

Changes to Code of Disciplinary Regulations
Approved March 2009

Definitions

Charge	A matter brought to <u>an ACBL disciplinary body committee</u> by an ACBL representative upon the making of a complaint.
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 <u>the an appropriate disciplinary body</u> .
Law	A provision in the "Laws of Duplicate Contract Bridge" <u>or the "Laws of Duplicate Bridge."</u>

- 1.5 The Ethical Oversight Committee shall, upon charges being brought by ACBL Management, whether based upon a complaint submitted by ACBL or another entity or individual, hear original cases of alleged cheating by use of signals, other unauthorized information, other forms of cheating, or serious breaches of ethics. League Counsel, the ACBL President and District Director of the person charged 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 and ACBL Management.
- 1.5.1 ACBL Management may be both the complainant and the charging party.
- 2.2.3 The ACBL Board of Directors has original jurisdiction of the following:
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- (d) When, in the opinion of the District Board or the ACBL Board of Directors Executive Committee, circumstances make it impractical or unfair for the matter a complaint to be heard by the District or Unit or when in the opinion of the ACBL Board of Directors, the issues involved in the complaint are of paramount importance to ACBL. If such matter complaint is disciplinary in nature and of original jurisdiction, the District Board or the ACBL Executive Committee ACBL Board of Directors (as the charging party) matter shall make charges be referred to the ACBL Disciplinary Committee for decision it to conduct a hearing. In these matters the ACBL Board of Directors designates the ACBL Executive Committee to act on its behalf.

3.7 Actions or behavior unbecoming a person participating in an ACBL sanctioned tournament or event; or a person attending (at the time and site of) an ACBL sanctioned tournament or event or ACBL activity (including a unit or district activity).

3.7.1 "Site" includes, but is not limited to, parking lots, elevators, 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.

3.7.3 E-mails or letters sent to an ACBL official or entity (such as a unit or district Board of Directors) may constitute a violation of 3.7.

3.7.4 E-mails or letters sent to private individuals shall not constitute a violation of 3.7.

3.18 Misappropriate ACBL, Unit or District Funds.

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 of time. When the discipline is imposed and the execution thereof suspended, such suspension shall be deemed to be probation. (See CDR 4.1.8.)

5.2.2 An initial charge based upon a complaint must be brought expeditiously by the charging party of the organization having jurisdiction. (See CDR 2.) If the organization has failed to designate an individual (who may not be the recorder), the president is the charging party. No person sitting on the organization's disciplinary committee should be the charging party. The president or 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 the following three (3) questions:

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

(b) Does ACBL have jurisdiction?

(c) If found responsible, would the disciplinary committee be obligated to issue a discipline?

5.3.2 A disciplinary complaint involving events at a tournament must be ~~brought~~ made by a participant in the tournament, by the sponsoring organization's recorder or by the Director in Charge ("DIC") or his or her designee, which designation ~~may~~ must be written (See CDR 5.3.4 when the subject of a complaint or a charged person is no longer at the tournament.). An initial charge to the TDC must be brought by the DIC or his or her designee (the charging party). A decision by the DIC not to bring a charge before a TDC is final, provided that a party may take his or her complaint to the Unit or District having jurisdiction. The Director in Charge or his or her designee shall be the charging party even when the Director in Charge or a 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 ACBL have jurisdiction?
- (c) If found responsible, would the Disciplinary Committee be obligated to issue a discipline?

5.3.4

- (b) A complaint and consequent charge against a person who is no longer at the jurisdiction of the TDC shall be sent to the appropriate disciplinary body for a hearing as follows:
 - i. From a sectional tournament or sectional-level event to the unit disciplinary committee of the unit in which the sectional was held.
 - ii. From a regional tournament or regional-level event to the district disciplinary committee of the district in which the regional was held.
 - iii. From a North American Bridge Championship (NABC) or an NABC-level event sponsored by ACBL to the ACBL Disciplinary Committee.

Discussion:

The changes in the Definitions section are for clarification.

1.5 changes are to clearly state the charging party and to clarify the fact that ACBL Management may be both the complainant and charging party.

3.7 changes are to clarify some of the behaviors that are within and not within ACBL's jurisdiction.

3.18 is a new section that emphasizes the difference between misappropriation and owing a debt as noted in 3.9.

4.1.3 is clarified to show that a committee may suspend a sentence based on the disciplined person's compliance with conditions set by the committee. For example, this permits, in writing, a committee to suspend a suspension for a club director as long as he or she did not play in any ACBL sanctioned event, which would allow the person to direct a game as long as he didn't play.

5.2.2 is clarified to state, for example, that it is permissible for the president of a unit to be the charging party in cases where the unit is the complainant.

5.2.3 is clarified to state that the director in charge (DIC) is the charging party even when the DIC or a member of his staff is the complainant. It also states that a complaint must be written even at a tournament.

5.3.4 is clarification only.