

**Changes to Recorder Regulation and Procedures**  
**November 2006**

**RECORDER REGULATIONS AND PROCEDURES**

**1. GOAL.**

The aim of the recorder system is to establish a method of dealing with complaints that: 1) by themselves do not warrant the filing of formal charges; 2) are very serious but there is only the implication of wrongdoing without substantial evidence necessary to bring formal charges or 3) should be addressed by counseling and/or education.

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**2. DEFINITIONS.**

- **Appointing body:** The entity (ACBL, District or Unit) that appoints, hires or designates the recorder.

- **Assistant Recorder:** A person authorized to act by or on behalf of a recorder.

*Note: Unless otherwise noted every reference to a recorder applies equally to an assistant recorder.*

- **Complaint:** A written accusation by an ACBL member, a non-member playing in an ACBL sanctioned event, ACBL management or a Unit or District alleging conduct in violation of CDR 3 that requests that charges be made to the appropriate disciplinary body.

- **File:** The collection of written documents that include the player memo, any written response, all investigative notes and other documents.

- **Player Memo:** A written document informing the Recorder about an incident. This is not a complaint but may be used as the basis for a complaint.

- **Recorder:** The person with the ultimate responsibility for carrying out the duties outlined in these guidelines.

- **Reporter:** The person who signs and files the player memo.

- **Subject:** The person who is the subject of the player memo.

**3. APPOINTMENT.**

With the exception of the ACBL Recorder, a recorder is an official of the appointing body who may be removed from office by whatever reasonable procedures are established by the appointing body. Each appointing body is encouraged to create reasonable procedures for appointment of assistant, replacement or temporary recorders. All of these procedures should be constructed to distance the position and person of recorder from the political arena and the formal ACBL disciplinary process.

#### **4. QUALIFICATIONS.**

**4.1 A recorder must be qualified to perform the duties outlined in these guidelines. These qualifications are not absolute. However, an ideal candidate will have the following:**

**4.1.1 Unimpeachable ethics integrity, honesty, and demeanor.**

**4.1.2 Ability to discuss all matters including the most serious ethical concerns with a subject without giving offense to an innocent individual.**

**4.1.3 Excellent communication skills.**

**4.1.4 Acknowledged bridge ability.**

**4.1.5 Must be able to act in an apolitical manner.**

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**4.2 Since ACBL members must have the highest confidence in the persons appointed as recorders, the system will operate successfully only if there is a general belief that a recorder will perform the duties of the office honestly and impartially.**

**4.3 To adequately perform the duties of the office, a recorder should have a familiarity with the Laws of Duplicate Contract Bridge and the ACBL Code of Disciplinary Regulations.**

#### **5. DUTIES AND RESPONSIBILITIES.**

**5.1 Receives, investigates and evaluates Player Memos.**

**5.2 Educates reporters and subjects about proper behavior and ethical behavior in accordance with the Laws of Duplicate Contract Bridge and the ACBL Code of Disciplinary Regulations.**

**5.3 Communicates, as appropriate, with those involved with a reported incident, especially the reporter and subject.**

**5.4 Maintains a record of all player memos including investigation and resolution.**

**5.5 Makes or assists with an impartial presentation of evidence to a disciplinary committee or prosecutes the complaint on behalf of his appointing organization or his or her own behalf, when selected or appointed to do so.**

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## **6. LIMITATIONS ON AUTHORITY.**

**6.1** A recorder has no disciplinary authority and MUST not give any indication to the contrary.

**6.2** A recorder may file a complaint with an appropriate charging party to request charges to an appropriate disciplinary body against a subject as a means to resolve a player memo or memos. A recorder may choose to inform a subject that a complaint may be filed in the future should the undesirable behavior continue. In either case the recorder must ensure that the authority of the office of recorder is not abused.

## **7. ELIGIBILITY FOR OTHER BRIDGE OFFICE.**

**7.1** A recorder may not, during the tenure of office, serve on any disciplinary body created under authority of that recorder's appointing body. If already a member of such a body, a recorder must assume inactive status or resign.

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**7.2** A recorder should not, but may, be a member of a disciplinary committee for another appointing body. For example, a District Recorder may serve on a Unit or Sectional tournament disciplinary committee and vice versa. A recorder may not participate in any case in which the facts may present a conflict of interest, and must not participate (as a member of the committee) in any case that he or she investigated as a recorder.

**7.3** A recorder may be a member of any disciplinary committee after leaving office, but shall not hear any case with which he or she was involved while serving as a recorder.

**7.4** A recorder may not be a member of any bridge appeals committee: this may create a conflict of interest or the appearance of a conflict of interest.

## **8. TOURNAMENT RESPONSIBILITIES.**

The recorder should be available at any tournament sponsored by the appointing body. If not available, the recorder is responsible to select a qualified assistant to perform all recorder functions. While acting as assistant recorder the appointed person is subject to all limitations imposed on the recorder. In the event that no recorder is available at a tournament, the Director-in-Charge (not an assistant) will act as an on-site recorder. The DIC is responsible for sending any and all player memos to the organization's recorder.

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## **9. GUIDELINES FOR EXECUTION OF DUTIES.**

**9.1** The recorder must maintain the confidentiality of the process in speaking to people about player memos and revealing information only when necessary to the investigation. This responsibility is of the highest priority and must continue even after his or her duties have ended. Violating the confidentiality of the process is a basis for removal from office.

