

**AMERICAN CONTRACT BRIDGE LEAGUE  
CODE OF DISCIPLINARY REGULATIONS**

**ENACTED BY BOARD ACTION JULY 1975**

<b>Revised</b>	<b>Effective</b>	<b>Revised</b>	<b>Effective</b>	<b>Revised</b>	<b>Effective</b>
1977-1	March 1977	1980-3	January 1981	1982-3	December 1982
1985-2	October 1985	1989-2	August 1989	1990-3	November 1990
1991-2	August 1991	1992-3	November 1992	1993-1	March 1993
1994-1	March 1994	1994-3	November 1994	1995-3	November 1995
1996-2	August 1996	1997-3	January 1998	1998-3	January 1999
2000-1	March 2000	2000-3	January 2001	2001-1	April 2001
2001-2	August 2001	2001-3	November 2001	2002-3	November 2002
2003-1	March 2003	2003-2	July 2003	2003-3	November 2003
2004-1	March 2004	2004-2	July 2004	2004-3	November 2004
2005-1	March 2005	2005-2	July 2005	2005-3	January 2006
2006-1	March 2006	2006-2	July 2006	2006-3	November 2006
2007-2	August 2007	2007-3	January 2008	2008-1	April 2008
2008-3	January 2009	2009-1	April 2009	2009-2	August 2009
2009-3	January 2010	2010-2	August 2010	2010-3	January 2011
2011-2	August 2011	2011-3	January 2012	2012-3	January 2013
2013-1	April 2013	2013-3	November 2013	2014-3	January 2015
2015-1	March 2015	2015-2	August 2015	2015-3	November 2015
2016-1	March 2016	2016-2	August 2016	2017-2	August 2017
2018-2	July 2018	2018-3	January 2019	2019-1	March 2019
2019-1	April 2019	2019-1	July 1, 2019	2019-2	July 19, 2019
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# CODE OF DISCIPLINARY REGULATIONS

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## Definitions

<b>ACBL</b>	American Contract Bridge League and, as the context requires, any of its affiliates.
<b>ACBL activity</b>	Any ACBL sanctioned event (including parking lots, elevators, communal areas, restaurants and hotels at or around the location of the activity), ACBL (or affiliated organizational) meetings, or other activity conducted for ACBL purposes.
<b>ACBL CEO</b>	The Executive Director of the ACBL.
<b>ACBL Disciplinary Committee</b>	A non-board committee established by the Board of Directors to accomplish the goals and objectives set forth for it in this CDR. See CDR § 201(F).
<b>ACBL Handbook</b>	The ACBL Handbook of Rules and Regulations, as amended, supplemented or otherwise modified from time to time.
<b>ACBL Management</b>	The ACBL Executive Director or his or her designee.
<b>ACBL Officials</b>	<p>Members of the ACBL Board of Directors, members of the ACBL Board of Governors, members of any ACBL Foundation Board or of any ACBL committee, sub-committee or commission appointed by the ACBL President, the ACBL Board or a member of the ACBL Board.</p> <p>Members of any District or Unit Board within the ACBL and of any duly appointed or elected committee or sub-committee of such Board.</p> <p>Members of any ACBL Tournament Disciplinary Committee and all independent contractors hired by a Tournament Disciplinary Committee. This includes all Tournament Assistants and Caddies hired to work at an ACBL sanctioned tournament.</p> <p>ACBL employees, including, but not limited to, the ACBL National Recorder, In-House Counsel and ACBL CEO.</p>
<b>ACBL Regulations</b>	This ACBL Code of Disciplinary Regulations, the Laws, the ACBL Bylaws, the ACBL Codification, the ACBL Handbook, the General Conditions of Contest for ACBL events (and Conditions of Contest for a specific event), the Bidding Box Regulations and any other rules and regulations of similar import.
<b>Administrative Violation</b>	“Administrative” violations are actions or behaviors in an ACBL activity described in §§ 303 et. seq.
<b>Advocate</b>	A person selected by the Charging Party and the Charged Party to represent their respective position before a Disciplinary Body.
<b>Appeals and Charges (A&amp;C) Committee</b>	A committee of the Board of Directors which hears all disciplinary appeals on behalf of the Board of Directors.

