by the DIC (or his designee) to the NABC TDC.

The DIC (or his designee) shall be the Charging Party even when the DIC (or his designee) or a tournament staff member is the Complainant. The Charging Party in deciding to bring a Charge must answer "yes" to the following three (3) questions:

(a) Is there *prima facie* evidence that the Complaint has some validity (that there was misconduct)?

(b) Does the NABC Tournament Disciplinary Committee have jurisdiction?

(c) If the Charged Party is found responsible, would the Tournament Disciplinary Committee be obligated to issue a discipline?

If the answer is "yes" to all three questions, Charges must be brought.

5.3.3 *Required Appearance at Hearings*

(a) Either the Charging Party and/or the Charging Party's Advocate 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.

5.3.4 *Hearing Held Following NABC Tournament.* Circumstances may not permit a hearing to be held during a NABC in which case the following procedures will apply[3]:

(a) A Complaint about a participant who is no longer present at the tournament will be reviewed by the DIC (or his designee) in accordance with the standards set forth in CDR 5.3.2 above to determine whether to bring Charges to the appropriate Disciplinary Body as provided in CDR 5.3.4(b) below.

(b) Charges, with an attached Complaint, against a person who is no longer present at the tournament shall be sent, preferably via email, by the DIC (or his designee) within ten (10) days of the end of the tournament to the appropriate Disciplinary Body for a hearing (automatically delegating the responsibility as Charging Party to the ACBL Management):

(c) A Complaint made following the end of a tournament must be submitted by the Complainant as follows:

(i) From a Sectional tournament or Sectional-level event, to the Charging Party having jurisdiction who must then make the decision whether Charges should be brought.

(ii) From a Regional tournament or Regional-level event, to the Charging Party having jurisdiction who must then make the decision whether Charges should be brought.

(iii) From a NABC or an NABC-level event sponsored by the ACBL, to the to the National Recorder who must then make the decision in consultation with the ACBL CEO regarding whether Charges should be brought.

5.3.5 [Reserved.]

5.3.6 *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 date, time and place of the hearing. Should a person admit to a Charge, 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

3 Complaints, usually in the form of a player memo, for which the DIC lacks sufficient information (or lacks sufficient time to obtain sufficient information) may be sent to the relevant recorder. (See also CDR 5.2.1.)

which the Charges are based (or a summary of the facts of such Complaint), and the name of the Complainant.

(c) Be represented at the hearing by another person who shall not be a member of the ACBL Board of Directors.

(d) Produce evidence and make statements on his/her behalf.

(e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.

(f) Question persons testifying. The chairperson may restrict this right if abused.

(See also CDR 4.4 (Suspension Pending Hearing).)

5.3.7 *Stay of Discipline*. Discipline imposed by a TDC for all or part of that tournament may not be stayed. However, any discipline that survives the tournament may be stayed in accordance with CDR 8. If the decision of the Tournament Disciplinary Committee is subsequently reversed, discipline that had not been stayed in accordance with CDR 8 shall be Expunged.

5.3.8 *Consideration of Prior Discipline*. A Charged Party's past ACBL discipline (which is a matter of record), should such exist, may not be considered during the hearing in establishing guilt but may be relevant to the determination of the severity of the discipline to be imposed if the person is found guilty and who is, accordingly, a Disciplined Person. A Disciplined Person's prior disciplinary record from another bridge organization may be considered only if subject to CDR 2.2.3(f). See also CDR Appendix B, Part II.

5.3.9 *Consideration of Player Memos*. Unless an Incident reported on a player memo is included in the Complaint and/or the Charges, neither the player memo nor evidence regarding the Incident noted on the player memo may be considered by the Tournament Disciplinary Committee in establishing guilt. In determining the severity of the discipline imposed, a player memo within the past ten (10) years may be used. When evaluating the relevance of these player memos, the Tournament Disciplinary Committee should pay special attention to the completeness of the player memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the player memo and the age of the player memo.

5.3.10 *Appeal Rights/Hearing Report*. The Disciplined Person and/or the Charging Party may file a written request to appeal with the appropriate appellate body. If present at the tournament at the conclusion of the hearing, the Disciplined Person and the Charging Party must be informed of this right in writing at the conclusion of the hearing along with notification of the name and address of the chairperson of the appropriate appellate body.

A typewritten or legibly handwritten Hearing Report in a format provided by the ACBL shall be made of all hearings, including a summary of the facts, the Tournament Disciplinary Committee's findings and what discipline, if any, is to be or was imposed. The Hearing Report must be submitted to ACBL Management within ten (10) days from the conclusion of the presentation of evidence. After

receiving the Hearing Report, ACBL Management shall, in writing, promptly apprise the Disciplined Person and the Charging Party of this right to request an appeal if they have not been so informed. The Complainant, if any, shall be informed that it is the Charging Party who has the right to request an appeal. (See CDR 8.)

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.

5.3.12 *Disallowed Discipline*. If the discipline imposed by a Tournament Disciplinary Committee exceeds the permitted limits, it shall be valid only to the extent set forth in CDR 5.3.11.

5.3.13 *Continuation of Discipline After Tournament*. Any discipline imposed by a Tournament Disciplinary Committee that survives the tournament shall commence immediately following that tournament.

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 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.)

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).

6. [RESERVED.]

7. PROCEDURES FOR APPELLATE BODIES

7.0 APPEALS TO A DISTRICT DISCIPLINARY COMMITTEE

7.0.1 *Right to Appeal a Club Barring*. An ACBL member barred[4] from an ACBL sanctioned club game in accordance with the regulations in Chapter 4, Section Three, IV, H. (Club Discipline) of the *ACBL Handbook* (discriminatory or extended barring) may file a written appeal with the District Disciplinary Committee chairperson (or, if none, the president) of the District of the geographical territory in which the game is operated.

7.0.2 *How to Appeal a Club Barring*. Written notice of appeal must be made within thirty (30) days following the date of the notice of the barring which is being appealed. For an appeal to be accepted by the District Disciplinary Committee chairperson and considered by the District Disciplinary Committee, a written statement must accompany the appeal. This statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one (1) of the following exists:

(a) For an appeal only of an extended barring, the reason for the barring has no basis in fact; and/or

(b) For an appeal of any barring, that the barring was due to one or more of the discriminatory reasons listed in the *ACBL Handbook of Rules and Regulations*, Chapter 4, Section Three, IV, H (Club Discipline); and/or

(c) For a barring from a Unit Sponsored Club, that the barring resulted from improper disciplinary procedures and/or was for unfair reasons.

7.0.3 *Appeal Mandatory Under Certain Conditions*. This appeal is mandatory if the process in CDR 7.0.1 and 7.0.2 is followed. The appeal shall be conducted as an original hearing in that the appellant may present evidence, including new evidence, to support the allegations noted in the written statement accompanying the notice of appeal. To be successful, the appellant's allegations must be considered to have been proven at the hearing by a preponderance of the evidence.

7.0.4 *District Disciplinary Committee Appeals Process*. The District Disciplinary Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any person, group or other entity that barred the player; a summary of the past disciplinary record of the person barred; a summary of the procedural issues or administrative matters, if any; and any other information upon instruction of the chairperson.

7.0.5 *Decision in Writing*. The decision of the District Disciplinary Committee shall be in writing and must be submitted to ACBL Management within thirty (30) days from the conclusion of the presentation of argument.

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

4 For the avoidance of doubt, a Manager of a Unit Sponsored Club may bar a participant using the same methods as an independent club as set forth in in the *ACBL Handbook*.

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 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.

7.1.3 *District Appellate Committee Appeals Process*. If the request for an appeal is granted, the District Appellate Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also CDR 7.4.1.)

7.1.4 *Decision in Writing*. The decision of the District Appellate Committee shall be in writing and must be submitted to ACBL Management within thirty (30) days from the conclusion of the presentation of argument.

7.2 APPEALS TO THE APPEALS AND CHARGES COMMITTEE

7.2.1 *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 chairperson of the Appeals and Charges Committee from

(a) A decision of the Ethical Oversight Committee;

(b) A decision of the District Appellate Committee; or

(c) A decision of the ACBL Disciplinary Committee.

(d) A decision of the Online Ethical Oversight Committee

7.2.2 [Reserved.]

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.

7.2.4 *Appeals and Charges Committee Appeals Process*. If the request for an appeal is granted, the Appeals and Charges Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also CDR 7.2.6 and 7.4.1.)

7.2.5 *Decision in Writing*. Decisions of the Appeals and Charges Committee shall be in writing and shall be final. All decisions shall be reported to the ACBL Board of Directors within thirty (30) days from the conclusion of the presentation of argument and, thereafter, to all parties.

7.2.6 *Automatic Review by the Appeals and Charges Committee*

(a) All disciplinary cases in which (i) a Suspension of one (1) year or longer is imposed; (ii) Expulsion is imposed; or (iii) a discipline for an Ethical Violation is imposed shall be automatically reviewed by the Appeals and Charges Committee within six (6) months of receipt of the decision or Hearing Report, whichever is earlier, by the ACBL (an "Automatic Review"). On such Automatic Review, the Appeals and Charges Committee may increase or reduce discipline imposed as well as affirm, reverse or modify the disciplinary determination or remand the case for further proceedings. In conducting such Automatic Review, the Appeals and

Charges Committee shall not conduct a new hearing but shall review the previous hearing to ensure that: (1) procedures were followed in accordance with the CDR; (2) the decision and discipline imposed was supported by the evidence; and (3) a fair hearing was conducted.

