

APPENDIX C

RECORDER REGULATIONS AND PROCEDURES

GOAL

The Recorder System is intended to handle matters that:

- A. by themselves do not warrant the filing of formal charges;
- B. are very serious where only the implication of wrongdoing exists without the substantial evidence required to bring formal charges;
- C. are a request to have the Subject's behavior modified by counseling and/or education.

DEFINITIONS

- A. Appointing Body: The entity (ACBL, District or Unit) that appoints, hires, or designates the Recorder.
- B. Assistant Recorder: A person authorized to act on behalf of a Recorder. Unless otherwise noted, every reference to a Recorder applies equally to an Assistant Recorder and a Temporary Recorder.
- C. 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 grounds for discipline outlined in CDR Section 3 and requesting that charges be made to the appropriate Disciplinary Body.
- D. File: The collection of written or digitized documents that includes the Player Memo, any responses, all investigative notes and other relevant documents.
- E. 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.
- F. Recorder: The person with the ultimate responsibility for carrying out the duties outlined in these guidelines.
- G. Reporter: The person who files with the Recorder the Player Memo.

H. Subject: The person who is the subject of the Player Memo.

I. Temporary Recorder: A person authorized to act on behalf of a Recorder for a specified time period.

Capitalized terms used in this Appendix C without definition shall have the meaning assigned to them in the ACBL Code of Disciplinary Regulations.

APPOINTMENT

A. With the exception of the ACBL National Recorder, a Recorder is an official of the Appointing Body. Such Recorder may be removed from office by whatever reasonable procedures are established by the Appointing Body. Each Appointing Body should establish procedures for appointment and replacement of Recorders, Assistant Recorders and Temporary Recorders. These procedures should be constructed to distance the position and person of Recorder from the political arena.

QUALIFICATIONS

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 attributes:

A. Unimpeachable ethics, integrity, honesty, and demeanor;

B. The ability to discuss, without offending the Subject, all matters, including the most serious ethical concerns;

C. Excellent communication skills;

D. Acknowledged bridge ability;

E. The ability to act in a non-political manner; and

F. Familiarity with the Laws of Duplicate Bridge and the ACBL Code of Disciplinary Regulations.

DUTIES AND RESPONSIBILITIES of a Recorder are:

A. To receive, investigate and evaluate Player Memos;

- B. To check a Subject's history upon receipt of a new Player Memo involving said Subject;
- C. To educate Reporters and Subjects about proper demeanor and ethical behavior in accordance with the Laws of Duplicate Bridge and the ACBL Code of Disciplinary Regulations;
- D. To communicate with those involved in a reported incident, particularly the Reporter and Subject;
- E. To maintain a record of all Player Memos, including investigation and resolution;
- F. To make or assist with an impartial presentation of evidence to a disciplinary committee;
- G. To prosecute the Complaint on behalf of his or her Appointing Body when selected or appointed to do so.

AUTHORITY

- A. A Recorder has no disciplinary authority and MUST not give any such indication to the contrary.
- B. A Recorder, as a means to resolve a Player Memo or Memos, may file a Complaint against a Subject with an appropriate Disciplinary Body.
- C. A Recorder may choose to inform a Subject that a Complaint may be filed in the future should the undesirable behavior continue.

ELIGIBILITY FOR OTHER BRIDGE OFFICE

- A. A Recorder should 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.
- B. A Recorder should not, but may, be a member of a disciplinary committee for another Appointing Body. A Recorder must not participate in any case in which the facts may present a conflict of interest and must not be a member of the disciplinary committee for any case that he investigated as a Recorder.

C. A Recorder may be a member of any disciplinary committee after leaving office, but shall not hear any case with which (s)he was involved while serving as a Recorder.

D. A Recorder may be a member of any bridge appeals committee so long as this service does not create a conflict of interest or the appearance of a conflict of interest.

E. A Recorder should decline to serve on a bridge appeals committee when other qualified individuals are available.

TOURNAMENT RESPONSIBILITIES

A. The Recorder should be available for any tournament sponsored by his or her Appointing Body. If not available, the Recorder or the Appointing Body is responsible to nominate a qualified assistant to perform all recorder functions. The Assistant Recorder is subject to all limitations imposed on the Recorder. In the event that no Recorder is available at a tournament, the Director-in-Charge (DIC) will act as an on-site Recorder. The DIC is responsible for sending any and all Player Memos to the organization's Recorder.

B. The DIC of the tournament shall also ensure that a copy of all Player Memos are forwarded to the ACBL National Recorder for review.