<b>Attorney</b>	A person who is licensed or has been licensed to practice law in any jurisdiction.
<b>Automatic Probation</b>	Probation automatically imposed by ACBL Management in accordance with CDR § 305.
<b>Automatic Suspension</b>	A Suspension automatically imposed by ACBL Management in accordance with CDR § 305.
<b>Board of Directors (BOD)</b>	The governing body of the ACBL.
<b>bridge organization</b>	An independent organization that organizes bridge in a certain location or geographical area such as a National Bridge Federation (as defined by the World Bridge Federation, for example, the United States Bridge Federation) or Zonal Conference of the World Bridge Federation (for example, the European Bridge League).
<b>Catchline headings</b>	The catchline headings of the sections of this CDR should be considered to be a part of the respective sections of the CDR.
<b>Cause</b>	With respect to removal of a member of a Disciplinary Body “for cause,” the reasons affecting and concerning the ability and fitness of such member to perform the duty imposed upon him that are sufficient to warrant removal; it does not mean some arbitrary or capricious action.
<b>CDR</b>	This ACBL Code of Disciplinary Regulations, as amended, supplemented or otherwise modified from time to time.
<b>Charge</b>	A matter brought to a Disciplinary Body based upon a Complaint that sets forth an offense (i.e., a particular kind of act or conduct set forth in CDR §§ 301-305 that produces liability to discipline) for which a Charged Party is alleged to be responsible.
<b>Charged Party</b>	A person against whom Charges have been brought.
<b>Charging Party</b>	The official of a District or the ACBL who, acting upon a Complaint, brings Charges against another.
<b>Collusive Cheating</b>	An agreement made between two or more people, at least one of whom is a contestant, to exchange or pass information illicitly. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.
<b>Comfortable Satisfaction</b>	A burden of proof that is met when, after a careful weighing of the evidence and the facts proved by direct, circumstantial or other evidence, the decision maker has a comfortable satisfaction that he or she has reached a correct and just conclusion. It is higher than “preponderance of the evidence” standard but not as high as “beyond a reasonable doubt.”
	Direct evidence, circumstantial evidence, hearsay evidence,

witness statements, mathematical analysis and any other relevant evidence (including evidence from outside of the ACBL) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.

**Complainant**

An ACBL Recorder who brings a Complaint.

**Complaint**

A written accusation by an ACBL recorder based on a reported Incident from a member, a non-member playing in an ACBL sanctioned tournament, ACBL Management, a Unit or a District alleging an act or conduct not in conformance with the ACBL's standards that requests that Charges be brought to an appropriate Disciplinary Body for a hearing.

**Conduct Violation**

"Conduct" violations are actions or behaviors in an ACBL activity described in §§ 302 et. seq.

**Conference**

A voluntary association of neighboring Units and/or Districts organized to advance the purposes of ACBL and its member Units.

**DIC**

Director-in-Charge.

**Disciplinary Bodies**

Those bodies set forth in CDR §§ 101-110 which are authorized to hear cases involving the discipline of ACBL members (or non-members of the ACBL when participating in ACBL sanctioned events) or affiliates.

**Disciplined Person**

A person whom a Disciplinary Body has determined to be responsible for the Charge(s) brought against him or her and who shall be subjected to a discipline set forth in CDR §§ 401-407.

**Discrimination**

Actions against a full-time or part-time ACBL employee, independent contractor, member, or participant in an ACBL sanctioned event because of that person's race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics covered by federal law.

**Electronic Presence**

Participation in a hearing by means of a conference telephone or similar communications equipment or by electronic video screen communication; participation by such means shall constitute presence in person at a hearing as long as all persons participating in the hearing can hear each other at the same time and each person can participate.

**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

<b>Ethical Oversight Committee (EOC)</b>	<p>action of a Disciplinary Body.</p> <p>A non-board committee established by the Board of Directors which hears original cases of First Degree Ethical Violations or other disciplinary referrals under CDR § 202(E).</p>
<b>Ethical Violations</b>	<p>In general, ethical violations are actions (other than those permitted by the Laws or other ACBL regulations) that are likely to have a material impact on the outcome of a bridge competition.</p>
<b>Expunged or Expungement</b>	<p>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.</p>
<b>Hearing</b>	<p>A location where a disciplinary procedure under this CDR is held, which may be a physical location, virtual location via telephone or other electronic means, or a combination of these.</p>
<b>Hearing Report</b>	<p>A form report provided by the ACBL to a Disciplinary Body for completion following a hearing which provides a summary of the facts, the Disciplinary Body's findings and what discipline, if any, is to be or was imposed.</p>
<b>Incident</b>	<p>An occurrence of conduct or actions by a player or an ACBL member which may be the basis for a player memo or a Complaint.</p>
<b>Institute for Bridge Arbitration</b>	<p>The Institute for Bridge Arbitration (IBA) is the specialized disciplinary body of the American Arbitration Association (AAA) that hears cases alleging an Ethical Violation set out in CDR § 301(A)-(D).</p>
<b>Law</b>	<p>A provision in the "Laws of Duplicate Contract Bridge" or the "Laws of Duplicate Bridge", as each, respectively, may be amended, supplemented or otherwise modified from time to time.</p>
<b>mail</b>	<p>"Mail" shall mean service by first class mail or email, request of delivery receipt required.</p>
<b>member in good standing</b>	<p>An ACBL member shall be deemed to be in "good standing" when such member's dues, if dues are required, are current and such member is not currently:</p> <ol style="list-style-type: none"> <li>1. expelled;</li> <li>2. serving a term of Suspension;</li> <li>3. serving an indefinite Probation;</li> <li>4. serving a Probation, the initial term of which was 24 or more months; or</li> <li>5. serving a term of Probation following a Suspension, the initial term of which was more than 90 days.</li> </ol> <p>A member who is not in good standing (as defined herein) shall not be entitled to:</p>

