

AMERICAN CONTRACT BRIDGE LEAGUE CODE OF DISCIPLINARY REGULATIONS

July, 1975	Revised, March, 1977	Revised, January 1, 1981
Revised, December, 1982	Revised, October 1, 1985	Revised, August 18, 1989
Revised, November, 1990	Revised, August, 1991	Revised, November, 1992
Revised, March, 1993	Revised, March, 1994	Revised, November, 1994
Revised, November, 1995	Revised, August, 1996	Revised, December, 1997
Revised, January 1999	Revised, December, 1999	Revised, January, 2001
Revised, April, 2001	Revised, August, 2001	Revised, November, 2001
Revised, November, 2002	Revised, March, 2003	Revised, July, 2003
Revised, November, 2003	Revised, March, 2004	Revised, July, 2004
Revised, November, 2004	Revised March, 2005	Revised, July, 2005
Revised, January, 2006		

Printed in USA by ACBL

CODE OF DISCIPLINARY REGULATIONS

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Definitions

ACBL	The American Contract Bridge League.
ACBL Management	The ACBL Chief Executive Officer or his or her designee.
Administrative Suspension	A suspension imposed by ACBL Management in accordance with CDR 4.3.
Advocate	A person selected by the Unit, District or ACBL Management to represent the organization by prosecuting the complaint.
Appeals and Charges Committee	A committee of the Board of Directors which hears all disciplinary appeals on behalf of the Board of Directors.
Board of Directors	The governing body of the ACBL.
CDR	This Code of Disciplinary Regulations.
Charge	A matter brought to a committee by an ACBL representative upon the making of a complaint.
Charging Party	The official of a Unit, District or the ACBL acting upon a complaint.
"Clear and Convincing Proof"	Proof which is more than a probability but less than the certainty required in a criminal case.
Complainant	A person or body bringing 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 the appropriate disciplinary body.
Disciplinary Bodies	Those committees set forth in CDR 1 which are authorized to hear charges involving tournament discipline.
Discrimination	Actions against a full-time or part-time ACBL employee, independent contractor, member, or participant in an ACBL sanctioned event because of race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics covered by law.

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 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(d).

Ethical Violations

Infractions of the Laws of Duplicate Contract Bridge or the CDR that involve improper conduct consciously perpetrated. "Ethical violations," include but are not limited to:

1. Any deliberate communication not allowed by the Laws of Duplicate Contract Bridge.
2. Obtaining unauthorized information from hand records of the current session prior to the conclusion of play or hand records of future sessions, except upon express instruction of the Director.
3. Purposely looking at the unplayed cards of another player (other than penalty cards) before play of the deal is concluded.
4. Purposely looking at another player's (other than partner's) private score or any score ticket or score slip, or a video screen, which displays or contains scoring information for or relating to a deal yet to be played by the offender during the session.
5. Deliberately behaving in a manner intended to disrupt, intimidate, or disconcert another player.
6. Concealing partnership agreements or deliberately providing incomplete, inaccurate, misleading, or inadequate explanations.
7. Deliberate violations of the Laws of Duplicate Contract Bridge and/or ACBL regulations which may produce improper or unfair advantages; no proof of intent to gain such unfair or improper advantage is necessary.

Expulsion

See CDR 4.1.5.

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.
Incident	An occurrence of conduct or actions by a player or ACBL member which may be the basis for a player memo or complaint.
Law	A provision in the "Laws of Duplicate Contract Bridge."
Participation in an ACBL Sanctioned Event Player Memo	Appearing in the playing area of an ACBL sanctioned tournament for any reason. A written document informing the Recorder about an incident. This is not a complaint but may be used as the basis for a complaint.
Presenter	A person selected by the Chairman of the Disciplinary Committee or the organization with jurisdiction, to make or assist with an impartial and neutral presentation of evidence to a disciplinary body.
President	The President of the ACBL Board of Directors.
Probation	See CDR 4.1.2.
Reprimand	See CDR 4.1.1.
Sanctioned Event	For the 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.
Sexual Harassment against a full-time or part-time ACBL employee or a District or Unit tournament employee	Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature against a full-time or part-time ACBL, district or unit employee when such advances or conduct occurs during or part of an individual's employment for the ACBL or for an ACBL district or unit. Sexual harassment includes, but is not limited to: sexual innuendo or sexually-oriented verbal abuse; unwanted physical contact such as hugging, patting, stroking, or grabbing body parts; displaying sexually suggestive objects, pictures or materials; using disparaging and demeaning terms of a sexual nature which belittle or degrade; using sexist terms involving prejudice or discrimination based on one's sex; using sexist jokes or "teasing" of a sexist nature; making obscene gestures or suggestive/insulting sounds; indecent exposure; and/or inappropriate verbal or physical advances of a sexual nature.

Suspended Sentence

See CDR 4.1.3.

Suspension

See CDR 4.1.4.