GUIDELINES FOR EXECUTION OF DUTIES

A. The Recorder must make his or her best effort to maintain the confidentiality of the Player Memos. Unless confidentiality is waived by the Reporter, the Recorder should maintain, as confidential, the identity of the Reporter, even if this precludes speaking with the Subject of the report. Such information may be revealed only when necessary to the investigation and in maintaining files and records. Violating the confidentiality of the process is a basis for removal from office. This responsibility is of the highest priority and must continue even after the Recorder's duties have ended.

B. The Subject and the Reporter are entitled to privacy regarding the reported incident, subject to the needs of the investigation. If the Recorder files a Complaint based, in whole or in part, upon a Player Memo, that Player Memo becomes evidence and the Reporter becomes a witness, if available, subject to the Reporter's continuing right to assert confidentiality. Further confidentiality and privacy, if any, are determined by the Code of Disciplinary Regulations.

C. A Recorder should inform club managers, tournament chairpersons and tournament directors of the proper procedures for delivery of Player Memos to the Recorder.

D. Upon receipt of a Player Memo, a Recorder should make an initial assessment as to whether the subject matter and related current or prior reports could form the basis for a Complaint or whether the Player Memo should simply be recorded.

E. Upon receipt of a Player Memo that could be the basis for a Complaint, the Recorder investigates the matter or refers the Player Memo to the appropriate Recorder to investigate. Matters that could involve ethical breaches should be referred to the ACBL National Recorder for evaluation prior to the start of an investigation. If the confidentiality of the Reporter has been waived, the Recorder may discuss the case with the Subject and give the Subject an opportunity to reply to the report in writing. As appropriate and as confidentiality permits, the Recorder may investigate further by interviewing witnesses and/or holding additional meetings with the Reporter or the Subject.

F. After a complete investigation, the Recorder makes an evaluation:

1. If a Recorder will be filing a Complaint, the Subject should be so informed by the Recorder. If the Reporter may be a witness or his report may be used as part of the Complaint, he should be so informed by the Recorder. If the Reporter requests confidentiality, the Recorder must prepare the Complaint without reference to the Player Memo. The Complaint is filed with the appropriate organization's Recorder.

2. When the Recorder is recording the Player Memo, he should retain a copy of the file and send a copy of the file to the ACBL National Recorder. If the Player Memo contains any possible indication of wrongdoing, it should be recorded and filed with the appropriate organization's Charging Party.

G. A Recorder should communicate with the Reporter regarding the status of a Player Memo. Given the circumstances of any case and the need to preserve the Subject's rights 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 addressed or (2) the Player Memo was received and the Recorder has concluded the investigation, stipulating one of the following results:

- a. The incident was recorded;
- b. The incident was referred for discipline; or

c. No further action was taken.

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

RECORDER FILES

A. All files are the property of the investigating Recorder's Appointing Body. Access to that file is by permission of the Recorder or the Appointing Body.

B. Periodically, a Recorder should review all files in his or her possession. During these reviews, a Recorder should note if more than one Player Memo involves the same Subject. If so, (s)he should evaluate the memos for possible action based on a pattern of behavior.

C. To the extent possible, a Recorder should cross-file the Player Memos under both the Reporter's name and the Subject's name.

NATIONAL OFFICE OF RECORDER

A. The National Office of Recorder is the administrative office of the ACBL National Recorder.

B. Daily administration is under the aegis of the ACBL National Recorder. The primary purpose of this office is to help the ACBL National Recorder perform his or her legitimate duties.

C. The National Office of Recorder maintains all ACBL Recorder files.

D. The files are the property of ACBL.

SPECIAL ACBL RECORDER REGULATIONS AND PROCEDURES

A. ACBL NATIONAL RECORDER

1. The ACBL National Recorder is selected and hired by ACBL Management. With the approval of ACBL Management, the ACBL National Recorder may appoint assistants.

2. Each Assistant ACBL National Recorder will perform those functions assigned by the ACBL National Recorder. The authority of an Assistant ACBL National Recorder may never exceed the authority of the ACBL National Recorder.

B. ADDITIONAL ACBL NATIONAL RECORDER DUTIES

1. The ACBL National Recorder may submit evidence or Player Memos to the Anti-Cheating Commission (ACC) for evaluation of a recommendation. The National Recorder will regularly provide any relevant ethical Player Memos or other evidence to the ACC.

2. The ACBL National Recorder may also receive information in forms other than Player Memos. These reports may be from any source or sources. The ACBL National Recorder, if appropriate, should then document the information received.

3. The ACBL National Recorder shall have additional duties, including but not limited to:

- a. Advising Unit and District Recorders;
- b. Conducting seminars for Recorders at NABCs.