1. serve in any elected or appointed position in ACBL;
2. receive any subsidy or remuneration from ACBL;
3. participate in Masterpoint races;
4. receive recognition for Masterpoint rank promotion;
5. publish an article in any ACBL publication;
6. vote in any election in which general membership is electorate;
7. serve as a club manager or director;
8. participate in events where such participation is prohibited by Conditions of Contest;
9. vote in a Hall of Fame election; and/or
10. membership on the Goodwill Committee.

(reprinted in ACBL Codification, Chapter 1, § 2.3.1-2.3.2)

<b>Month</b>	For the purposes of this CDR, a month is equal to thirty (30) days.
<b>NABC</b>	North American Bridge Championships.
<b>NBO</b>	A National Contract Bridge Organization (as defined in the World Bridge Federation Bylaws) that is a member of the World Bridge Federation and controls bridge in its country (as defined in the World Bridge Federation Bylaws).
<b>Negotiated Resolution</b>	An agreement for resolution of a disciplinary proceeding between the Charging Party and the Charged Party presented to the Disciplinary Body for its approval. (See CDR § 502(L))
<b>Online Ethical Oversight Committee (OEOC)</b>	A non-board committee established by the Board of Directors which matter under CDR § 202(G).
<b>player memo</b>	A written document informing the recorder about an Incident. The player memo is not necessarily a Complaint, but it may be used as the basis for a Complaint.
<b>preponderance of the evidence</b>	Evidence that is more convincing than the evidence opposed to it.
<b>President</b>	The President of the ACBL Board of Directors.
<b><i>prima facie</i></b>	Evidence that is sufficient to establish a fact in question until rebutted.
<b>recorder</b>	A person assigned the duty to collect and record player memos and other reports, investigate allegations of wrongdoing and educate players regarding demeanor and ethical behavior pursuant to ACBL Regulations.
<b>sanctioned event</b>	For this 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.

<b>TDC</b>	A NABC Tournament Disciplinary Committee. It has limited disciplinary powers and it conducts a hearing and completes its deliberations at or immediately after an ACBL NABC tournament and hears Charges arising from Incidents occurring at a tournament. (See also CDR § 503.)
<b>Unit Sponsored Club</b>	A club which has any one or more of the following features: (a) a board which is the same as the Unit Board or whose members are appointed by the Unit; (b) a co-mingling of funds with those of the Unit; (c) the placement of funds in a Unit-owned account; or (d) the appointment of a club manager or director by the Unit.
<b>Zonal Conference</b>	Zones established by the World Bridge Federation within each the five continents that organize, manage and administer contract bridge activities within their geographical boundaries.

Unless the context clearly dictates otherwise, the singular includes the plural and the masculine includes the feminine and vice versa. Masterpoints is a registered trademark of the ACBL.

## CODE OF DISCIPLINARY REGULATIONS

*The purpose of this Code of Disciplinary Regulations (CDR) is to set forth a comprehensive disciplinary process and structure that provides a fair hearing to every ACBL member (or non-member of the ACBL participating in ACBL sanctioned events) 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. Disciplinary proceedings under this CDR do not establish the guilt of the accused in a legal sense, as understood in a court of law – rather they only establish a Charged Party’s responsibility as affecting the ACBL’s judgment of his or her fitness for the privileges of membership or continued participation in ACBL sanctioned events.<sup>1</sup> They are the internal administrative proceedings of a membership organization and the procedures listed herein are not to be expanded upon or added to in the conduct of proceedings.*

In the event of any inconsistency between this CDR and the specific actions of the BOD as set forth in the ACBL Codification, this CDR shall control.