TDC

The Tournament Disciplinary Committee which is a committee acting and completing its action at or immediately after an ACBL tournament and which hears disciplinary charges arising from action occurring at a tournament.

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The purpose of the CDR is to provide a fair hearing to every ACBL member 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. The CDR also applies to non-members of ACBL when participating in ACBL sanctioned events.

1. ACBL Disciplinary Bodies of Original and Appellate Jurisdiction

1.1 Unit Disciplinary Committee

1.1.1 Each Unit shall have a standing Disciplinary Chairperson.

1.1.2 Each Unit shall have either a standing Unit Disciplinary Committee or procedures to appoint a committee when necessary.

1.2 District Disciplinary Committee

1.2.1 Each District shall have a standing Disciplinary Chairperson.

1.2.2 Each District shall have either a standing District Disciplinary Committee or procedures to appoint a committee when necessary.

1.3 District Appellate Committee

1.3.1 Each District shall have a standing Appellate Chairperson who may not be the same person hearing the matter as in CDR 1.1.1 or 1.2.1.

1.3.2 Each District may have a standing District Appellate Committee but at a minimum must have procedures to appoint 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 1.1.1 or 1.2.1.

1.4 Tournament Disciplinary Committees are established by Units, Districts and/or the ACBL Board of Directors for hearing charges on actions occurring respectively at Sectional Tournaments, Regional Tournaments, North American Bridge Championships or ACBL sanctioned events sponsored by Units, Districts or the ACBL.

- 1.5 The Ethical Oversight Committee shall, upon charges being brought by ACBL Management, 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.
- 1.6 The Appeals and Charges Committee.
- 1.7 ACBL Management.
- 1.8 TDCs of organizations sponsoring an ACBL sanctioned tournament or event, except units, districts or ACBL.
- 1.9 The ACBL Disciplinary Committee shall hear cases regarding those matters specified in the CDR 2.2.3 (d), (e) and (f), 5.3.14 (c) or other original cases when so instructed by the ACBL Board of Directors. This committee shall act as an appellate body and hear appeals per CDR 7.3.

2. Jurisdiction

- 2.1 Of Units, Districts and ACBL (see also 2.2)
 - 2.1.1 A Unit has jurisdiction over:
 - (a) Members of the Unit when such a member is participating in a sanctioned event or other Unit, District or ACBL sponsored activity.
 - (b) Persons participating in a sanctioned event held within the Unit's geographical boundaries.
 - 2.1.2 A District has jurisdiction over:
 - (a) Persons participating in a sanctioned event or other Unit, District or ACBL sponsored activity held within its geographical boundaries (District Disciplinary Committee).
 - (b) Those residing within the District, for appellate purposes only (District Appellate Committee).

2.1.3 The ACBL has jurisdiction over:

- (a) Members of ACBL or others disciplined, for appellate purposes only, except where otherwise specified in the CDR.
- (b) Persons participating in a sanctioned event or sponsored activity held under its jurisdiction.
- (c) ACBL members who have been disciplined or sanctioned by any other bridge organization.

2.1.4 A Tournament Disciplinary Committee, as well as the disciplinary committee of the sponsoring organization, has jurisdiction over persons in attendance at that tournament. Notwithstanding the above, the disciplinary committee of the sponsoring organization has the right to hear a matter within its jurisdiction beyond the date or dates of the tournament. If such right is not exercised, the matter may be referred to the member's Unit pursuant to CDR 2.1.1.

2.1.5 None of the disciplinary bodies noted in CDR 2.2 has jurisdiction over an ACBL employee (member or not) in pursuit of his or her employment with the ACBL.

2.2 Of Disciplinary Bodies

2.2.1 Units have only original jurisdiction, except:

- (a) In hearing appeals of a barring from a sanctioned game at a club.
- (b) When otherwise explicitly stated in the CDR.

2.2.2 In addition to its appellate jurisdiction, Districts have original jurisdiction in the following cases:

- (a) Cases involving complaints against a person arising from that person's participation in a sanctioned event or activity sponsored by the District.
- (b) Cases involving alleged violation by Units referred to in CDR 9.1.
- (c) Cases where there is no appropriate Unit disciplinary body.

- (d) When, in the opinion of the District Board, circumstances make it impractical for the matter to be heard by the Unit.
- (e) When, in the opinion of the Unit or District Board, the matter cannot be fairly heard by the Unit.