(b) At its first meeting subsequent to an ACBL Management decision to impose discipline for alleged sexual harassment pursuant to CDR 5.1.12, the Appeals and Charges Committee shall make an Automatic Review of the discipline imposed by ACBL Management. Such Automatic Review shall be consistent with the procedures for appellate review, except that the accused person shall be entitled to present evidence and witnesses at the review hearing and ACBL Management shall be entitled to present evidence and witnesses in response thereto. Discovery shall be limited to reports prepared or received during the investigation or referred to in the decision by ACBL Management.

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.

7.3.2 *How to Appeal to the ACBL Disciplinary Committee.* A written request to appeal must be given to the ACBL Disciplinary Committee within thirty (30) days following the mailing of the official notice of the NABC Tournament Conduct Committee decision being appealed. For a request for an appeal to be granted by the ACBL Disciplinary Committee chairperson, and considered by the ACBL Disciplinary Committee, a written statement must accompany the appeal. 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 NABC Tournament Conduct Committee;

(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.

7.3.3 *ACBL Disciplinary Committee Appeals Process*. If the request for an appeal is granted, the ACBL Disciplinary Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the

appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also CDR 7.4.1.)

7.3.4 *Decision in Writing*. The decision regarding the appeals heard by the ACBL Disciplinary Committee (when meeting as an appellate body) shall be in writing and must be sent to ACBL Management within thirty (30) days from the conclusion of the presentation of argument.

7.4 OTHER APPELLATE PROCEDURES FOR ANY APPELLATE BODY

7.4.1 *Standard of Review*. In considering whether to grant or deny permission to appeal, the appellate body chairperson shall consider only the allegation(s) in the written statement and the supporting reasons. The request for an appeal shall be liberally construed, meaning that the chairperson should give more regard to an equitable resolution of the matter, grant those requests that are clearly within the spirit or reason behind the CDR rules being applied and resolve any reasonable doubts in favor of appellant.

7.4.2 Procedures When Permission to Appeal is Granted

(a) *Standard of Appellate Body Review.* Once permission to appeal has been granted, other than appeals pursuant to CDR 7.0 and 7.2.6(b), the appellate body's considerations shall address only the allegation(s) raised in the written statement that accompanied the request to ensure that: (1) the decision was supported by the weight of the evidence presented at the hearing; (2) the procedures were followed in accordance with this CDR; (3) the discipline imposed was supported by the evidence; and/or (4) no person on the hearing panel had a bias which affected the decisions of the panel, when objection to such bias was raised at the hearing, as the case may be. In general, appeals will be considered on the record made in prior hearings. Other than as provided in CDR 7.0, no new evidence shall be allowed and the appellate body may not conduct a new hearing. A person's past disciplinary record, should one exist, may not be considered in review of the merits of the issues being appealed but may be considered as to the severity of the discipline under review.

(b) *Withdrawal of Appeal.* Once permission to appeal has been granted, appellant shall be allowed to withdraw its appeal by written notice to the chairperson of the appellate body, who shall promptly notify all parties that the appeal has been dismissed. In the case of an appeal to the Appeals and Charges Committee, if the Appeals and Charges Committee chairperson is not available to receive and process the request within forty-eight (48) hours, In-House Counsel may act in his place. However, see CDR 8.2 for restrictions on appellant's right to withdraw an appeal.

7.4.3 *Status of Disciplinary Body Whose Decision is Appealed*. A Disciplinary Body is not a party to any appeal taken from its action. Its position, analysis and reasoning should already be set forth in its Hearing Report. However, the appellate body in its sole discretion may permit persons other than the parties to the appeal to participate in the appeal by filing an argument in support or opposition to appellant's argument

and/or by presenting an oral argument at the appellate hearing. At the discretion of the appellate body chairperson, they may be provided a copy of the written appeal and all supporting documents submitted by the appellant, any other information submitted in a timely manner to the appellate body by any party to the appeal and any other information upon the instruction of the appellate body chairperson.

During the deliberations of the appellate body, no additional persons may be present.

7.4.4 *Appellate Body's Options*. An appellate body may: (i) affirm or reverse the decision being appealed; (ii) modify, reduce or increase the discipline being appealed; and/or (iii) remand the matter to any Disciplinary Body which previously heard the matter.

7.4.5 *Rights of Parties to the Appeal or Automatic Review*. Each party to an appeal or Automatic Review under this CDR 7 shall be entitled to:

(a) Receive written notice of date, time and place of the appeals hearing.

(b) Be sent prior to the hearing a copy of the written appeal and all supporting documents submitted by the appellant, any other information submitted in a timely manner to the appellate body by any party to the appeal, all information included in the record from any previous Disciplinary Body that has heard the case, and any other information upon the instruction of the appellate body chairperson.

(c) Be represented at the hearing by another person who shall not be a member of the ACBL Board of Directors.

(d) Make statements on his behalf.

(e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing. Presence at the hearing may be in person or via telephone, teleconference, Skype or any other similar means where all participants may hear and/or see one another.

(f) Question persons testifying. The chairperson may restrict this right if abused.

(g) Be heard by a committee of at least three persons.

7.4.6 [Abrogated.]

7.4.7 *Advisor for Committees of Appellate Jurisdiction*. Due to the simplified procedures of these informal proceedings, an advisor for committees of appellate jurisdiction is not routinely required. If a committee of appellate jurisdiction feels that it needs assistance on procedural matters, it may ask to have an advisor provided to assist it. The advisor shall be selected by and paid for (if any cost is incurred) by the organization responsible for the cost (i.e., District Boards for District Appellate Committees and ACBL Management for the ACBL Disciplinary Committee and Appeals and Charges Committee). The advisor for the ACBL Disciplinary Committee shall be chosen jointly by the chairperson of that committee and ACBL Management. The advisor selected shall not be an employee of the organization (current or former) and shall be impartial. Notwithstanding the foregoing, In-House Counsel may serve as the advisor to the Appeals and Charges Committee. The

advisor shall not participate in the determination of guilt or the discipline to be imposed.

8. STAY OF EXECUTION OF DISCIPLINE PENDING APPEAL

8.1 NO AUTOMATIC STAY OF DISCIPLINE. The mere filing of a request for an appeal does not stay (i.e., postpone) execution of a discipline.

8.2 PROCEDURE FOR GRANT OF STAY. A stay of execution of a discipline pending an appeal may be granted only on written request directed to the chairperson of the appellate body with jurisdiction over the appeal, which request will include the reasons for such request. Once the stay of execution of a discipline is granted, neither the appeal nor the request for the stay may be withdrawn. The foregoing does not affect the power of the grantor later to modify or vacate (i.e., cancel) the stay.

8.3 STANDARD FOR GRANT OF STAY. A stay of execution of a discipline may be granted only if the appellant makes a showing in her request that a reasonable likelihood exists that the decision will be reversed or that the discipline will be reduced.

8.4 AUTHORITY TO GRANT STAY. A stay of execution of a discipline pending the disposition of an appeal shall be considered by:

8.4.1 The chairperson of the District Disciplinary Committee, when the appeal is to the District.

8.4.2 The chairperson of the District Appellate Committee, when the appeal is to the District.

8.4.3 The chairperson of the Appeals and Charges Committee, when the appeal is to the Appeals and Charges Committee.

8.4.4 The chairperson of the ACBL Disciplinary Committee, when the appeal is to the ACBL Disciplinary Committee.

9. PROCEDURES FOR HANDLING UNIT, DISTRICT OR BOARD OF DIRECTOR OFFENSES.

9.1 ALLEGATION AGAINST A UNIT. When it is alleged that a Unit (i) has violated ACBL, District or its own bylaws or regulations, or (ii) has acted in an illegal or improper manner, a member or group of members, a Unit or a District may bring the matter directly to the District Disciplinary Committee to request a hearing. Such request must include specific incidents or evidence regarding such violation of bylaws or regulations, improper or illegal action. The District Disciplinary Committee will review the request and may decide not to conduct a hearing if it finds that the case does not warrant any action or the matter was dealt with in a reasonable manner at the Unit level.

9.1.1 *Unit's Rights*. If the District Disciplinary Committee decides to conduct a hearing, the Unit against which an allegation has been submitted as set forth in CDR 9.1 shall be entitled to (through the Unit president with a copy to the Unit secretary):

(a) Receive written notice of the date, time and place of the hearing. Should a Unit admit that an allegation is true, a hearing shall nevertheless be held to determine an appropriate course of action.

(b) Be furnished with a copy of the allegation (or a summary of the facts of such allegation), and the name of the member or entity submitting such allegation.

(c) Be represented at the hearing by a person who shall not be a member of the ACBL Board of Directors.

(d) Produce evidence and make statements on the Unit's behalf.

(e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.

(f) Question persons testifying. The chairperson may restrict this right if abused.

9.1.2 *Actions Following a Finding of Culpability*. The District Disciplinary Committee may take one of the following actions (or a combination of the actions) in its resolution of the matter if it finds, by a preponderance of the evidence, a violation, or illegal/improper action:

(a) Issue a warning to cure a deficiency and notify the ACBL Board of Directors that, *unless* the deficiency is cured by a certain date, the Board should act against the Unit's charter;

(b) Recommend that the ACBL Board of Directors act against the charter of the Unit immediately; or

9.1.3 *Appellate Bodies*. An appeal of a decision of the District Disciplinary Committee against or for the Unit *as an entity* shall be submitted to the Appeals and Charges Committee as a CDR 9.2 action. An appeal of a decision against or for a specific *individual* within the Unit shall be submitted to the District Appellate Committee as required in CDR 7.1.

