

HANDLING COMPLAINTS

There are two avenues that a member or group of members may take to get a resolution regarding a complaint or problem with another member or participant in an ACBL-sanctioned event such as a Sectional or Regional Tournament.

I. **Formal Complaint** – is a written complaint about another person’s behavior or ethics made with the intent of charges being made to and heard by a disciplinary body (committee) of ACBL. This will be referred to as a complaint in the remainder of this document.

A. Process of All Formal Complaints.

1. A complaint is made to a person authorized by the organization to receive a complaint and make a charge (“Charging Party”).
2. The charging party decides whether to make charges based upon the complaint.
3. In the event that a charge is made, the appropriate disciplinary body conducts a hearing and makes a decision.
4. The disciplinary body’s decision is promulgated.

B. Entering a Complaint at an ACBL Sectional or Higher-Rated Tournament.

1. Complaint is made to the Tournament Director (TD).
2. For the tournament, the TD is the charging party and will decide in accordance with section 5.3.2 of the ACBL Code of Disciplinary Regulations. Editorial comments are in Italics below after each statement.

5.3.2 A disciplinary complaint involving events at a tournament must be 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 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 (*tournament disciplinary committee*) 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)? *Basically, would a reasonable person conclude that there is some truth to the complaint?*

(b) Does ACBL have jurisdiction? *Did the complaint occur at an ACBL sanctioned game or ACBL function? If someone complains that his or her spouse called him or her vulgar names in the privacy of their home, this is not in*

ACBL's jurisdiction even if a terrible play was the impetus.

(c) If found responsible (*guilty*), would the Disciplinary Committee be obligated to issue a discipline? *A person yelled "damn" after being inadvertently conked on the head with a soda bottle being carried by another player passing the table. It is highly unlikely that a disciplinary committee would feel obligated to discipline the person.*

3. Charge Made.

- a. The tournament disciplinary chairperson will tell the TD the time and location of the hearing.
- b. The TD will notify all participants.
- c. The chairperson, in accordance with the ACBL Code of Disciplinary Regulations, conducts the disciplinary hearing.
- d. A decision is made and announced to the parties.
- e. A hearing report is sent to ACBL National Headquarters.

C. Complaint to the Unit.

1. A complaint is made to the Unit (Board or President).
2. The complaint is reviewed by the Unit's charging party – usually the President unless someone else has been delegated by the President or Unit Board – to decide whether the complaint rises to the level of a complaint upon which a charge should be based. This is done using the criteria in section 5.2.2 of the ACBL Code of Disciplinary Regulations. Editorial comments are in italics below after each statement.

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)? *Basically, would a reasonable person conclude that there is some truth to the complaint?*

(b) Does ACBL have jurisdiction? *Did the complaint occur at an ACBL sanctioned game or ACBL function? If someone complains that his or her spouse called him or her vulgar names in the privacy of their home, this is not in*

ACBL's jurisdiction even if a terrible play was the impetus.

(c) If found responsible (*guilty*), would the Disciplinary Committee be obligated to issue a discipline? *A person yelled "damn" after being inadvertently conked on the head with a soda bottle being carried by another player passing the table. It is highly unlikely that a disciplinary committee would feel obligated to discipline the person.*

3. The charge, if one is made, and complaint are given to the Unit disciplinary chairperson (UDC).
 - a. The UDC schedules a hearing and conducts a hearing in accordance with the ACBL Code of Disciplinary Regulations.
 - b. The committee makes a decision and announces it in accordance with ACBL Code of Disciplinary Regulations.
 - c. A hearing report is sent to ACBL National Headquarters.

D. Complaint to the District.

1. A complaint is made to the District (Board or President).
2. The complaint is given to and reviewed by the District's charging party – usually the President unless someone else has been delegated by the President or District Board – to decide whether the complaint rises to the level of a complaint upon which to base a charge in accordance with section 5.2.2 of the ACBL Code of Disciplinary Regulations as above.
3. The charge, if one is made, and complaint are given to the District disciplinary chairperson (DDC). *Note: The District has another disciplinary body, the District Appellate Committee – see the ACBL Code of Disciplinary Regulations, section 7.1 for information regarding appeals to the District.
 - a. The DDC schedules a hearing and conducts a hearing in accordance with the ACBL Code of Disciplinary Regulations.
 - b. The committee makes a decision and announces it in accordance with ACBL Code of Disciplinary Regulations.
 - c. A hearing report is sent to ACBL National Headquarters.

II. **Informal Complaint** – is a written report of an incident given to a recorder and will be referred to in the remainder of this document as a report. The person who completes and signs the report is termed the “reporter.” The person who is the subject of the report is termed the “subject.”

A. Process

1. A report is received by the recorder.
2. The recorder assesses whether the subject matter of the report could on its own or in conjunction with other reports form the basis for a complaint and charge. If not, the recorder should speak with the reporter and place the report in an administrative file.