2.2.3 The ACBL Board of Directors has original jurisdiction of the following:

- (a) Disputes between Districts.
- (b) Disputes between Units from different Districts.
- (c) Cases involving alleged violations by Districts, referred to in CDR 9.2.
- (d) When, in the opinion of the District Board or the ACBL Board of Directors, circumstances make it impractical or unfair for the matter to be heard by the District or Unit. If such matter is disciplinary in nature and of original jurisdiction, the matter shall be referred to the ACBL Disciplinary Committee for decision.
- (e) When a disciplinary committee refers a matter heard at an NABC to the ACBL, it shall be referred to the ACBL Disciplinary Committee for action.
- (f) When an ACBL member has been disciplined by another bridge organization, the Executive Committee of the ACBL Board of Directors may make charges under CDR 3.17 and refer the matter to the Ethical Oversight Committee or ACBL Disciplinary Committee as appropriate

2.2.4 In matters coming under CDR 2.2.3 (except as provided in 2.2.3(d), (e) and (f)), the matters will be considered and findings made by the Appeals and Charges Committee, subject to approval, modification or rejection by the Board of Directors.

2.2.5 ACBL Management has original jurisdiction of matters set forth in CDR 4.3, CDR 5.1.12 and other sections so provided in the CDR.

2.2.6 The Ethical Oversight Committee has jurisdiction over any ACBL member participating in any event that awards ACBL masterpoints and over non-members participating in an ACBL sanctioned event.

3. Grounds for Discipline

- 3.1 Violation of the Laws of Duplicate Contract Bridge.
- 3.2 Violation of ACBL regulations. Administrative regulations such as rules pertaining to sanctioned games at clubs are exempted.
- 3.3 Leaving a session prior to completion of play without either good cause or the permission of the tournament or game director.
- 3.4 Accusations of unethical bridge conduct at an ACBL sanctioned event, not made privately to a tournament director or other tournament official. Private and confidential conversations are not within the ACBL's jurisdiction even if they take place at a tournament site.
- 3.5 Violation of CDR 4.4.
- 3.6 Betting on the results of any ACBL sanctioned event.
- 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). "Site" includes, but is not limited to, parking lots, elevators, restaurants and hotels at or around the location of such tournament, event or activity. A private and confidential conversation is not within the ACBL's jurisdiction even if it takes place at a tournament site.
- 3.8 Non-payment of a valid hotel bill when the person participating in an ACBL sanctioned tournament stays at such hotel during that ACBL sanctioned tournament.
- 3.9 Non-payment of any sums owed ACBL, Districts, or Units. (For example: bad checks.)
- 3.10 Filing formal legal action against a Unit, District or the ACBL without first exhausting ACBL administrative or other internal remedies.
- 3.11 Improper conduct toward any official or body of ACBL 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 submitting false information to a tournament official, ACBL official or ACBL body.
- 3.14 Failure to appear before a disciplinary committee in violation of CDR 5.2.5, 5.3.3 and 5.3.5.
- 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 is not equivalent to a finding that there was not a reasonable basis.)
- 3.16 Refusing any reasonable request for cooperation by a duly appointed 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 discipline or sanction against said member. This section may be implemented only by the ACBL Executive Committee under CDR 2.2.3 (f).

4. Discipline

- 4.1 Except for disciplines which may be imposed at tournaments under CDR 5, the subsections in this CDR 4 set forth the only discipline which may be imposed by ACBL disciplinary bodies. ACBL disciplinary bodies may choose to combine such disciplines. Except for CDR 4.1.6, a disciplinary action by an ACBL disciplinary body shall apply to all events sanctioned by the ACBL. The following disciplines do not apply to 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 game to remove or ban any player from playing at that club game. All disciplines shall be matters of public review and shall be filed in the person's disciplinary record. Discipline imposed shall be subject to ACBL rules and regulations in effect at the time during which incident(s) occurred which led to the discipline.
 - 4.1.1 *Reprimand.* A written determination that a person has committed an offense warranting discipline for which the appropriate sanction is a statement of censure, an explanation of the relevant disciplinary policy and a warning against further related violations.

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.

- a. If the member is disciplined for another offense during a discrete probationary period, then if the new discipline is:
 - (1) Expulsion, no further discipline.
 - (2) Probation in excess of 90 days or suspension, the previous probation becomes suspension for the remainder or half of the probation period, whichever is the greater. The new discipline shall be consecutive, not concurrent. (See CDR 4.1.8.)
 - (3) Other, the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension.
- b. If the member is disciplined for another offense during an indeterminate, permanent or lifetime probationary period, then if the new discipline is:

- (1) Expulsion, no further discipline.
- (2) Probation in excess of 90 days or suspension, the committee issuing the new discipline shall determine how much of the previous probation shall become a period of suspension. The suspension must be a minimum of one year. The new discipline shall be consecutive, not concurrent. (See CDR 4.1.8.)
- (3) Other, 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, not concurrent. (See CDR 4.1.8.)

c. During the entirety of a probationary period which is greater than ninety (90) days, a member:

- (1) shall not be eligible to participate in international team trials conducted and sponsored by the ACBL; and
- (2) shall not be eligible to direct a sanctioned masterpoint game unless specifically authorized by ACBL Management or the ACBL Board of Directors.