9.2 ALLEGATION AGAINST A DISTRICT. When it is alleged that a District (i) has violated ACBL or its own bylaws or regulations, (ii) has acted in an illegal or improper manner, or (iii) has improperly failed to act upon a Complaint (or when a District Disciplinary Committee has ruled for or against a Unit as an entity pursuant to CDR 9.1.2), a member, a group of members or a Unit may bring the matter directly to the Appeals and Charges Committee to request a hearing. Such request must include specific incidents or evidence regarding such violation of bylaws or regulations, improper or illegal action, or failure to act upon a Complaint (or defect of the District Disciplinary Committee).

The Appeals and Charges Committee will review the request (and, in the case of an appeal of a District Disciplinary Committee decision, the prior disciplinary hearing record) and may decide not to conduct a hearing if it finds that (i) the case does not warrant any action; (ii) the matter was dealt with in a reasonable manner at the District level; or (iii) the matter lacks significance to warrant a hearing.

9.2.1 *District's Rights*. If the Appeals and Charges Committee decides to conduct a hearing, the District against which an allegation has been made as set forth in CDR 9.2 shall be entitled to (through its District president with a copy to its District secretary):

(a) Receive written notice of the date, time and place of the hearing. Should a District admit that an allegation is true, a hearing shall nevertheless be held to determine an appropriate course of action.

(b) Be furnished with a copy of the allegation (or a summary of the facts of such allegation), and the name of the member or entity submitting such allegation.

(c) Be represented at the hearing by a person who shall not be a member of the ACBL Board of Directors.

(d) Produce evidence and make statements on the District's behalf.

(e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.

(f) Question persons testifying. The chairperson may restrict this right if abused.

9.2.2 *Actions Following a Finding of Culpability*. The Appeals and Charges Committee may take one of the following actions (or a combination of the actions) in its resolution of the matter if it finds, by a preponderance of the evidence, a violation, illegal/improper action or improper failure to act:

(a) Issue a warning to cure a deficiency and notify the ACBL Board of Directors that, *unless* the deficiency is cured by a certain date, the Board should take some action against the District Organization;

(b) Recommend that the ACBL Board of Directors take some action against the District Organization immediately; or

(c) Decide the Complaint upon which the District failed to act.

9.2.3 *Decisions Final*. Decisions of the Appeals and Charges Committee shall be in writing and shall be final. All decisions shall be reported to the ACBL Board of Directors within thirty (30) days from the conclusion of the presentation of argument and, thereafter, to all parties and ACBL Management.

9.3 ALLEGATION AGAINST THE ACBL BOARD OF DIRECTORS. When it is alleged that the Board of Directors as a body has violated the ACBL Bylaws or ACBL Regulations, a member or group of members may bring the matter directly to a Special ACBL Committee ("Special Committee") consisting of the ACBL President, the ACBL CEO and the In-House Counsel to request a hearing. Such request must include specific incidents or evidence regarding such violation of bylaws or regulations. The Special Committee will review the request and may decide not to conduct a hearing if it finds that the case does not warrant any action. The Special Committee shall conduct a hearing if it feels that the allegations have merit.

9.3.1 *Board of Directors' Rights*. If the Special Committee decides to conduct a hearing, the Board of Directors shall be entitled to (through its Executive Committee other than the ACBL President):

(a) Receive written notice of the date, time and place of the hearing. Should the Executive Committee admit that an allegation is true, a hearing shall nevertheless be held to determine an appropriate course of action.

(b) Be furnished with a copy of the allegation (or a summary of the facts of such allegation) and the name of the member or entity submitting such allegation.

(c) Be represented at the hearing by a person who shall not be a member of the ACBL Board of Directors.

(d) Produce evidence and make statements on the Board of Directors' behalf.

(e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.

(e) Question persons testifying. The chairperson may restrict this right if abused.

9.3.2. *Actions Following a Finding of Culpability*. If the Special Committee finds that the allegations have been proven by a preponderance of the evidence, the Executive Committee shall be directed to reconvene the entire Board of Directors within a reasonable time frame to reconsider the actions that had previously been taken and to consider actions to comply with the ACBL Bylaws or ACBL Regulations.

10. OTHER DISCIPLINARY MATTERS

10.1 RESIGNATION TO AVOID DISCIPLINE.

10.1.1 A member who resigns his/her membership in the ACBL when disciplinary charges are pending for unethical activity may not thereafter participate in any national, District, Unit, sanctioned game or other ACBL activity, including but not limited to:

(i) acting as non-playing captain,
(ii) kibitzing any game or event,
(iii) being physically present at the site of a tournament, or
(iv) participating in the corporate or business affairs of any ACBL affiliated organization.

10.1.2 For purposes of publication, a member who resigns when disciplinary charges are pending for unethical activity shall be treated as though that member was convicted of the ethical violation(s) for which the member is charged, and received maximum discipline under Appendix B. However, publication as indicated in CDR 10.3.4 and CDR 10.3.5 shall be at the discretion of Management.

10.2 READMISSION OF RESIGNED/EXPELLED MEMBERS

10.2.1 *Timing of Request for Readmission Following Resignation*. A member who resigns his membership in the ACBL to avoid possible disciplinary action may be readmitted to membership only by action of the ACBL Board of Directors. No application for readmission may be considered by the Board of Directors before ten (10) years from the date of resignation and, thereafter, only once every three (3) years. The Board of Directors may impose such conditions upon readmission as it deems appropriate. In addition, there shall be no statute of limitations on the possible disciplinary action related to the resignation.

10.2.2 *Conditions for Readmission Following Expulsion.*

(a) The ACBL Board of Directors will not hear, and ACBL Management hereby is instructed not to forward to the Board, any request for readmission before ten (10) years from the date of Expulsion. Notwithstanding the previous sentence, if the individual who was expelled admitted to the factual basis of the Charges prior to the commencement of the hearing on those Charges, he may apply for readmission after five (5) years.

(b) The ACBL Anti-Cheating Commission and the Ethical Oversight Committee will be informed of a prospective Readmission Following Expulsion. They may advise the ACBL Board of Directors, may be represented at a Readmission hearing, and may give oral or written testimony.

(c) Any member readmitted under CDR 10.2.2 shall be placed on probation for a minimum of 5 years.

10.2.3 *No Readmission Following Second Resignation or Expulsion.* Under no circumstances will the ACBL Board of Directors hear a request for readmission regarding a *second* Expulsion or resignation to avoid possible disciplinary actions or combination thereof.

10.2.4 *Collusive Cheating*. Notwithstanding the preceding provisions of Section 10.2, the ACBL Board of Directors will not hear, and ACBL Management hereby is instructed not to forward to the Board, any request for readmission of a member who was expelled for premeditated collusive cheating in NABC+ or equivalent events, or who resigned his membership for the purpose of avoiding possible disciplinary actions concerning premeditated collusive cheating in such events, or combination of such expulsion or resignation. Such a former member may never be readmitted to Membership in the ACBL nor participate in any ACBL sanctioned events.

10.3 PUBLICATION OF DISCIPLINARY CASES

10.3.1 *Policy*. In disciplinary cases that result in a finding of guilt (other than a Reprimand for a conduct violation which shall not be published), ACBL policy is to publish only an individual's name, ACBL player number, the discipline imposed and the CDR code section found to have been violated. Notwithstanding the previous sentence, the full Hearing Report (without attachments or exhibits) of the hearing regarding a Disciplined Person who has been found guilty of an Ethical Violation, among other Charges, if any, shall be made available on the ACBL website; provided, however, that when such decision is reported in the NABC Daily Bulletin pursuant to CDR 10.3.4 below, only a summary of the Hearing Report shall be published.

10.3.2 *Applicability*. This applies to any decision(s) of a District- or ACBL-level disciplinary committee, including the Ethical Oversight Committee. It shall also apply to decision(s) made at clubs regarding Ethical Violations when the ACBL is made aware of the decision, but shall not apply to decisions made by a club disciplinary procedure regarding non-Ethical Violations.

10.3.3 *Timing*. All disciplines will be published on the ACBL website for the length of time of the discipline levied. Expulsions shall also be reported in the ACBL Bridge Bulletin. (See also CDR 4.1.)

10.3.4 *NABC Daily Bulletin Reporting*. Decisions of the Ethical Oversight Committee made while an NABC is still in progress shall also be reported in the NABC Daily Bulletin. Reporting of such decisions shall comply with CDR 10.3.1.

10.3.5 *Website Publication Policy*. For Ethical Violations which have a recommended sentence that includes possible Expulsion from the ACBL (see Appendix B, Part I, to this CDR for a list of the relevant offenses), the fact that Charges have been brought will also be published on the ACBL website in the disciplinary section. The following information shall be included:

Player Name and ACBL number;
CDR section alleged to have been violated;
Disciplinary Body hearing the Charges; and
Hearing date.

If the player is found not guilty of the Charges, this fact shall be added to this information and kept on the website for ninety (90) days *unless* the player asks to have it removed sooner.

10.4 PRIVILEGED COMMUNICATIONS. Any communication that occurs during the meeting of an ACBL Body (as defined below), which relates to matters that have been, are or might reasonably become subjects of business for that particular body, is privileged.

(a) For purposes of this CDR 10.4 only, "privileged" shall mean that the communication may not be used as the basis for any Complaint under this CDR or other ACBL Regulations.