### 1. ACBL DISCIPLINARY BODIES

#### 101. SIZE OF DISCIPLINARY PANELS

All ACBL Disciplinary Bodies, except ACBL Management, whether exercising original or appellate jurisdiction, must consist of a minimum of 3 members.

#### 102. DISTRICT DISCIPLINARY COMMITTEE

- (A) Each District shall have a standing Disciplinary Committee chairperson.
- (B) Each District shall have either a standing District Disciplinary Committee, which shall be responsible for conducting disciplinary hearings in conformance with this CDR, or procedures to appoint such a committee when necessary.

#### 103. DISTRICT APPELLATE COMMITTEE

- (A) Each District shall have a standing Appellate Committee chairperson who may not be the same person in § 102(A).
- (B) Each District may have a standing District Appellate Committee, which shall be responsible for conducting appellate hearings in conformance with this CDR, but, at a minimum, must have procedures to appoint such a committee when necessary. In no event may a member of this committee be a member of the committee in CDR § 102(B).

#### 104. NABC TOURNAMENT DISCIPLINARY COMMITTEE

#### 105. DISCIPLINARY COMMITTEE OF SPONSORING ORGANIZATION

In certain cases, organizations other than ACBL Districts or the ACBL will sponsor an ACBL

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<sup>1</sup> Paraphrased from Ch. XX of Robert’s Rules of Order Newly Revised.

sanctioned tournament or event.

106. ACBL MANAGEMENT

107. ETHICAL OVERSIGHT COMMITTEE

108. ACBL DISCIPLINARY COMMITTEE

109. APPEALS AND CHARGES COMMITTEE

110. ONLINE ETHICAL OVERSIGHT COMMITTEE

## 2. JURISDICTION OF DISCIPLINARY BODIES

### 201. JURISDICTION OVER PERSONS AND CASES BY ACBL DISTRICTS AND DISTRICT BODIES

(A) **Jurisdiction over Persons by Districts and District Bodies.** A District has jurisdiction over Incidents that involve:

- (1) Persons participating in an ACBL sanctioned event or other activity (sponsored by any Unit, any District or the ACBL) held or occurring within its geographical boundaries. However, if a District sponsors an event in another District's geographical boundaries, the District in which the event is held may agree to the sponsoring District having jurisdiction over any violations of this CDR occurring at that event, but this decision must be made at the time that it gives permission to hold the event within its geographical boundaries.
- (2) Persons participating in an ACBL sanctioned event or other activity at a Unit Sponsored Club held within that District's geographic boundaries.
- (3) Members of that District when such member is participating in an ACBL sanctioned event or other activity sponsored by any Unit, any District, or the ACBL.
- (4) Persons participating in a club sponsored ACBL sanctioned event held within the District's geographical boundaries relating to Complaints of alleged Second or Third Degree Ethical Violations as set out in CDR § 301(B)-(C).
- (5) Member Units limited to allegations brought under CDR § 801.

(B) **Limits of District Jurisdiction over Persons.** The District does not have jurisdiction over:

- (1) Persons accused of alleged First Degree Ethical Violations as set out in CDR § 301(A).
- (2) Persons accused of Ethical Violations Not Otherwise Specified as set out in CDR § 301(D).
- (3) Persons accused of Administrative Violations as set out in CDR § 301(C).
- (4) Persons participating in any online event that awards ACBL masterpoints as set out in CDR § 202(G).
- (5) ACBL employees in pursuit of their employment with the ACBL.
- (6) A club manager or club manager's staff in pursuit of their club activities that is accused of a matter set out in CDR § 303.
- (7) Persons accused of conduct matters that occur at a club sponsored ACBL sanctioned event at a privately owned club.

- (8) Persons that have been disciplined twice within twenty-four (24) month as set out in CDR § 305.

(C) **Jurisdiction of Cases by a District Disciplinary Committee.** A District Disciplinary Committee has jurisdiction over:

- (1) Cases involving Charges against a person arising from that person's participation in an ACBL sanctioned event or other activity sponsored by that District as set out in CDR § 201(B). (*See also* Limits of District Jurisdiction CDR § 201(D).)
- (2) An Appeal of an ACBL member barred from a club as set out in CDR § 601(B) or non-member as set out in CDR § 601(B)(2).
- (3) Cases involving disputes between Units from the same District.
- (4) Cases involving Charges based on a pattern of conduct against a person when the most recent incident occurred under that District's jurisdiction set out in CDR § 201(B). (*See* Limits of District Jurisdiction CDR § 201(D))
- (5) Cases involving alleged violations by member Units as set out in CDR § 801.
- (6) When otherwise expressly stated in this CDR.