- 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 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.)
- 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 CDR 4.1.8.)
- 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 CDR 4.1.8.)
- 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 programs sponsored by the ACBL, districts and/or units and receive the benefits therefrom. (See 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 forfeiture of a specified number or all of the masterpoints earned in that event, or in the tournament in which the offense occurred, or a reduction of rank in a particular event, or disqualification in the event or tournament, or disqualification from yearly races or awards or any combination of the above. (See 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.

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

- (a) Any participant(s) in an ACBL sanctioned event convicted of premeditated or collusive cheating or any participant who admits to such action or actions shall forfeit all masterpoints and titles theretofore earned by said participants in all ACBL events.
- (b) Any participant(s) in an ACBL sanctioned event suspended as a result of ethical transgressions, other than those set forth in this 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 year has been imposed, the committee may remove the masterpoints, titles and/or awards won within the twelve (12) calendar months preceding the date of the offense(s).
 - (2) When the discipline imposed is a suspension of one year or longer, the committee shall remove as a minimum, all masterpoints, titles and awards won within the twelve (12) calendar months preceding the date of the offense(s). The committee may remove additional masterpoints, titles and/or awards 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 (a) or (b) shall forfeit any title(s) and masterpoints won in events in which the offense or offenses occurred.
- (d) Titles forfeited in 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.
- (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 ACBL disciplinary body may order expungement as a part of a discipline.
- (b) A discipline which has been issued by an ACBL disciplinary body of original discipline may be expunged from a 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 hear a request to have a person's record expunged and order expungement at the Committee's sole discretion.

4.2 ACBL Probation and Suspension.

4.2.1 A person who has been disciplined twice in accordance with CDR 4.1 within a twenty-four (24) month period shall be automatically placed on ACBL probation for two (2) years by ACBL Management. A violation of such probation shall result in automatic suspension for sixty (60) days by ACBL Management and such additional disciplines, including expulsion from the ACBL, as may be determined by the ACBL Appeals and Charges Committee. At the meeting of the ACBL Appeals and Charges Committee the disciplined party is entitled to be present in person, by a qualified representative or by telephone to discuss the case. ACBL discipline imposed as a result of multiple offenses shall be consecutive to the imposition of the original discipline. When both of the disciplines are public reprimand, ACBL Management shall inform the person that he or she may request the Appeals and Charges Committee to consider extenuating circumstances to have the ACBL probation suspended. When considering such relief, the entire ACBL disciplinary record of the member shall be considered.

4.2.2 Violation of probation is deemed to have occurred when a person who is under ACBL probation has violated a law, rule or regulation of the ACBL and has been disciplined as a result of such violation, unless that new discipline is reversed by an appellate body and in the event of any further hearing(s), no further discipline is imposed.

4.3 Suspension by ACBL Management.

4.3.1 ACBL Management may impose an administrative suspension on a person who:

- (a) Has not paid dishonored checks to 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 ACBL, its Districts, Units or Conferences without notifying ACBL that he or she disputes such obligation in good faith.
- (d) Has failed to submit club masterpoint reports in a timely manner (the person may be either the sanctioned owner and/or club manager).
- (e) Has failed to return a traveling trophy upon demand.

4.3.2 Management Suspensions Under CDR 4.3.1

(a) Appeal from:

Unless provided for elsewhere in the CDR, an appeal from an administrative suspension may be submitted only to the ACBL CEO to be resolved at his or her sole discretion.

(b) Cancellation of:

ACBL Management may cancel any administrative suspension imposed under CDR 4.3.1 within sixty (60) days after the dishonored check(s), hotel bill(s) or outstanding debt(s) is paid or the trophy is returned, but if ACBL Management should not cancel such suspension, it shall report to the appropriate disciplinary body giving the reason therefore.

4.3.3 If ACBL Management has cause to believe that a person has violated his or her discipline, it may suspend such person pending a review by the person's Unit Disciplinary Committee for consideration of additional sanctions.

- 4.3.4 ACBL Management shall automatically impose an administrative suspension on a person who files 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):
- (a) A judgment in the action which is favorable to the ACBL;
 - (b) A dismissal of the action by the court with or without prejudice;
 - (c) Failure by the ACBL member to prosecute the action for any consecutive six month period after filing of the action; or
 - (d) A settlement of the action which does not specifically waive the provisions of this paragraph.
- 4.3.5 Such suspension shall be lifted only upon the occurrence of one of the following:
- (a) payment by the ACBL member of costs incurred in the action by the ACBL, its officers, agents, representatives and insurers; or
 - (b) 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 section (CDR 4.3.5)
- 4.4 While serving a suspension of any kind or while expelled , a 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 at the playing area of a tournament, (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.
- 4.5 The effective date of a discipline imposed shall be that date named by the committee in its determination, or failing that, five (5) days after the written notification to the disciplined person has been mailed.

- 4.6 A report shall be submitted to ACBL Management by the disciplinary body imposing a sanction. Further, in order that a disciplinary action may be considered in imposing ACBL Probation, a report must be on file with ACBL Management. ACBL's Disciplinary Guidelines are attached as CDR Appendix B.