(b) For purposes of this CDR 10.4 only, "ACBL Body" includes the Board of Directors, any ACBL Foundation Board and any ACBL committee or sub-committee appointed by the ACBL President, the ACBL Board of Directors or any ACBL Board member. It shall also include the Board of Governors, any District or Unit Board within ACBL and any duly appointed or elected District or Unit committee or sub-committee.

10.5 REFUSAL TO PLAY A VIOLATION OF CDR. The refusal of a player, pair or team to play in an ACBL sanctioned Sectional, Regional, national or Grand National event against another player, pair or team duly entered in the event shall require the disqualification of the player, pair or team so refusing to play from further participation in the event and the forfeiture of any masterpoints earned by the player, pair or team in the event. Such refusal, without a medical excuse, shall constitute action or behavior unbecoming a member of the ACBL participating in an ACBL sanctioned tournament or event pursuant to CDR 3.7 and shall be referred to the Disciplinary Body having jurisdiction for appropriate disciplinary action.

10.6 CDR VERSION TO BE USED. Revisions of this CDR regarding procedures for all hearings apply to all hearings conducted on or after the effective date of the revision. Revisions regarding (i) what constitutes a violation of the CDR subject to discipline and (ii) penalties to be imposed apply only to offenses which occur on or after the effective date of the revisions.

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APPENDIX A

to Code of Disciplinary Regulations

GUIDELINES FOR CONDUCTING DISCIPLINARY PROCEEDINGS

(a/k/a Handbook for Disciplinary Bodies)

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APPENDIX A
to Code of Disciplinary Regulations

GUIDELINES FOR CONDUCTING DISCIPLINARY PROCEEDINGS

INTRODUCTION

The purpose of this Appendix A, *Guidelines for Conducting Disciplinary Proceedings* ("Guidelines"), is to help the appropriate Disciplinary Body provide fair hearings for all ACBL members (or non-members participating in an ACBL sanctioned event) charged with wrongdoing under the *ACBL Code of Disciplinary Regulations* ("CDR"). Disciplinary proceedings are not criminal trials and do not involve personal liberty or property rights. Rather, they involve the privilege of playing bridge at an ACBL sanctioned event and/or continuing one's membership in the ACBL. These Guidelines are suggested procedures, except for those that are specifically stated as mandatory by the CDR (enumerated by use of "shall", "must", or "will" or words of similar meaning).

Tournament Disciplinary Committees hear Charges (filed in response to Complaints or player memos) involving conduct and ethics arising at a NABC tournament. **District Disciplinary Committees**[5] also usually hear initial Charges (filed in response to Complaints) involving conduct and ethics. **District Appellate Committees** hear appeals challenging the decisions of lower level jurisdictional bodies (such as Unit Disciplinary Committees or District Disciplinary Committees).

The **Ethical Oversight Committee** hears original cases involving cheating or serious breaches of ethics in face-to-face bridge events. The Online Ethical Oversight Committee hears original cases arising from online bridge events. The **ACBL Disciplinary Committee** hears cases involving serious conduct violations, disputes between Units, or disputes between Units and Districts. The **Appeals and Charges Committee** is primarily an appellate body that reviews and hears cases on behalf of the ACBL Board of Directors. Decisions of the Appeals and Charges Committee are final (unless amended or reversed by the full Board of Directors).

Jurisdiction is outlined in the CDR. These Guidelines should be read in conjunction with the version of the CDR that was in effect when the Incident(s) that allegedly will lead to discipline took place. For instance, if the Incident occurred in November 2016, use the CDR that became effective in August 2016. Previous versions of the CDR may be obtained from the Office of National Recorder. (See CDR 10.6.)

Capitalized terms used in these Guidelines without definition have the meanings assigned to them in the Definitions section of the CDR. Unless the context clearly dictates otherwise, the singular includes the plural and the masculine includes the feminine and vice versa.

Your comments regarding these Guidelines are appreciated. Comments and questions regarding these Guidelines and should be directed to the ACBL Office of National Recorder via email at recorder@acbl.org.

5 District Disciplinary Committees may also act as an appellate body when they hear an appeal of a barring from a club.

I. COMPLAINT, CHARGES, ADVOCATE

A. Complaint

The ACBL recorder who files a Complaint is a Complainant. Before the recorder contemplates filing a Complaint, he or she should be sure that a proper investigation was done, and it contains all the information known to her. The Complaint, then, is a written document in which the recorder alleges that another member or competitor has violated ACBL Regulations in some specific manner that is explained in the Complaint**.** A Complaint must be submitted to the responsible person in the appropriate entity having jurisdiction: either a District, the ACBL or, for NABC tournaments, the DIC. This responsible person is referred to as the Charging Party. Whether the Complaint is sufficient to support Charges is a decision that is made by the Charging Party.

B. Charging Party and Charges

The Charging Party for tournaments is the DIC or her designee. A Charging Party who receives a Complaint outside of a tournament setting is the responsible person selected by the District Board. If one is not selected, the president of such District is deemed to be the Charging Party. When the Charging Party has a conflict, he or she should designate another member of the District Board to act as Charging Party. Charges may also be brought by the ACBL, usually through its National Recorder who brings the Complaint to ACBL Management. The Charging Party must not be the disciplinary committee chairperson, any other member of the disciplinary committee or the organization's recorder.

The Charging Party must review the Complaint (which may be in the form of a player memo) and decide whether, and in what respect, the CDR is violated. The Complaint should contain allegations that establish a *prima facie* case of wrongdoing under the CDR. It does not mean that Complainant must lay out the entire case; rather, facts sufficient to evidence wrongdoing in violation of the CDR must be presented (before the Charged Party is given an opportunity to argue against them). If the Complainant has not recited sufficient allegations to establish a *prima facie* case, then an investigation must occur to discover and include sufficient facts in to set forth such a *prima facie* case. If no *prima facie* case can be established or no Disciplinary Body has jurisdiction over the matter, then no Charges should be brought.

I**t is important to note that,** ***unless the Complaint alleges cheating or an Ethical Violation (or the Incident took place at a Unit Sponsored Club and/or during a Unit or District sponsored game),*** **none of the District or the ACBL has jurisdiction at a club – none of them has any recourse regarding the behavior at a club sponsored game.**

If the Charging Party decides to move forward, Charges must be written, based on the allegations in the Complaint, and submitted by the Charging Party to the chairperson of the appropriate Disciplinary Body with jurisdiction in the matter (with a copy to the Office of National Recorder, recorder@acbl.org) containing a direction that the Disciplinary Body hold a hearing. The Charges must set forth the specific sections of the CDR that allegedly have been violated by the facts and evidence presented in the Complaint. However, note that at this stage the Charging Party is not required to prove the entire case. If the Complaint contains credible assertions and/or evidence that on its face lays out a basis for the alleged violations of the CDR, it should be deemed sufficient for presenting a *prima*

facie case.

C. Advocate

An Advocate may be selected by the Charging Party and/or the Charged Party to represent them before a Disciplinary Body. The Advocate is not neutral or unbiased. The Advocate is free to aggressively prosecute or defend the Charges. The Advocate selected to appear at the hearing must not be a member of the ACBL Board of Directors.

II. LIMITED PERIOD WITHIN WHICH TO FILE A COMPLAINT

A Complaint concerning a single Incident must be filed within one hundred eighty (180) days of the Incident.[6]

A Complaint concerning a pattern of actions must be filed within five (5) years of the *earliest* action referenced in that Complaint. In this situation, no consideration of the sixty-day rule is necessary.

A Complaint involving the conveying of information by unauthorized means, pursuant to Law 73.B.2, is not subject to any period of limitations. (See CDR 5.2.1.)

III. THE DISCIPLINARY BODY

A. Selection of the Proper Disciplinary Body

Each District should have a standing committee whose purpose is to hear and decide disciplinary matters. Where such a standing committee does not exist, it must be formed on a case-by-case basis. All members of the Disciplinary Body should be well-respected members of the bridge-playing community. The committee as a whole should represent the diverse makeup of the District. The District Board of Directors selects a Disciplinary Body chairperson as well as members of the committee (or establishes rules for selection of a disciplinary committee when necessary).

A Tournament Disciplinary Committee is selected by ACBL Management and approved by the ACBL President.

For NABCs, the ACBL Compliance Coordinator will help select a NABC Tournament Conduct Committee only when required. The Compliance Coordinator will create a roster of committee members from (i) a list of names supplied by the ACBL President that has been submitted by District Directors, (ii) the membership of the Ethical Oversight Committee and (iii) the ACBL membership at large, if needed. If the NABC Tournament Conduct Committee is to hear a Charge or Charges relating only to conduct (not including an Ethical Violation), the Compliance Coordinator will select the committee from available members as outlined above. If the NABC Tournament Conduct Committee is to hear a Charge which includes an Ethical Violation, the Ethical Oversight Committee chairperson will select the committee from available members of the Ethical Oversight Committee and/or, if needed, from the ACBL membership at large. In each case, the committee will select the person to chair the hearing from among its members. (See also Codification, Ch. IV.D.5.)

6 A recorder may file a Recorder Complaint involving a single Incident of conduct within sixty (60) days of receipt by the recorder of a player memo, if and only if the player memo had been previously submitted to the Recorder within one hundred twenty (120) days of the Incident.

Usually, the entire Disciplinary Body will not hear the case, but rather an *ad hoc* committee selected from among the roster of committee members as a whole will hear the case.