(D) **Jurisdiction of Cases by a District Appellate Committee.** A District Appellate Committee has jurisdiction over:

- (1) An Appeal of the decision of that District's District Disciplinary Committee, except a decision against or for a Unit as an entity that had been brought as set out in CDR § 801.
- (2) When otherwise expressly stated in this CDR.

## 202. JURISDICTION OVER PERSONS AND CASES BY ACBL AND NATIONAL BODIES

(A) **Jurisdiction over Persons by ACBL and National Bodies.** The ACBL has jurisdiction over Incidents that involve:

- (1) Persons participating in an ACBL sanctioned event or other activity, including any online event or activity.
- (2) ACBL members who have been found responsible and/or disciplined by any other bridge organization for an Ethical Violation.
- (3) Persons that have been disciplined by any Disciplinary Body listed in CDR §§ 101-110 twice within a twenty-four (24) month period.
- (4) Persons that violate an Automatic Probation.
- (5) A club manager or staff based in pursuit of their club activities or duties that is

accused of a matter set out in CDR § 303.

- (6) Persons alleged of Administrative Violations as set out in CDR § 303.
- (7) Persons alleged of First Degree Ethical Violations as set out in CDR § 301(A).
- (8) Persons alleged of Ethical Violations Not Otherwise Specified as set out in CDR § 301(D).
- (9) Persons accused of Violations of ACBL Disciplinary Procedures or Against ACBL Officials as set out in CDR § 304.
- (10) Districts limited to allegations brought as set out in CDR § 801 or CDR § 802.
- (11) Disputes between Districts or between Units from different Districts.
- (12) When otherwise expressly stated in this CDR.

**(B) Jurisdiction of Cases by ACBL Disciplinary Committee.** The ACBL Disciplinary Committee has jurisdiction over:

- (1) Cases involving Charges brought against an individual as set out in CDR § 502(K).
- (2) A decision from a NABC Tournament Conduct Committee that includes an additional discipline recommendation as set out in CDR § 503(M).
- (3) Appeal of a decision of a NABC Tournament Conduct Committee.
- (4) Cases in which:
  - (i) Circumstances make it impractical or unfair for a matter to be handled by the District; or
  - (ii) The issues involved are of paramount importance to the ACBL.

ACBL Management may use the Executive Committee of the ACBL BOD to make a determination under subrule (B)(4).

In these disputes or cases, the ACBL BOD delegates its duties as Charging Party to the Executive Director to act on its behalf. Any dispute or case that results in a Charge shall be heard by the ACBL Disciplinary Committee.

- (5) When otherwise expressly stated in this CDR.

**(C) Jurisdiction of Cases by ACBL Management.** ACBL Management has jurisdiction over:

- (1) Persons disciplined twice (other than Reprimand) within a 24 month period by a Disciplinary Body listed in CDR §§ 101-110 as set out in CDR §

305(A).

- (2) Persons that violate Automatic Probation as set out in CDR § 305(A).
- (3) Cases involving allegations of sexual harassment of a full-time or part-time ACBL employee or a Unit or District tournament employee.
- (4) Administrative Violations as set out in CDR § 303.
- (5) When otherwise expressly stated in this CDR.

(D) **Jurisdiction of Cases by Appeals and Charges Committee.** The A&C Committee has jurisdiction over:

- (1) Disputes between Districts.
- (2) Disputes between Units from different Districts.
- (3) Allegations brought against a District as set out in CDR § 802.
- (4) Appeal of a decision of the ACBL Disciplinary Committee, a District Appellate Committee, the EOC, and the OEOC.
- (5) Appeal of a decision of a District Disciplinary Committee that was originally brought against a Unit as set out in CDR § 801.
- (6) Violation of an Automatic Probation that automatically converted to Automatic Suspension.
- (7) A Negotiated Resolution when the body that would have heard the Charges absent such Negotiated Resolution was the EOC, the OEOC, or whenever the charge was a First Degree Ethical Violation.
- (8) Automatic Review of all cases in which discipline imposed by a Disciplinary Body results in:
  - (a) a Suspension of one (1) year or longer;
  - (b) a finding of responsibility for a First Degree Ethical Violation; or
  - (c) in Expulsion.
- (9) A decision of ACBL Management to impose discipline for alleged sexual harassment.
- (10) A charge of a violation of ACBL Disciplinary Procedures or Against ACBL Officials under CDR § 304.
- (11) When otherwise expressly stated in this CDR.