5. Procedures for ACBL Disciplinary Bodies of Original Jurisdiction

- 5.1 Procedural Principles for Conduct of Hearings by Unit, District, and National Committees [*See, also CDR Appendix A (Guidelines for Disciplinary Proceedings)*]
- 5.1.1 The Chairperson of the disciplinary body should be familiar with the CDRs, *the Guidelines for Disciplinary Proceedings* (CDR Appendix A).
- 5.1.2 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.
- 5.1.3 A stenographic or recorded record shall be kept. If such a (or similar) record is not available, the appellate committee may remand the issue to the original hearing body to be reheard. Should a stenographic record be requested, the cost 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).
- 5.1.4 The Committee shall not be bound by legal rules, 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 and written statements may be admitted and given such weight as the Committee deems appropriate. Each member of the committee makes the decision as to responsibility using a standard of "clear and convincing proof."
- 5.1.5 The Committee shall determine the use of opening and closing statements and submission of briefs and memoranda.
- 5.1.6 Pre-hearing conferences may be held relative to the narrowing or framing of issues or procedural questions relating to the matter before the Committee, if, in the Committee's or its Chair's judgment it is so warranted.

- 5.1.7 Under such terms and conditions as the Committee, in its discretion, shall deem proper it may (but shall not be required to):
- (a) Direct pre-hearing disclosure of evidence and witnesses;
 - (b) Permit presentation of written statements for use at the hearing;
 - (c) Limit the number of witnesses to be heard;
 - (d) Clarify and define the issues to be heard; and
 - (e) Consolidate proceedings where the parties or the issues are the same.
- 5.1.8 The hearing may be adjourned from time to time for good cause shown, upon the application of a party or upon its own motion.
- 5.1.9 There shall be no automatic challenges to committee members. There may be challenges for cause, such as bias. In such cases the balance of the committee shall decide the validity of the challenge.
- 5.1.10 Other than as provided in the CDR, the party accused shall not be entitled to prehearing discovery as might be provided in civil litigation.
- 5.1.11 Representation on behalf of ACBL Disciplinary Bodies of Original and Appellate Jurisdiction may be provided at cost to the disciplinary body, as follows:
- (a) In matters before TDCs, the DIC may appoint a representative to be an advocate of the complainant or a neutral presenter of facts.
 - (b) In matters before Unit or District Disciplinary Committees, the Unit or District President may appoint a representative to be an advocate of the complainant or a neutral presenter of facts.
 - (c) In matters before the Ethical Oversight Committee, ACBL Management may appoint a representative to be an advocate of the complainant or a neutral presenter of facts.

- (d) In matters before District Appeals, the District President may appoint a representative to be an advocate of the complainant or a neutral presenter of the matters on appeal.
- (e) In matters before Appeals and Charges Committee, ACBL Management may appoint a representative to be an advocate of the complainant or a neutral presenter of facts.

5.1.12 If a complaint against a person based on the person's sexual harassment of a full-time or part-time ACBL employee or a unit or district tournament employee, is brought before an ACBL Disciplinary Body or to the Director-in-Charge (DIC) of a sectional or higher rated tournament, the Disciplinary Body or the DIC shall immediately forward the matter, in writing, to ACBL Management for action as follows:

- (a) ACBL Management shall expeditiously investigate the matter referred, including interviews of the complainant and accused, and make a decision to:
 - Exonerate the accused and take no action.
 - Require counseling
 - Impose a warning, which, although not a discipline, shall be maintained in the person's disciplinary file and may be used as evidence if future complaints of sexual harassment are made against this person.
 - Impose a reprimand.
 - Impose probation.
 - Impose suspension.
 - Impose expulsion.
 - Any combination of the above.
- (b) A written notice of the decisions of ACBL Management and the reasons therefore shall be provided to the accused person and the Appeals and Charges Committee.

- (c) At its first meeting subsequent to the ACBL Management decision, the Appeals and Charges Committee shall make an automatic review of the ACBL Management decision. Such reviews shall be consistent with the procedures at appellate reviews, except that the accused party shall be entitled to present evidence and witnesses at the review hearing.

5.1.13 All disciplinary actions are a matter of record. In order that a disciplinary action be considered in imposing probation under CDR 4.2, a report must be filed with ACBL Management.

5.2 Disciplinary Procedures for the Ethical Oversight Committee and Unit, District and ACBL Disciplinary Committees.

5.2.1 A complaint requesting a disciplinary hearing must be made in writing to the appropriate entity having jurisdiction (see CDR 2.1, 2.2 and 2.3) within the period of limitations described in CDR 5.2.1. (a), (b) and (c) below. Note: A complaint is the basis for an official charge to a disciplinary body. The disciplinary body receives and acts on a charge or charges, not a complaint or complaints.