Serving on a disciplinary committee is a most difficult (and important) responsibility. For most cases at the tournament, District level, members of the Disciplinary Body need not be expert bridge players. However, it is important that each member of the committee have a reputation for integrity, honesty and unimpeachable ethics to avoid any claim of a prejudiced decision. Generally, the chairperson should have considerable experience in disciplinary matters and be sensitive to the fairness considerations affecting the disciplinary process. An odd number (usually five (5)) is best to avoid the possibility of deadlock on any single issue.

Members of a Disciplinary Body should come from different geographical areas when possible and be representative of the diversity of the membership of the District. This will give the committee a broader base of experience, making a fair and impartial hearing more likely. No party should leave a hearing feeling disadvantaged because of the makeup of the Disciplinary Body. All parties should believe they had a fair hearing with a full opportunity to present their side of the issue, considering the time constraints faced by the Disciplinary Body.

B. Bias of Committee Members Should be Considered

Every member of a Disciplinary Body selected to hear a particular matter must be completely unbiased as to the personalities and issues involved. Common sense should prevent most incorrect appointments. To the extent possible, no committee member should be a regular partner, close friend, spouse, significant other or known enemy of any Charged Party or have a business or financial association with any Charged Party. Any committee member who has any dealings with a Charged Party (or Charging Party) that might give even the appearance of impropriety should excuse himself or herself from further service. However, membership in, employment by or ownership interest in a particular organization or business (or being part of an ethnic group, race or culture) shall never constitute a bias *per se*.

Committee members should conduct themselves appropriately and should never discuss the matter before the Disciplinary Body outside of the hearing room. Discussion or dissemination of the contents of a disciplinary hearing, other than information released to the public pursuant to ACBL Regulations, in and of itself may subject a Disciplinary Body member to discipline under the CDR.

If a member of a Disciplinary Body feels unable to act impartially at a hearing, he or she should recuse themselves (i.e., ask to be excused from the committee). If there is an appearance of possible partiality or bias, the committee should either excuse the member from the hearing or discuss the matter with the parties involved to determine if they object to the presence of that person on the committee. The Disciplinary Body as a whole is the sole determiner of the eligibility of committee members.

A recorder must not participate in any case in which the facts may present a conflict of interest. A recorder should not, during their tenure as recorder, serve as a member of any Disciplinary Body that was created under the same authority that appointed that recorder. For instance, if the recorder is a District recorder, she should not sit on that District's District Disciplinary Committee If the recorder is already a member of such Disciplinary Body when named as recorder, she must assume inactive status on the committee or resign from it.

A recorder should not, but may under extenuating circumstances, serve as a member of a Disciplinary Body for another authority other than the one which appointed her. For instance, a recorder may serve on a Tournament Disciplinary Committee at a tournament that is not held in her District. However, in no circumstances may a recorder be a member of a Disciplinary Body for any case that she investigated.

C. Comments Regarding Hearing by Members of a Disciplinary Body

(1) Comments Made Prior to the Hearing

Committee members must not discuss any substantive matter pertaining to the case with anyone. This prohibition includes other members of the committee and parties to the case as well as third parties.

(2) Comments Made During the Hearing, Including During Deliberations

Now, committee members may discuss the matter only with other committee members, staff to the committee and the parties to the matter. Deliberations, however, may only be discussed among committee members.

(3) Comments Made Post-Hearing

Once the committee has rendered a decision which has been communicated to the parties and other notifications have been distributed pursuant to the CDR, the committee members may relate the finding of guilty or not guilty and the discipline imposed only to the extent such information is released publicly by other means. ***A committee member may <u>not</u> discuss anything related to the committee's deliberations.*** This restriction precludes, among other things, conversations with other members of the Disciplinary Body who did not hear the matter as well as posting on website blogs. Failure to follow these restrictions may lead to Charges against the member of the Disciplinary Body. (See <u>CDR 3.22</u>.)

IV. PRE-HEARING PROCEDURES

A. Notification of Parties is Required

The parties involved, including the Charging Party and Charged Party, must receive timely written notice of the date, time and place of the hearing, be furnished with written Charges, and be advised of their right to be represented. If time permits, in most cases thirty-day's prior notice is recommended (at least one day's notice at a tournament). The representative selected to appear at the hearing may not be a member of the ACBL Board of Directors.

Recommended forms that may be used to provide notice are available on the ACBL web page at www.acbl.org. The chairperson of the Disciplinary Body hearing the matter must verify that appropriate notices have been sent. That chairperson is ultimately responsible for ensuring that the proper notices have been sent. Notice sent by email must include a request to confirm receipt of the notice by return email. If no confirmation is received within seven (7) days of the notice, a written notice must be sent via U.S. Postal Service first class mail to the address the ACBL has on file.

B. Documentation of the Hearing is Required

Since the discussions and considerations at hearings of appeals of discipline are based

primarily on the facts determined by the Disciplinary Body initially imposing the discipline, it is extremely important that detailed records be kept of all proceedings and testimony given at disciplinary hearings. A recorded record is mandatory. A court reporter may be used. (See CDR 5.1.3**.**) The chairperson should attempt to provide for the best record keeping permitted by the circumstances. At the very least, one or more members of the Disciplinary Body should be charged with the task of keeping good written records. Documentary evidence should also be preserved. The chairperson should ensure that any such records are sent to ACBL headquarters, along with a typed Hearing Report, for safekeeping in the event of future need. As stated above, the final Hearing Report should be typed in order that it is legible in the event the decision is later appealed.

C. Pre-Hearing Conferences are Allowed

The Disciplinary Body or its chairperson may hold a pre-hearing conference with the parties to narrow or frame procedural questions (e.g., questions about the procedure that the committee will follow or the way that the committee will proceed to carry out the business of the hearing) that relate to the matter before it. This pre-hearing conference is not a mini-disciplinary hearing. At this conference, the Disciplinary Body or its chairperson also may direct the disclosure of available evidence and permit the presentation of affidavits or written statements for use at the hearing. In cases in which numerous witnesses and affidavits or statements are involved, disciplinary committees are encouraged to require an exchange of witness lists, witness statements, a summary of expert witness testimony and/or affidavits prior to the hearing. This disclosure or exchange does not require the party to present the witnesses at the hearing. In addition, when more than one party is charged in the same situation, or when one party is charged in several situations, the proceedings may be consolidated.

D. Interpreters and Persons with Disabilities

The Disciplinary Body should consider whether any person is at a disadvantage because she does not understand English. The chairperson should make a good faith effort to ensure that this person fully understands what others say and that everyone understands what this person says. If there was no opportunity to arrange for an interpreter, then in appropriate cases the committee should postpone the hearing to provide that opportunity. The Disciplinary Body should also undertake a good faith effort to ensure that any physical or mental disability will not be a disadvantage. In appropriate cases, the Disciplinary Body should postpone the hearing.

V. HEARING PROCEDURES (see also EVIDENCE below)

A. Required Presence at the Hearing

The Charging Party, the Charged Party and/or their respective representatives, subject to the restrictions of Section IV.A. above, are entitled to be present while all evidence is given. Other individuals may be present inside the hearing room only at the discretion of the chairperson. The chairperson should consider permitting witnesses to be present only when they are giving testimony.

For national Disciplinary Bodies, an advisor may be present to advise the committee solely to ensure that proper procedure is followed and that the provisions of the CDR are properly applied.

B. Chairperson is in Charge of the Hearing

After calling the hearing to order, the Disciplinary Body chairperson should clarify to all parties that the chairperson is in charge and that no one is to speak unless recognized by the chairperson. After introducing all individuals present to each other, the chairperson then explains how the hearing will proceed.

C. Introductions are the First Order of Business

Introductions are the first order of business. The Disciplinary Body chairperson should:

1. Give his or her full name and home city;
2. State that the chairperson will function as the presiding officer;
3. Request that all questions and comments be directed to the chairperson;
4. Have the other committee members introduce themselves; and
5. Have the parties, including their Advocates, introduce themselves.

D. Chairperson Statements to Disciplinary Body

The Disciplinary Body chairperson addresses the committee members as follows: "If there is any reason why you feel you should not serve on this committee, please recuse yourselves now." –or– "If you believe you can serve and make an unbiased decision, but you know of conditions or circumstances that may be perceived as creating potential bias or perceived as such, please disclose those issues now."

[**Appellate body only**:] The Disciplinary Body chairperson addresses the parties to the appeal and the Disciplinary Body as follows: "If any member of this committee or party to the appeal has cause to believe that a committee member should not serve, you must raise the issue or issues now." (If there is any objection, see Section III.B. above.)

E. Presentation of the Case

The Disciplinary Body chairperson should read the Charges (if the Charges are voluminous, they may be summarized).

In general, the chairperson will provide an opportunity for each side to present its case, beginning with a very short opening statement. The Disciplinary Body should then hear the evidence, first by the Charging Party in support of the Charges and then on behalf of the Charged Party, followed in each case by questioning by the other side. (See Witnesses immediately below.) If the Disciplinary Body deems it necessary or appropriate, the chairperson may allow very short closing statements. **Each side should have equal allocation of time in total.**

F. Witnesses

Following opening statements, witnesses may be questioned by the party (or a representative) who calls them, by the other party (or a representative), as well as by the members of the Disciplinary Body. At his or her discretion (which is encouraged), the chairperson may sequester one or more witnesses (e.g., allow them to attend the hearing only while giving their testimony and caution them against discussing the case until the hearing is completed).

G. Deliberations

After hearing all the testimony and arguments, the Disciplinary Body retires to consider the case in a closed session; these deliberations are privileged. The standard for determining guilt is that the Charging Party's case has been supported by a preponderance of the evidence. See also EVIDENCE–Burden of Proof below.