**9.2** The subject and, to a lesser extent, the reporter are entitled to privacy regarding the reported incident subject to the needs of the investigation. If the recorder files a complaint based upon a player memo, the player memo becomes evidence and the reporter becomes a witness, if available. Further confidentiality and privacy, if any, is determined by the Code of Disciplinary Regulations.

**9.3** A recorder should leave instructions with club managers, tournament chairpersons and tournament directors (as relevant) as to how to deliver player memos.

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**9.4** Upon receipt of a player memo, a recorder should make an initial assessment as to whether the subject matter could form the basis for a complaint even in conjunction with other reports or require counseling or education. If not, the recorder should discuss the matter with the reporter prior to placing the memo in a closed administrative file. (A closed administrative file is a collection of reports, which, in the recorder's opinion, do not merit being recorded. The file is kept as evidence that the recorder did address the report.)

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**9.5** Upon receipt of a player memo that could be the basis for a complaint, the recorder either investigates the matter or refers the player memo to the appropriate recorder to investigate. Matters that could involve major ethical breaches should be referred to the ACBL recorder for evaluation prior to the start of an investigation. The recorder should discuss other matters with the subject and give the subject an opportunity to reply to the report in writing. As appropriate, the recorder may investigate further by interviewing witnesses and hold additional meetings with the reporter or the subject.

**9.6** After completing the investigation, the recorder makes an evaluation.

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- a. If a recorder will be filing a complaint, the subject and reporter should be so informed, as the reporter will likely be a witness at the hearing. The complaint is filed with the appropriate organization's charging party
- b. If the recorder is recording the player memo, he or she should retain a copy of the file for at least ten years and send a copy of the file to the ACBL Recorder care of the National Office of Recorder at ACBL Headquarters

- c. If the recorder decides not to record or file a complaint, the reporter should be so informed and the closed file should be kept in an administrative file for a reasonable time period.

**9.7** In general, a recorder should communicate with the reporter regarding the status of a player memo. However, given the circumstances of any case and the need to preserve the subject's right of confidentiality, the recorder has discretion to limit the amount of information given to the reporter. This includes the discretion to tell the reporter only that (1) the player memo was received and is being investigated, (2) the player memo was received and the recorder has concluded the investigation, or (3) the player memo was received and the recorder intends to file a complaint with no further details.

**9.8** Nothing in this document shall supersede the provisions of the ACBL Code of Disciplinary Regulations.

## **10. RECORDER FILES**

**10.1** All files are the property of the investigating recorder's appointing body. Access to that file is by permission of the appointing body's recorder.

**10.2** At least twice every calendar year, a recorder should review all files in his or her possession. If the subject of a ten year old file is not also the subject of a more recent player memo, the file should be discarded - except that memos which note major ethical breaches should be retained indefinitely. During each semiannual review, a recorder should note if more than one player memo involves the same subject. If so, he or she should reevaluate the memos for possible action based on a possible pattern.

**10.3** To the extent possible a recorder should crossfile the memos under the reporter's name. Deleted: complainants

## **11. NATIONAL OFFICE OF RECORDER**

**11.1** The National Office of Recorder is the administrative office of the ACBL Recorder.

**11.2** Daily administration is under the aegis of the ACBL Recorder. The primary purpose of this office is to help the ACBL Recorder perform legitimate duties of the recorder in the event the ACBL Recorder is not at Headquarters.

**11.3** The National Office of Recorder maintains the files forwarded to it by the ACBL Recorder, any Assistant ACBL Recorder and other recorders. The ACBL Recorder reviews all files at least twice annually, and may discard a Deleted: ing

player memo that is ten or more years old if its subject is not also the subject of a later player memo. Memos involving major ethical breaches should not be discarded.

**11.4 A disciplinary committee may use Recorder Memos from the ACBL National Office of Recorder in determining the severity of the discipline to be issued.**

**11.5 The files are property of ACBL.**

## SPECIAL ACBL RECORDER REGULATIONS AND PROCEDURES

### A. ACBL RECORDER.

1. The ACBL Recorder is selected and hired by ACBL Management. The ACBL Recorder may appoint assistants with the approval of ACBL Management.
2. Each Assistant ACBL Recorder will perform those functions assigned by the ACBL Recorder. The authority of an assistant recorder may never exceed the authority of the ACBL Recorder.

### B. ADDITIONAL ACBL RECORDER DUTIES.

1. Advise Unit and District recorders as necessary.
2. Conduct seminars for recorders at NABCs as appropriate.
3. Supervise the National Office of Recorder as necessary concerning files.
4. Determine whether to videotape in conjunction with an investigation with the concurrence of the ACBL CEO in accordance with ACBL resolution 042-04.

#### Discussion:

These reasons for the proposed changes in the amended sections are noted below:

1. This is to clarify that the handling of the complaint is up to the recorder not the reporter – i.e. the reporter is bringing the issue to the attention of the recorder who will decide how the issue is to be addressed.
3. The change here is to further clarify that the recorder is not an official in the formal disciplinary process. The recorder may use the formal process (as in making, prosecuting and/or making a complaint) but is not a part of it.
4. Better wording.
5. Clarification.
6. Clarification.

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7. To make it clear that a recorder may not serve on a disciplinary body of his appointing organization.  
Since there was a conflict between 7.5 and 7.4 deleting 7.5 removes that conflict.
8. Better and clearer wording.
9. Clarification.
10. The person submitting a player memo is not a complainant but a reporter according to our definitions.
11. Since our database is electronic, there is no longer the necessity to discard so it is optional.

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