- (a) An initial complaint involving a single incident of conduct must be brought within thirty (30) days of discovery of the incident. Irrespective of the foregoing period of limitations, the subject of a complaint is permitted to file a complaint related to the original incident against the complainant within fifteen (15) days of written notification that there has been a charge made against him or her.
- (b) A complaint involving a pattern of conduct must be brought within five (5) years of the earliest instance referenced in the complaint.
- (c) A complaint involving the conveying of information by unauthorized means, whether within a partnership or not (see Law 73.B.2), is not subject to a statute of limitations.

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 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?

5.2.3 A person charged with a violation of CDR 3 shall be entitled to:

- (a) Receive written notice of the date, time, and place of hearing. Should a person admit to a charge, a hearing shall be held in order to determine and impose appropriate discipline.
- (b) Be furnished with a written statement of the charge(s) and the name of the complainant.
- (c) Be represented by another person.
- (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 sentencing.
- (f) Question persons testifying through the Chair at the Chair's discretion.

5.2.4 All disciplinary bodies may allow reasonable adjournments or continuances consistent with the time available to the disciplinary body.

5.2.5 All complainants and/or the complainants' advocate are required to appear in person or by telephone. Failure to appear may be grounds for discipline.

5.2.6 Charged persons are not required to appear and their failure to appear shall not be grounds for further discipline.

- 5.2.7 A person's past ACBL discipline which is a matter of record, should such exist, may not be considered in establishing guilt but may be relevant to the discipline to be imposed if the person is found guilty. (See CDR Appendix B.)
- 5.2.8 The disciplined person, complainant or ACBL Management may file an appeal with the appropriate appellate body. The disciplined person and the complainant, if any, are to be informed by ACBL Management of this right in writing and in a timely manner along with notification of the name and address of the chairman of the appropriate appellate committee. (See CDR 7.)
- 5.2.9 Unless an incident reported on a player memo is included in the complaint and/or the charge(s), neither a player memo nor evidence regarding the incident noted on a player memo may be considered by the hearing committee in establishing guilt. In determining the severity of the discipline, a player memo within the past ten years may be used. When evaluating the relevance of these player memos, the committee should pay special attention to the completeness of the memo (i.e. whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the memo and the age of the memo.
- 5.2.10 A written report in a format provided by the ACBL shall be made of all hearings, including a brief summary of the facts, the committee's findings and what sanction, if any, is to be or was imposed. ACBL Management shall receive the written report and is required to provide a copy to the disciplined person and complainant.
- 5.2.11 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, except pursuant to appeal and/or for additional disciplines as provided under CDR 4.2, 5.3.11, 5.3.14 and 7.
- 5.2.12 At the request of ACBL Management in matters coming before the Ethical Oversight Committee, League Counsel may be present to advise the Committee as to procedural matters and matters of law. The League Counsel shall be impartial and, in no case shall the League Counsel act as an advocate for the ACBL or anyone appearing before the Committee.

- 5.2.13 When Management receives a hearing report in which the committee has imposed a discipline that contravenes or is inconsistent with the CDR, ACBL Management shall notify the committee chairperson in writing. The committee shall then reconvene on the matter of imposition of discipline.
- 5.3 Procedures Specific to Tournament Disciplinary Committees
- 5.3.1 Disciplinary procedures at tournaments are intended to be expeditious. Matters heard by a TDC involving tournament discipline shall be heard and the hearing conducted at or immediately after the tournament in which the event(s) involving the discipline took place. Notices may be oral and the proceedings may be informal.
- 5.3.2 A disciplinary complaint involving events at a tournament must be brought by a participant in the tournament, by the sponsoring organization recorder or by the Director in Charge ("DIC") or his or her designee, which designation may be written or oral. 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 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?
- 5.3.3 All complainants or the complainants' advocates are required to appear. Failure to appear may in itself be grounds for discipline.
- 5.3.4 Persons charged are not required to appear and their failure to appear shall not be grounds for further discipline.
- 5.3.5 When a Tournament Director or committee chairperson determines that a witness' testimony is critical to a hearing, then such a witness is required to appear or provide a signed written statement. Failure to appear at the hearing shall be grounds for discipline, unless reasonable cause is provided to the Tournament Director or the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.

5.3.6 A person charged with a violation under CDR 3 shall be entitled to (See CDR 6.1 and 6.2 following):

- (a) Receive written or oral notice of date, time and place of hearing. Should a person admit to a charge, a hearing shall be held in order to determine and impose discipline.
- (b) Be provided a written statement of the charge(s) and the name of the complainant.
- (c) Be represented by another person.
- (d) Produce evidence and make statements on his or her behalf.
- (e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
- (f) Question persons testifying through the Chair, and at the Chair's discretion.

5.3.7 Discipline imposed by a TDC for all or part of that tournament may not be stayed. Any discipline that survives the tournament may be stayed in accordance with CDR 8. Discipline not stayed shall be expunged if the decision of the Tournament Disciplinary Committee is reversed.