However, any allegation that the Charged Party has committed an Ethical Violation must be proved by Comfortable Satisfaction (See Section VII below). A simple majority decision prevails.

Each Charge (and its corresponding burden of proof) should be considered separately.

H. Discipline Imposed Following a Finding of Guilt

If the Disciplinary Body arrives at a decision of guilt to the Charge, the committee shall then determine what discipline to impose. **It is important that the Disciplinary Body <u>not</u> consider the disciplinary guidelines in Appendix B before they have determined whether the Charged Party is guilty or not guilty of the Charge. The discipline to be imposed should have no bearing on their finding of "guilty" or "not guilty" of the Charge.**

Once a Disciplinary Body has reached a decision of guilty or not guilty to each separate Charge, the CDR should be consulted, particularly the *ACBL Disciplinary Recommendations* found in CDR Appendix B. It is only now that the Disciplinary Body should examine and consider the previous disciplinary record of the Charged Party – immediately before determining discipline. This information may be obtained by consulting with ACBL headquarters following the determination of guilt.[7]

I. Referral by a Tournament Disciplinary Committee

Before a Tournament Disciplinary Committee at a tournament can refer a matter to a higher level Disciplinary Body for further discipline (when it feels such additional discipline is warranted), the referring committee must impose a maximum discipline permitted by a Tournament Disciplinary Committee (90 days Suspension, 90 days Probation or both (not to exceed 90 days, cumulatively)).

VI. EVIDENCE

A. Burden of Proof

Each Charge (and its corresponding burden of proof) should be considered separately. To find a person guilty of a Charge requires a simple majority vote by the Disciplinary Body.

For any allegation involving a conduct violation, it shall be the burden of the Charging Party to prove by a preponderance of the evidence that the Charged Party has committed the CDR violation(s) with which that party is Charged. ***See the definition of "preponderance***

7 In actual practice, a sealed envelope with the disciplinary history of each Charged Party should be available at the hearing and *only opened once a finding of guilt has been reached*. If a finding of not guilty is reached, the sealed envelope should be either (i) returned to ACBL headquarters or (ii) immediately securely destroyed without its contents being reviewed.

This sealed envelope will be automatically provided to all Disciplinary Body Chairpersons upon receipt of the Charges at ACBL headquarters.

of the evidence" in the CDR Definitions section. *It is not necessary that the evidence prove the Charge beyond a reasonable doubt.* If a committee member finds that the evidence of guilt is more convincing than the evidence opposed to it, then that member of the Disciplinary Body should find the Charged Party guilty.

Any allegation that the Charged Party has committed an Ethical Violation must be proved by Comfortable Satisfaction. ***See the definition of "Comfortable Satisfaction" in the CDR Definitions section.***

B. Principles of Evidence to be Applied at Hearings

The ACBL is a membership organization whose governing body sets its own rules. Disciplinary Bodies are not courts of law so the rules of evidence applicable to courts of law and other legal tribunals do not apply to a Disciplinary Body.

Any relevant evidence, including hearsay evidence, must be admitted if it is the sort of evidence upon which responsible persons are accustomed to relying in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law. We may roughly define "hearsay evidence" as a statement made by another person offered for the truth of the statement. For example, a tournament director testifies that Player X informed her that Player X saw Charged Party deal to his partner from the bottom of the deck. This is "hearsay evidence" because the director is testifying about what a third party told her was true. The director has no first-hand knowledge of what Charged Party actually did. It is, however, relevant to the question of whether Charged Party actually dealt from the bottom of the deck.

While a Disciplinary Body may permit hearsay evidence, the weight given the hearsay evidence should be less than the weight given direct testimony made based on first-hand experience. The reason is that hearsay is not as reliable as direct testimony and there is no effective way to question it. This means we often have no way to be certain the hearsay evidence is true.

Direct testimony, using the example immediately above, would be the testimony of Player X himself who could reveal "I saw Charged Party deal to his partner from the bottom of the deck." The witness is testifying to what that witness actually observed. Player X may be further questioned regarding when, how and what he actually saw.

The Disciplinary Body should consider *relevant* any evidence that bears on an issue before it. If particular testimony makes any contested fact or factual inference more or less likely, then that particular testimony is relevant and the committee should hear it. However, a Disciplinary Body should not allow testimony that fails this test of relevancy because hearing it is a waste of time and may be prejudicial to the ultimate decision (e.g., it exerts undue influence on what the committee member believes is true).

C. Types of Evidence that may be Considered

When used to prove a proposition, *direct evidence* means that we require no inference to prove the proposition is true. *Circumstantial evidence* requires an inference to prove the truth of the same proposition. Neither type of evidence is necessarily more convincing than the other.

A Disciplinary Body member may discount direct evidence when, for instance, a witness testifies that the automobile went through the intersection while the light was green if the

witness proves to have an uncertain memory or poor eyesight. Committee members should evaluate all direct and circumstantial evidence to decide which evidence is more credible and entitled to more weight under the circumstances of that particular hearing.

Demonstrative evidence is an object or tangible item such as a deck of cards, a hand record, a recording, a statistical regression analysis or a viewgraph. Its value when determining whether the Charge is valid depends on its connection to the other evidence produced in the hearing.

D. Credibility and Weight of the Evidence

Credibility is the extent to which the testimony of a witness is believable.

Witnesses usually testify to the truth as they perceive it. If two people testify to opposite facts, such as whether a traffic light was green or red when the automobile drove through the intersection, one *must* be wrong. However, both witnesses could firmly believe they are correct and that the other person is wrong. It is up to the individual members of the Disciplinary Body to determine whom they believe is more credible.

Weight is the degree to which credible evidence controls the ultimate decision of the members of the Disciplinary Body. Weight is the importance assigned to the particular evidence.

Sometimes a party may present evidence that is *irrelevant* to the issues being considered at the hearing. With limited time at the Disciplinary Body's disposal, at his or her discretion, the chairperson may limit the admission onto the record of irrelevant testimony.

VII. POST-HEARING PROCEDURES

A. Notification of Discipline

When the Disciplinary Body imposes discipline(s) to be effective immediately, it is mandatory that such Disciplinary Body immediately notify the Charged Party of the discipline in writing, stating its immediate effective date (a "written decision"). The Charged Party and the Charging Party must also be told of their right to appeal and the Charged Party's right to request a stay of discipline pending the outcome of an appeal.

Usually, however, the Charged Party will be informed that the committee's decision will be forthcoming in a matter of days. If that is the case, the official Notice of Discipline and the official Notice of Appeal and Stay Rights will be sent by the ACBL Compliance Coordinator after the hearing documents are received from the Disciplinary Body chairperson.

The thirty-day period during which an appeal may be filed will start from the date on which official notice is mailed by the ACBL Compliance Coordinator (or a designee) (even if the Charged Party and/or Charging Party is notified verbally or in writing from some other person of the committee's decision prior to the mailing date).

B. Hearing Report Submitted to ACBL

It is mandatory that the Disciplinary Body send to ACBL headquarters at the same time: (1) a fully typed Hearing Report and (2) a copy of the written decision, if any, sent to the Charged Party. The Hearing Report must be sent to the ACBL within thirty (30) days from the conclusion of the hearing. The form of Hearing Report can be found at www.acbl.org.

VIII. APPELLATE PROCEDURES (DOES NOT APPLY TO HEARINGS OF ORIGINAL JURISDICTION)

A. Basis for the Hearing

The appellate hearing will usually be based upon the record of the original hearing body. New evidence may not be admitted. Therefore, the appellate body should be especially careful when receiving arguments to ensure that "new" material, if submitted, is not considered.

The appellate body should direct their attention only to the issues that have been raised by the appellant in their appeal. The appellee should only rebut the arguments raised by the appellant – anything else is irrelevant.

However, if the appellate body is conducting an Automatic Review, it should consider the entire record to ensure that a fair hearing was conducted.

Notwithstanding the foregoing, the appeal of a barring from a club must be conducted as an original hearing. The appellant may present evidence, including new evidence, to support the allegations noted in the written statement accompanying the notice of appeal. (See CDR 7.0.)

B. Parties to an Appeal

The Charging Party and the Charged Party are the parties to an appeal. The lower level Disciplinary Body is not a party to the appeal because their reasoning and analysis should be set forth in their Hearing Report which already is part of the official record. However, at the discretion of the appellate body, the lower level Disciplinary Body may be allowed to present written and/or oral argument addressing the argument(s) raised by appellant.

C. Authority of Appellate Body to Accept/Deny Appeal

The appellate body must first consider the appellant's request to allow the appellant to appeal the decision of the initial Disciplinary Body. That decision is not an automatic "yes". The appellate body chairperson should consider the written statement(s) that the appellant has made and make a reasoned decision whether that is a valid basis for an appeal under the CDR. If the chairperson allows the appeal to be heard, then an appellant will be allowed to appear before the appellate body to make their argument(s) in support of their appeal.

D. Appellate Hearing Procedures.

The appellant, the appellee and/or their respective representatives are entitled to be present at the hearing. For national appellate bodies, an advisor may be present to advise the appellate body solely to ensure proper procedure is followed and that the provisions of the CDR are properly applied. Other individuals may be present inside the hearing room only at the discretion of the chairperson.

After calling the hearing to order, the appellate body chairperson should clarify to all parties that the chairperson is in charge and that no one is to speak unless recognized by the chairperson. After introducing all individuals present to each other and inquiring as to any voluntary recusals or challenges to appellate body members for Cause, the chairperson explains how the hearing will proceed. (See also Section V.D. Chairperson Statements to Disciplinary Body above.)