(E) **Jurisdiction of Cases by Ethical Oversight Committee.** The EOC has jurisdiction over:

- (1) Cases involving Charges brought by ACBL Executive Director against an individual of alleged First Degree Ethical Violations as set out in CDR § 301(A) and Ethical Violations Not Otherwise Specified as set out in CDR § 301(D) when the incident occurred in a face-to-face event.
- (2) Cases involving Charges brought against an individual of alleged Second or Third Degree Ethical Violations as set out in CDR § 301(B)-(C) at the discretion of the ACBL Executive Director as Charging Party when the incident occurred in a face-to-face event.
- (3) Cases involving ACBL members who have been found responsible by any other bridge organization for an Ethical Violation when referred by the ACBL Executive Director for resentencing purposes. (See CDR § 403 for procedure.)
- (4) Cases involving Charges that allege Ethical Violations brought against an individual in attendance at a NABC and heard during that same NABC.
- (5) When otherwise expressly stated in this CDR.

(F) **Jurisdiction of Cases by Online Ethical Oversight Committee.** The OEOC has jurisdiction over cases involving Charges brought against an individual participating in any online event that awards ACBL masterpoints. In events that occur online but are partially played face-to-face, the OEOC shall have jurisdiction over incidents occurring online.

(G) **Jurisdiction of Cases by NABC Tournament Conduct Committee.** A National Tournament Conduct Committee has jurisdiction over cases involving Charges brought against an individual in attendance at a NABC and heard during that same NABC.

### 203. PRIVILEGED COMMUNICATIONS

Any communication that occurs during the meeting of an ACBL Body (as defined below), which relates to matters that have been, are or might reasonably become subjects of business for that particular body, is privileged.

- (A) “Privileged” shall mean that the communication may not be used as the basis for any Complaint under this CDR or other ACBL Regulations.
- (B) “ACBL Body” includes the BOD, any ACBL Foundation Board and any ACBL committee or sub-committee appointed by the ACBL President, the ACBL BOD or any ACBL Board member. It shall also include the Board of Governors, any District or Unit Board within ACBL and any duly appointed or elected District or Unit committee or sub-committee.

### 3. GROUNDS FOR DISCIPLINE

#### 301. CHEATING AND OTHER ETHICAL VIOLATIONS

(A) **First Degree Ethical Violations.** The following actions constitute First Degree Ethical Violations:

- (1) *Collusive Cheating: Signaling.* “Collusive Signaling” is the exchange or transmission of information, through encoded signals or otherwise, between two or more people, at least one of whom is a contestant, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.
- (2) *Collusive Cheating: Online.* “Online Collusive Cheating” is the exchange or transmission of information between two or more people, at least one of whom is a contestant in an online bridge competition, in any manner not expressly permitted by Law 73. The information need not be actually used by a player to prove a Violation under this section. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.
- (3) *Collusive Cheating: Other.* “Collusive Cheating” is an agreement, whether implicit or explicit, made between two or more people, other than Collusive Signaling, to affect the outcome of a competition in any manner not expressly permitted by Law 73. Neither person need be a contestant to be charged under this section.
- (4) *Misuse of Hand Records or Other Information.* “Misuse of Hand Records or Other Information” is the acquisition of information in any form concerning a deal yet to be played to completion. This includes hand records in any form (paper, electronic, etc.), digital information, wearing a wire, communication with other persons, or any other method or means used to obtain information about a deal.
- (5) *Cold Decking.* “Cold Decking” is the intentional dealing of cards in a manner designed to place a particular card with a specific player or in a specific hand.
- (6) *Marking Cards.* “Marking Cards” is intentionally compromising the integrity of playing cards, or taking advantage of the same, to identify a particular card. This includes changing or tampering with the physical appearance of playing cards in any manner, including but not limited to markings or crimpings, or using methods to identify discrepancies in the playing cards including but not limited to edge-sorting.
- (7) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a First Degree Ethical Violation is no less than 2 years Suspension to Expulsion, with an appropriate term of Probation no less than 2 years following the term of suspension, and removal of 25-100% of the

Disciplined Person's total masterpoint holding.