5.3.8 A person's past ACBL disciplinary sanctions which are a matter of record, should one exist, may not be considered in establishing guilt but may be relevant to the severity of the discipline to be imposed if the person is found guilty.

5.3.9 Unless an incident reported on a player memo is included in the complaint and/or the charge(s), neither a player memo nor evidence regarding the incident noted on a player memo may be considered by the hearing committee in establishing guilt. In determining the severity of the discipline, a player memo within the past ten years may be used. When evaluating the relevance of these player memos, the committee should pay special attention to the completeness of the memo (i.e. whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the memo and the age of the memo.

- 5.3.10 The disciplined person, complainant or ACBL Management may file an appeal with the appropriate appellate body. If present, the disciplined person and the complainant, if any, are to be informed of this right at the conclusion of the hearing along with notification of the name and address of the chairman of the appropriate appellate committee. After receiving the report of the hearing, the disciplined person and complainant shall be apprised expeditiously of this right in writing by ACBL Management. (See CDR 8.)
- 5.3.11 A suspension imposed by a TDC shall not exceed ninety (90) days nor may an additional probation exceed ninety (90) days.
- 5.3.12 When a discipline imposed exceeds the permitted disciplinary limits it shall be valid only to the extent set forth in CDR 5.3.11.
- 5.3.13 Any discipline surviving the tournament imposed by a TDC shall commence immediately following the tournament.
- 5.3.14 When the TDC determines the charged person has committed an offense which may warrant a discipline exceeding ninety (90) days, the TDC, after imposing either a suspension of ninety (90) days or probation of ninety (90) days or both under CDR 5.3, shall refer its report with its recommendations via ACBL Management to:
- (a) The Unit having jurisdiction when the action occurred during a Sectional tournament.
 - (b) The District having jurisdiction when the action occurred during a Regional tournament.
 - (c) The ACBL Disciplinary Committee when the action occurred during a North American Bridge Championship tournament or other event sponsored by ACBL.
 - (d) The sponsoring organization having jurisdiction when the infraction occurred.

6. Suspension Pending Hearing

- 6.1 When charge(s) have been made, a person so charged may play in an ACBL sanctioned event pending hearing unless otherwise directed by the chairperson of the committee which will be hearing the charge(s) or by the Director-in-Charge of a Sectional or higher-rated tournament when a charge is to be heard by a tournament disciplinary committee. Such suspension pending hearings should be rarely issued and only in extreme cases or when a hearing is delayed due to the fault of the person charged. A suspension pending a hearing may not be appealed.
- 6.2 When suspension pending hearing is directed by:
- 6.2.1 A Unit level disciplinary body, the hearing must commence within twenty (20) days, unless the person charged causes a delay.
- 6.2.2 A District level disciplinary body, the hearing must commence within sixty (60) days, unless the person charged causes a delay.
- 6.2.3 The Director-in-Charge of a Sectional or higher-rated tournament, the hearing must commence within 24 hours or immediately after 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, the suspension is lifted and the matter is referred to the appropriate Unit or District to be heard.
- 6.2.4 For the ACBL Appeals and Charges Committee , ACBL Disciplinary Committee or Ethical Oversight Committee the hearing must commence at the next ensuing ACBL Board of Directors' meeting or North American Bridge Championship consistent with adequate notice, unless delay is caused by the person charged.

7. Appeal Procedures

- 7.1 Appeals to the District:
- 7.1.1 A disciplined person, a complainant or ACBL Management may file a written appeal with the District Appellate Committee and/or the District President or their designee from:
- (a) A decision of TDC at a tournament held in that District.
 - (b) A decision of a Unit's Disciplinary Committee. Such Unit must be located within the geographical area of the District.
 - (c) A decision of that District's Disciplinary Committee.

7.1.2 Written notice of appeal must be made within thirty (30) days following the mailing of the written notice of the ruling being appealed. In order for an appeal to be granted by the District Disciplinary Chairperson and considered by the District Appellate Committee, a written statement, which shall provide an allegation that at least one (1) of the following exists, must accompany the appeal:

- (a) The decision is not supported by the weight of the evidence.
- (b) Procedures inconsistent with the CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary determination.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias, which affected the decisions of the panel, when objection to such bias was raised at the hearing.

7.1.3 The District shall hear and decide appeals expeditiously.

7.1.4 The decision of the District shall be in writing.

7.2 Appeals to Appeals and Charges Committee:

7.2.1 A disciplined person, a complainant or ACBL Management may file an appeal with the Chairman of the Appeals and Charges Committee from: (see also 7.2.2 and 7.5 below)

- (a) A decision of the Ethical Oversight Committee.
- (b) A decision of the District Appellate Committee.
- (c) A decision of the ACBL Disciplinary Committee.