The appellate body should then hear the oral arguments, first by the appellant (the party appealing) and then the appellee (the opposite party), followed by rebuttal by either side, as necessary and as time allows. If the appellate body deems it necessary or appropriate, the chairperson may allow the parties to reserve time for short closing statements. **Each side should have an equal allocation of time in total.**

E. Deliberations

After hearing the oral arguments on appeal, an appellate body may affirm or reverse the previous decision, modify, reduce or increase the previous discipline imposed, or remand the matter to any Disciplinary Body that previously heard the matter. Only the committee members may be present during deliberations.

Other than pursuant to CDR 7.0, an appellate body may not hear a case *de novo*. To have a case reheard in its entirety, it must be remanded to a lower level Disciplinary Body. If a case is remanded, the appellate body should be very careful to detail with some specificity the errors or failure to follow proper procedure by the lower level Disciplinary Body so that they may be corrected.

The appellate body submits its decision in writing in the form of a Hearing Report which must be submitted to ACBL Management within thirty (30) days from the conclusion of deliberations. ACBL Management will disseminate the Hearing Report as set forth in the CDR.

APPENDIX B
to Code of Disciplinary Regulations

ACBL DISCIPLINARY RECOMMENDATIONS

Part I: Recommended Discipline for a Single Incident

Part I of these ACBL Disciplinary Recommendations is intended to apply to the typical case involving a single Incident and a Charged Party who has no previous disciplinary record. If this is not the case (i.e. there have been multiple offenses in the past or a pattern of conduct is evidenced), the Disciplinary Body must consider (but is not obligated to follow) Part II of these ACBL Disciplinary Recommendations before deciding on an appropriate discipline.

The lists contained in Chart 1 and Chart 2 in this Appendix B, Part I, represent the recommended discipline and suggested masterpoint penalties which are to be imposed by a Disciplinary Body after rendering a decision which finds a Charged Party guilty of a conduct violation or an Ethical Violation, respectively.

The first column, entitled "OFFENSE", sets forth an offense with a reference to the Code of Disciplinary Regulations ("CDR") section that most properly reflects that offense. Chart 1 is not intended to be an exhaustive list of all possible offenses for which a Charged Party might be found guilty.

The second column, entitled "RECOMMENDED DISCIPLINE", is a guide for discipline to be imposed. **It is not mandatory.** However, discipline imposed that is outside these recommendations must be explained in the Hearing Report.

The third column, entitled "SUGGESTED MASTERPOINT PENALTIES", represents a range of masterpoints which may be deducted in accordance with an offense listed in the chart for which the Charged Party is found guilty. Players who are found guilty of collusive cheating and Expelled shall forfeit all masterpoints.

A Disciplinary Body may find that there has been a violation of the CDR for which there is no recommendation cited in the two charts in this Appendix B, Part I. In such cases, the committee is free to impose on a guilty Charged Party whatever discipline it deems is appropriate from among the options described in CDR 4. It may be helpful to consider offenses in the charts that are similar in nature or similar in degree to the Charges. The reasoning employed by the Disciplinary Body should be outlined in the Hearing Report. Additionally, a Disciplinary Body that imposes a discipline which is outside the range recommended by these guidelines for the stated offenses (or for extrapolated similar offenses) must explain why it chose the discipline imposed.

If a discipline outside of these Disciplinary Recommendations is imposed without explanation, the Hearing Report will be returned to the Disciplinary Body with a request for an explanation of their decision. There is no magic to such explanation. A clear and cogent explication of the committee's thinking/reasoning is sufficient.

APPENDIX B
to Code of Disciplinary Regulations (cont.)

CHART 1: CONDUCT VIOLATIONS (other than Ethical Violations)

	OFFENSE	RECOMMENDED DISCIPLINE	SUGGESTED MASTERPOINT PENALTIES
C1	Poor personal hygiene or dress (CDR 3.7)	Reprimand and/or up to 30 days Probation	None
C2	Rudeness in conversation, gesture, or general behavior (CDR 3.7)	Reprimand and/or up to 30 days Probation and/or up to 30 days Suspension.	None
C3	Publicly belittle partner or opponent on bid or play (CDR 3.7)	Reprimand and/or up to 30 days Probation and/or up to 30 days Suspension	None
C4	Influence, or attempt to influence, an entrant to withdraw from an event to improve one's likelihood of winning more masterpoints (CDR 3.7 and 3.12)	Reprimand and/or up to 90 days Probation and/or up to 90 days Suspension	10-50% of Disciplined Person's total masterpoint holding.
C5	Harass or intimidate another player (CDR 3.7 and 3.11)	Reprimand and/or up to 120 days Probation and/or up to 90 days Suspension	None
C6	Harass or intimidate a tournament director, tournament official or an ACBL Official (CDR 3.7 and 3.11)	180 days Probation and/or up to 180 days Suspension	None
C7	Deliberately fail to follow instructions given by a tournament director or tournament official (including leaving a session without permission of the tournament director or club director), egregious slow play or noncompliance with conditions of contest (CDR 3.1, 3.2, 3.3 and 3.7)	90 days Probation and/or up to 90 days Suspension	None
C8	Fail to notify an appropriate tournament official in a timely manner of a score that one knows is incorrect (CDR 3.2 and 3.7)	180 days Probation and/or up to 180 days Suspension	0-25% of Disciplined Person's total masterpoint holding.
C9	Inappropriate comments (including but not limited to obscene comments) made publicly at an ACBL sanctioned event or activity (CDR 3.7)	Reprimand and/or up to 120 days Probation and/or up to 90 days Suspension	None
C10	Publicly accuse another player of unethical bridge behavior (CDR 3.4 and 3.7)	180 days Probation and/or up to 180 days Suspension	None
C11	Threat of abusive or violent contact with another person (CDR 3.7)	1 year Probation and/or up to 180 days Suspension	None
C12	Abusive or violent contact with another person (CDR 3.7)	3 years Probation and/or up to 2 years Suspension	None

CHART 1: CONDUCT VIOLATIONS (other than Ethical Violations) (cont.)

	OFFENSE	RECOMMENDED DISCIPLINE	SUGGESTED MASTERPOINT PENALTIES
C13	Negligently: a. submit, or cause to be submitted, a false result of a hand, round or match; b. change or submit, or cause to be changed or submitted, any information that could result in awarding incorrect masterpoints; or c. submit, or cause to be submitted, false information to an ACBL Official or committee when neither E7 nor E8 applies (CDR 3.13) (NOTE 1.)	30 days to 1 year Probation and/or up to 1 year Suspension	None
C14	Failure to appear as a witness at a hearing without cause when notified to do so (CDR 3.14)]	90 days Probation and/or up to 90 days Suspension	None
C15	Appeal a decision from a Disciplinary Body with no reasonable basis (CDR 3.15)	1 year Probation and/or up to 1 year Suspension	None
C16	Initiate disciplinary action against another player with no reasonable basis (CDR 3.15)	1 year Probation and/or up to 1 year Suspension	None
C17	[Reserved.]		
C18	Misappropriate ACBL, Unit or District Funds (CDR 3.18)	Indefinite Suspension up to Expulsion. The Disciplinary Body imposing an indefinite Suspension will determine when, after return of the funds, the indefinite Suspension will be lifted	None
C19	Being present in the playing area of an ACBL sanctioned event while serving a term of Suspension (including any of the other enumerated activities described in CDR 4.5) (compare to E17) (CDR 3.2 and 3.5)	Extension of the Suspension to twice the original term up to Expulsion (Note 3)	None
C20	Refusing to play against another player, pair or team duly entered in an event (CDR 3.7 and 10.5)	30 to 180 days Probation and/or 30 to 180 days Suspension	None
C21	Being placed on Administrative Suspension three or more times within a four year period (CDR 3.7.5)	120 to 180 days Probation and/or 120 to 180 days Suspension	None
C22	Use of copyrighted ACBL material or software without permission (compare to E25) (CDR 3.26)	30 to 180 days Probation and/or 30 to 180 days Suspension	None

C23	Use of ACBL registered trademarks without permission (CDR 3.27)	30 days to 2 years Probation and/or up to 1 year Suspension	None

APPENDIX B
to Code of Disciplinary Regulations (cont.)
CHART 2: ETHICAL VIOLATIONS

	OFFENSE	RECOMMENDED DISCIPLINE	SUGGESTED MASTERPOINT PENALTIES
E1	Deliberately ask for or give information about a board in play after both parties have played it (CDR 3.2 and 3.7)	Reprimand and/or up to 60 days Probation.	0-25% of Disciplined Person's total masterpoint holding.
E2	Give information about a board in play to a player who has not yet played the board (CDR 3.2 and 3.7)	30 days Suspension to 1 year Suspension (NOTES 2 and 3)	0-25% of Disciplined Person's total masterpoint holding with no intent. 10-50% of Disciplined Person's total masterpoint holding when intent is proven.
E3	Unsportsmanlike, frivolous or frequent psyching (CDR 3.2 and 3.7)	60 days Probation and/or up to 30 days Suspension	0-25% of Disciplined Person's total masterpoint holding.
E4	Play a convention, system, or treatment knowing it is illegal (CDR 3.2 and 3.7)	90 days Probation and or up to 60 days Suspension (NOTE 2)	10-50% of Disciplined Person's total masterpoint holding.
E5	Purposefully fail to disclose partnership agreements with intent to deceive when required to do so (CDR 3.2 and 3.7)	1 year Probation and/or up to 1 year Suspension. (NOTE 2)	10-50% of Disciplined Person's total masterpoint holding.
E6	Bid or play with the specific intent to achieve a poor result on that hand (CDR 3.2 and 3.7)	90 days Probation to 90 days Suspension (NOTE 2)	0-25% of Disciplined Person's total masterpoint holding.
E7	Knowingly or intentionally: a. change a score; b. Submit, or cause to be submitted, a false result of a hand, round or match; c. change or submit, or cause to be changed or submitted, any information that could result in awarding incorrect masterpoints; or d. enter an event for which you are not eligible (CDR 3.1, 3.7 and CDR 3.13)	1 to 3 year Probation and/or up to 2 years Suspension (NOTES 1 and 2)	10-50% of Disciplined Person's total masterpoint holding.
E8	Knowingly or intentionally submit, or cause to be submitted, false information (or deliberately distort facts) to the ACBL or an ACBL Official or committee (CDR 3.13)	1 to 3 year Probation and/or up to 2 years Suspension (NOTES 1 and 2)	10-50% of Disciplined Person's total masterpoint holding.
E9	Accidentally gain access to information and then act on it (CDR 3.1, 3.2 and 3.7)	1 year Probation and/or up to 180 days Suspension	0-25% of Disciplined Person's total

	(NOTE 2)	masterpoint holding.