3. However, if so, the recorder investigates the report by speaking, as necessary, with the reporter, subject and any witnesses. In the case of serious ethical transgressions, the recorder should consult with the ACBL Recorder before commencing any discussions or other investigation.
4. After the investigation is complete, the recorder should consider the situation to determine whether to maintain a copy of (record) the report and investigation or file a complaint with the proper body. If the incident is recorded, the recorder should maintain a copy for a minimum of ten years. **The recorder sends to ACBL National headquarters a copy of any report that is being recorded.**

B. Which Recorder.

1. The Unit recorder should receive reports from Unit games or functions and sectional tournaments.
2. The District recorder should receive reports of incidents stemming from an ACBL-sanctioned Regional or other District function.

III. Complaint (Formal) or Report (Informal)

A. Recipient of Complaint Feels Formal Is the Wrong Avenue.

There are times when the Unit Charging Party will receive a complaint that the Charging Party feels should be handled by some other route. The Charging Party might want to have the two participants reach a mutually acceptable resolution rather than use either of the two ACBL approved methods.

ACBL suggests that the above unofficial and unsanctioned process not be used. If the complaint is completely groundless under ACBL standards it should be rejected. Otherwise, the complaint should be turned into a report to the Unit recorder per Section II above.

However, if the Charging Party is bound and determined to settle a complaint by mediation, the issue should NEVER be given to the Unit disciplinary chairperson to mediate, because the role of the disciplinary chairperson is only to receive charges and conduct hearings.

B. How to Decide to Advise the Complainant/Reporter?

1. The offense by itself may not rise to the level of something that should be pursued formally – Report to Recorder. If the subject has a history (on record with the Recorder) of behaving badly, then the Recorder could take all the items and make a formal complaint.
2. There may only be a suspicion that there may be unethical behavior (cheating), and there is insufficient evidence to proceed with a formal complaint. Or, neither the complainant nor the Charging Party may know whether the behavior is really unethical. In such cases, a report should be made to the recorder. Filing a player memo (report) with the organization's recorder is a way to get these serious concerns addressed confidentially by an official other than an ACBL tournament director who may only see the subject for that one tournament.
3. The person with a problem may not know whether a complaint should be made. In such a case, a report should be made to the recorder. In this instance, the reporter is giving the recorder a report of an incident and will rely on the recorder to address the issue appropriately (i.e., decide whether a complaint should be made or whether the recorder should maintain a record of the behavior in case of a future occurrence).
4. The person with the problem doesn't wish to appear at a hearing. He or she just wants an end to the bad behavior. In such a case, a report should be made to the recorder. The recorder can speak with the subject of the report to educate him or her about proper behavior and/or ethics.
5. If the issue involves physical violence or a threat of violence, a complaint should be made to the Charging Party. This sort of misbehavior **MUST** be dealt with firmly and formally.
6. If the issue involves blatant verbal abuse, a complaint should be made to the Charging Party. This sort of misbehavior **MUST** be dealt with firmly and formally.

IV. Information Availability

- A. Current versions of disciplinary regulations and other documents used in the formal disciplinary process are available at www.acbl.org (ACBL's web page).
1. ACBL Code of Disciplinary Regulations
 2. Appendices to the Code of Disciplinary Regulations
 - a. Appendix A – Guidelines for Disciplinary Proceedings (Handbook for Disciplinary Committee)
 - b. Appendix B - Sanction Guidelines
 3. Sample letters – templates for letters to notify parties to the hearing (especially the charged person of his or her rights under the Code of Disciplinary Regulations).

4. Disciplinary forms
 - a. Notification of Disciplinary Hearing – this is used predominantly at tournaments for tournament disciplinary committees. A letter is usually used for hearings by other disciplinary bodies.
 - b. Statement of Prior Disciplinary Actions – this may be given to the person charged when found responsible/guilty. The form would be completed and the information used by the committee to determine an appropriate sanction. A person’s past ACBL discipline, which is a matter of record, may not be considered in establishing guilt (*see 5.2.7 of the Code of Disciplinary Regulations*).
 - c. Hearing Report Form – this is used to report the result of the hearing to ACBL National Headquarters.

- B. Current versions of the recorder regulations and other helpful information about the process are available at www.acbl.org/cdr (ACBL’s web page).
 1. Player Memo – form used for a reporter (someone sending an issue to the recorder) to complete and give to the recorder. The recorder will use this form to note other comments gathered in addressing the report and any actions taken.
 2. Recorder Regulations and Procedures – these are ACBL regulations governing a recorder’s position and outlining procedures for recorders.
- C. E-mail questions.
 1. The ACBL recorder: recorder@acbl.org.
 2. The ACBL Disciplinary Coordinator: sabrina.goley@acbl.org
- D. Telephone.
662-253-3146
- E. Regular Mail.
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