7.2.2 The original hearing committee may file an appeal of the decision of the District Appellate Committee.

7.2.3 A written notice of appeal must be given to the Appeals and Charges Committee within thirty (30) days following the mailing of the notice of the ruling. In order 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 appeal which 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 a disciplinary body (i.e. not an appellate body).
- (b) Procedures inconsistent with the CDR.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

7.2.4 The Appeals and Charges Committee shall hear and decide appeals expeditiously.

7.2.5 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 and, thereafter, to all parties.

7.2.6 All disciplinary cases where:

- a. A suspension of one (1) year or longer is imposed,
- b. Expulsion is imposed or
- c. A discipline for an ethical violation is imposed;

shall be automatically reviewed by the ACBL Appeals and Charges Committee. On such automatic review, the Appeals and Charges Committee may increase or reduce discipline as well as affirm, reverse or modify the disciplinary determination or remand for further proceedings.

- 7.3 Appeals to the ACBL Disciplinary Committee:
- 7.3.1 A disciplined person, a complainant or ACBL Management may file an appeal with the Chairman of the ACBL Disciplinary Committee from a decision of an NABC tournament disciplinary Committee.
- 7.3.2 A written notice of appeal must be given to the ACBL Disciplinary Committee within thirty (30) days following the mailing of the notice of the ruling. In order for an appeal to be granted by the ACBL Disciplinary Chairperson and considered by the ACBL Disciplinary Committee, a written statement must accompany the appeal which 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.
 - (b) Procedures inconsistent with the CDR.
 - (c) Discipline inappropriate.
 - (d) One (1) or more person(s) on the hearing panel having a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.
- 7.3.3 The ACBL Disciplinary Committee shall hear and decide appeals expeditiously.
- 7.3.4 The decision of the ACBL Disciplinary Committee shall be in writing.
- 7.4 Appeals will be considered on the record made in prior hearings. No new evidence shall be allowed. A person's past disciplinary record, should one exist, may not be considered in review of the merits of the decision being appealed, but may be considered as to the severity of the sentence under review.
- 7.5 The disciplinary body is a party to any appeal taken from its action. The appellate body may permit persons other than the parties to the appeal to participate in the appeal. During the deliberations of the appellate body no additional persons other than League Counsel may be present.

- 7.6 An appellate body may: (i) affirm or reverse the decision; (ii) modify, reduce or increase the discipline being appealed; and (iii) remand the matter to any committee which previously heard the matter. An appellate body may not conduct a new hearing.
- 7.7 Each party to an appeal or review under this CDR 7 shall be entitled to:
- 7.7.1 Receive written notice of date, time and place of the appeals hearing.
 - 7.7.2 Be represented.
 - 7.7.3 Make statements on his or her behalf.
 - 7.7.4 Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
 - 7.7.5 Question persons testifying through the Chair, at the Chair's discretion.
- 7.8 In matters coming before the Appeals and Charges Committee, League Counsel shall be present at all times to advise the Committee as to procedural matters and matters of law. The League Counsel shall be impartial and, in no case, shall the League Counsel act as an advocate for the ACBL or anyone appearing before the committee.

8. Stays of Execution of Discipline Pending an Appeal

- 8.1 The mere filing of a notice of appeal does not stay execution of a discipline.
- 8.2 A stay pending an appeal may be granted only on written request which will include the reasons for the request. Once granted, neither the appeal nor the request for the stay may be withdrawn. The foregoing does not affect the power of the grantor to modify or vacate the stay.
- 8.3 A stay may be granted only if the appellant makes a showing that a reasonable likelihood exists that the verdict will be reversed or that the discipline will be reduced.

8.4 A stay of execution pending the disposition of an appeal may be granted by:

8.4.1 The Chairman of the District Appellate Committee, when the appeal is to the district.

8.4.2 The Chairman of the Appeals and Charges Committee, when the appeal is to the Appeals and Charges Committee.

8.4.3 The Chairman of the ACBL Disciplinary Committee, when the appeal is to the ACBL Disciplinary Committee.

9. Disciplines Involving Units or Districts

9.1 When it is alleged that a Unit has violated ACBL, District, or its own bylaws or regulations, has acted in an illegal or improper manner, or has improperly failed to act upon a complaint, a member, or group of members, or Unit or District may bring the matter directly to the District Disciplinary Committee to request a hearing. The District Disciplinary Committee 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; or the matter lacks significance to warrant a hearing.

9.2 When it is alleged that a District has violated ACBL or its own bylaws or regulations, or has acted in an illegal or improper manner, or has improperly failed to act upon a complaint, a Unit, a member, or group of members may bring the matter directly to the ACBL Board of Directors' Appeals and Charges Committee to request a hearing. The Appeals and Charges Committee 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 District level; or the matter lacks significance to warrant a hearing.

9.3 When it is alleged that the Board of Directors has violated ACBL bylaws or 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 Chief Executive Officer and the League Counsel to request a hearing. The Special Committee may decide not to conduct a hearing if it finds that the case does not warrant any action.

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