(B) **Second Degree Ethical Violations.** The following actions constitute Second Degree Ethical Violations:

- (1) *Score Alteration.* "Score alteration" is any revision of a reported result, or the score assigned to that result, not expressly approved by the DIC or his authorized representative, including changes made to scores or results in any form or by any means other than those accurately reflecting what occurred in actual bridge play at the table.
- (2) *Submitting False Information to ACBL.* A charge under this section requires the knowing submission of false information for the purpose of changing the outcome of a competition or event eligibility. This section requires that false information be submitted to an ACBL Official or Disciplinary Body, which do not include ACBL sanctioned clubs. False information submitted to the ACBL for reasons unrelated to bridge competition are Administrative Violations charged under the CDR.
- (3) *Peeking.* A charge of "Peeking" requires a deliberate attempt to see the opponents' cards. Note that Law 16D requires a player who has obtained Unauthorized Information to report it immediately to a director.
- (4) *Private Score Snooping.* A charge of "Private Score Snooping" requires a deliberate attempt to see the opponents' Private Score (not including the opponents' convention card). Note that Law 16D requires a player who has obtained Unauthorized Information to report it immediately to a director.
- (5) *Eavesdropping.* A charge of "Eavesdropping" requires a deliberate attempt to obtain information about a hand from tables or players, kibitzers, directors, or any other source other than the table assigned to a player for a round.
- (6) *Sharing Information.* "Sharing Information" means providing information about a deal to a player who has not yet played the hand. If the information is shared by agreement, implicit or explicit, the action should be charged as "Collusive Cheating: Signaling" under CDR § 301(A)(1) (as to any player involved) or "Collusive Cheating: Other" under CDR § 301(A)(2) (as to anyone other than a player).
- (7) *Soliciting Information.* "Soliciting information" means the obtaining or exchange, by solicitation or otherwise, of information about a deal from a player who has already played the deal. If the obtaining or exchange of information is made by agreement, whether explicit or implicit, the action should be charged as "Collusive Cheating: Signaling" under CDR § 301(A)(1) (as to any player involved) or "Collusive Cheating: Other" under CDR § 301(A)(2) (as to anyone other than a player).
- (8) *Concealment of Partnership Agreement.* A charge of "Concealment of Partnership Agreement" requires a deliberate non-disclosure of any material aspect of a partnership agreement. The duty to disclose a partnership agreement

is not limited to conventional meanings or bids but may and include tactical or “state-of-the-match” agreements or understandings between partners or teammates.

- (9) *Dumping*. “Dumping” means intentionally obtaining a poor result on a hand, losing a match or contest, or any other actions designed to affect the outcome of a deal or the ranking for any stage of a contest other than through of bridge ability.
- (10) *Entering Ineligible Event*. “Entering Ineligible Event” means a player knowingly entered an event for which he was ineligible.
- (11) *Appropriate Discipline*. The recommended discipline for a finding that a person has committed a Second Degree Ethical Violation is 90 days to 2 years Suspension, with an appropriate term of Probation following the term of suspension, and removal of 0-50% of the Disciplined Person’s total masterpoint holding.

(C) **Third Degree Ethical Violations**. The following actions constitute Third Degree Ethical Violations:

- (1) *Unsportsmanlike Psyching*. “Unsportsmanlike Psyching” includes frivolous or overly frequent psyching.
- (2) *Using Unauthorized Information*. A charge under this section requires that the UI be revealed accidentally.
- (3) *Clocking*. “Clocking” is the attempt to identify a card based upon the location of where that card is pulled from a player’s hand.
- (4) *Coffeehousing*. “Coffeehousing” is behavior having no bridge-related purpose and intended to deceive an opponent. This includes actions such as hesitating with singletons in a suit, or asking frivolous or leading questions.
- (5) *Score Comparison*. A charge of “Score Comparison” is the deliberate provision of, or request for, information about a board in play after both parties have played it before the end of the session.
- (6) *Illegal Method*. “Illegal method” is the use of any treatment, convention, or signaling method otherwise permitted by Law 73 which is not allowed by the Convention Chart applicable to the particular event. A charge of “Illegal Method” requires proof that a player knew, or had reason to know, of the illegality of the method prior to the time it was actually used.
- (7) *Contestant Influence*. A charge of “Contestant Influence” is an attempt to influence an opponent to enter or withdraw from an event to improve one’s likelihood of success.
- (8) *Failure to Correct Incorrect Score*. A charge of “Failure to Correct Incorrect Score” is the failure of any player to timely notify an appropriate tournament

official of a score that one knows is incorrect, whether or not that score is beneficial to that player.