OFFENSE	RECOMMENDED DISCIPLINE	SUGGESTED MASTERPOINT PENALTIES
E10 Hesitate with an intent to deceive; use intonations and mannerisms that may deceive opponents or help partner (CDR 3.1, 3.2 and 3.7)	1 year Probation and/or up to 1 year Suspension (NOTE 2)	0-25% of Disciplined Person's total masterpoint holding.
E11 Deliberately try to see from where an opponent plays his cards (CDR 3.1, 3.2 and 3.7)	90 days Probation and/or up to 90 days Suspension (NOTE 2)	0-25% of Disciplined Person's total masterpoint holding.
E12 Actively and deliberately try to see an opponent's cards (CDR 3.1, 3.2 and 3.7)	1 year Probation and/or up to 1 year Suspension (NOTE 2)	10-50% of Disciplined Person's total masterpoint holding.
E13 Actively seek advance information about a board in play (CDR 3.1, 3.2 and 3.7)	2 years Suspension to Expulsion (NOTES 2 and 3)	25-100% of Disciplined Person's total masterpoint holding.
E14 Pre-arrange or re-arrange a deal (or part thereof) or a hand, including one card (CDR 3.1, 3.2 and 3.7)	2 years Suspension to Expulsion (NOTES 2 and 3)	25-100% of Disciplined Person's total masterpoint holding.
E15 Intentionally gain access to hand records for an event prior to the event and enter and play in the event and/or give the hand records or copies to another person prior to (or contemporaneous with) that person entering and playing in the event (CDR 3.1, 3.2 and 3.7)	Expulsion	100% of Disciplined Person's total masterpoint holding.
E16 Prearranged partnership collusion by means of signaling to exchange information (CDR 3.1, 3.2 and 3.7)	Expulsion	100% of Disciplined Person's total masterpoint holding. (NOTE 4)
E17 Playing an ACBL sanctioned event while serving a Suspension (compare to C19) (CDR 3.2 and 3.5)	Extension of the Suspension to twice the original term up to Expulsion (NOTES 2 and 3)	10-25% of Disciplined Person's total masterpoint holding.
E18 Knowingly partnering or playing on a team with a person who is presently serving a Suspension from ACBL or who is presently expelled from ACBL (CDR 3.2, 3.7 and 3.19)	1 year Probation and/or up to 1 year Suspension	10-25% of Disciplined Person's total masterpoint holding.
E19 Cheating and other Ethical Violations not specifically cited by other sections of this Appendix (CDR 3.20)	90 days Suspension up to Expulsion (NOTES 2 and 3)	0-100% of Disciplined Person's total masterpoint holding.
E20 Attempt to influence a decision of a Disciplinary Body outside of the hearing process(es) (CDR 3.21)	Reprimand and/or up to 2 years Probation and/or up to 180 days Suspension.	0-100% of Disciplined Person's total masterpoint holding.

CHART 2: ETHICAL VIOLATIONS (cont.)

OFFENSE	RECOMMENDED DISCIPLINE	SUGGESTED MASTERPOINT PENALTIES
E21 Discussion of the content of the hearing, other than the committee decision, outside the hearing room by a Disciplinary Body member with any party (whether a party to the hearing or not). The committee decision includes the finding of Guilty/Not Guilty and the discipline imposed (CDR 3.22)	Reprimand and/or up to 2 years Probation and/or up to 180 days Suspension	0-10% of Disciplined Person's total masterpoint holding.
E22 Unauthorized access password protected information without permission or misrepresent identity to gain access to a website and/or electronic data (CDR 3.23)	1 year to lifetime Probation and/or up to 2 years Suspension up to Expulsion NOTE 3	0-50% of Disciplined Person's total masterpoint holding.
E23 Cyber-attacks or similar electronic disruptions, or attempts at disruptions of websites and/or electronic data systems (CDR 3.24)	1 year to lifetime Probation and/or up to 5 years Suspension up to Expulsion NOTE 3	0-25% of Disciplined Person's total masterpoint holding.
E24 Use without permission ACBL-provided member data for personal use, financial gain or harassment (CDR 3.25)	1 year to lifetime Probation and/or up to 2 years Suspension up to Expulsion NOTE 3	0-50% of Disciplined Person's total masterpoint holding.
E25 Repeated use of copyrighted ACBL material or software without permission (CDR 3.26)	1 year to lifetime Probation and/or up to 2 years Suspension up to Expulsion NOTE 3	0-25% of Disciplined Person's total masterpoint holding.

Endnotes:

NOTE 1 E7 and E8 speak to the deliberateness or intentionality of a Charged Party's actions which causes such actions to rise to the level of an Ethical Violation with an attendant mandatory forfeiture of masterpoints. However, a player may not evidence a certain level of care in their actions such that, due to the Charged Party's negligence, a false result of a hand, round or match is submitted or information is changed or submitted that inadvertently results in incorrect masterpoints being awarded. This would be a conduct violation. (See C13.)

NOTE 2 If a Disciplinary Body imposes a Suspension in this case, then it should also disqualify the pair or team from the event. This will mean the pair or team will lose its place in the event, any masterpoints earned in the event and any other benefits it may have earned from playing in the event. Should this disqualification take place after the correction period for the event has expired, other pairs and teams do not move up – the place formerly held by the disqualified contestant (pair or team) remains vacant.

NOTE 3 If a Disciplinary Body imposes a Suspension in this case, then it is encouraged to also impose an appropriate term of probation following the term of suspension.

NOTE 4 If a Disciplinary Body finds a Charged Party guilty of collusive cheating, such Charged Party will forfeit all their masterpoints theretofore earned.

APPENDIX B
to Code of Disciplinary Regulations (cont.)

Part II: Recommended Discipline for Multiple Incidents or a Pattern of Conduct

There are three major reasons why the recommended discipline in Part I of this Appendix B might not be appropriate. First, the single violation currently charged might be either so slight or so severe as to make the recommended discipline inappropriate. Second, the Disciplined Person might be convicted for several violations (such as a pattern of conduct). Third, the Disciplined Person might have a previous disciplinary record.

1. When the Disciplined Person's single violation is either extremely slight or extremely severe, the Disciplinary Body should apply its sound, unemotional judgment to determine the proper discipline. For example, either the level of bridge experience or the mental intentions of the Disciplined Person might be a consideration. Please explain on the Hearing Report form why the violation was considered atypical.

2. When the recommended discipline would not have the usual impact upon a guilty Disciplined Person, a Disciplinary Body may tailor the length or severity of the discipline in order that the discipline will have the desired impact.

3. When the Disciplined Person has been found guilty of several violations, such as a pattern of behavior, the Disciplinary Body should consider imposing a discipline as if each violation was a separate offense. The Disciplinary Body should note the separate violations and/or explain the pattern of behavior and its impact upon their decision.

4. When the Disciplined Person has a prior disciplinary record, the discipline imposed for the previous offense is not particularly important. However, the *number* of prior guilty findings is important. The reason is that the Disciplined Person was already disciplined for the specific prior violation(s). In this current case, the Disciplinary Body should pay close attention to how the prior findings of guilt reflect on the Disciplined Person's ability to behave according to ACBL standards and explain on the Hearing Report form the reasons for its decision relative to the discipline applied for the prior offense or offenses.

Examples of the application of these Part II Recommended Disciplines:

Example #1. A person convicted of accidentally gaining access to unauthorized information and acting on it has one prior finding of guilt for bad hygiene for which he received thirty (30) days Probation. Here the Disciplinary Body would probably disregard the prior finding in making its decision regarding the proper discipline to be imposed for the current Incident involving unauthorized information. They would only consider the significance of the current violation – the use of the unauthorized information.

Example #2. A person convicted of accidentally gaining access to unauthorized information and acting on it has, following three separate hearings in the past four years, received thirty (30) days Probation for bad hygiene, thirty (30) days Probation for rude behavior towards his partner, and thirty (30) days Suspension for a threat of violent behavior towards an opponent. In this case, the prior disciplinary record indicates that this person has a history of violating ACBL Regulations and that discipline has had negligible effect on moderating their behavior. Here, the Disciplinary Body is encouraged to impose a discipline *above* the maximum guideline recommended for the offense for which that Disciplined Person was most recently found guilty.