- (9) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Third Degree Ethical Violation is 10 to 90 days Suspension, with an appropriate term of Probation following the term of suspension, and removal of 0-25% of the Disciplined Person's total masterpoint holding.

- (D) **Ethical Violation Not Otherwise Specified.** If an ethical violation not otherwise specified as indicated in CDR § 301(A)-(C) is charged, the charge must be brought to the EOC. The discipline imposed, if any, will be commensurate with the severity of the violation at the discretion of the panel.

### 302. CONDUCT VIOLATIONS

- (A) **First Degree Conduct Violations.** The following actions constitute First Degree Conduct Violations:

- (1) Accusations of unethical bridge conduct publicly made at an ACBL sanctioned event, not made privately to a tournament director or other tournament official.
- (2) Acts of abuse or violence.
- (3) Failure to notify a tournament official of a known score correction in a timely fashion.
- (4) Sexual harassment (not including allegations involving an employee of ACBL, its Districts, or Units).
- (5) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a First Degree Conduct Violation is up to 2 years Suspension, with an appropriate term of probation from 90 days to 2 years following the term of suspension.

- (B) **Second Degree Conduct Violations.** The following actions constitute Second Degree Conduct Violations:

- (1) Harass or intimidate another player.
- (2) Threat of abuse or violence.
- (3) Negligently submitting, or causing to be submitted, false information to an ACBL Official or a Disciplinary Body.
- (4) Influencing or attempting to influence an entrant or entrants other than one's partner or teammates to withdraw from any ACBL sanctioned event.
- (5) Harassing E-mails or letters sent (or telephone calls or social media posts

made) to an ACBL Official or entity or made publicly (including a social media post).

- (6) Leaving a session prior to completion of play without good cause or the permission of the DIC.
- (7) Deliberately or negligently partnering or playing on a team with a person who is ineligible for that event.
- (8) Refusing to play against another player, pair or team duly entered in the event without a medical excuse. A violation of this section shall require immediate disqualification of the player, pair or team so refusing to play from further participation in the event and the forfeiture of any masterpoints earned by the player, pair or team in the event. Such refusal shall also be referred to the Recorder's Office for the determination as to whether additional disciplinary action is appropriate.
- (9) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Second Degree Conduct Violation is 30-180 days Suspension, and/or 30-180 days of Probation.

(C) **Third Degree Conduct Violations.** The following actions constitute Second Degree Conduct Violations:

- (1) Betting on the results of any ACBL sanctioned event.
- (2) A series of Zero Tolerance violations may be used to establish a pattern of conduct.
- (3) Non-ethical violation of Laws of Duplicate Bridge.
- (4) Non-ethical violation of ACBL Regulations as a participant in an ACBL Sanctioned event (excluding club games) including egregious slow play.
- (5) Publicly belittle partner.
- (6) Rudeness in conversation, gesture, or general behavior.
- (7) Inappropriate hygiene or appearance.
- (8) *Recommended Discipline.* The recommended discipline for a finding that a person has committed a Third Degree Conduct Violation is a Reprimand up to 60 days Suspension, and/or up to 90 days of Probation.

(D) **Conduct Violation Not Otherwise Specified.** A conduct violation not otherwise specifically described in CDR § 302(A)-(C). The discipline imposed, if any, will be commensurate with the severity of the violation at the discretion of the panel.

### 303. ADMINISTRATIVE VIOLATIONS

(A) **First Degree Administrative Violations.** The following actions constitute First Degree Administrative Violations:

- (1) Sexual harassment of an employee of ACBL, its Districts, or Units.
- (2) Embezzlement or theft of monies or property belonging to ACBL, its Districts, or Units.
- (3) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a First Degree Administrative Violation is no less than 2 years Suspension to Expulsion, with an appropriate term of Probation no less than 2 years following the term of suspension.

(B) **Second Degree Administrative Violations.** The following actions constitute Second Degree Administrative Violations:

- (1) Excessively derisive, degrading, or insulting statements made about an ACBL official.
- (2) Cyber-attacks or similar intentional electronic disruptions, or attempts at such electronic disruptions, of websites and/or electronic data systems of the ACBL, its Districts, or Units.
- (3) Attempts to acquire or alter information through unauthorized access to data stored electronically.
- (4) Unauthorized use of member data legitimately obtained.
- (5) Infringement of ACBL copyrights, trademarks, or patents.
- (6) Violation of discipline previously imposed under this CDR.
- (7) Filing a civil action or arbitration against the ACBL without exhausting available administrative remedies.
- (8) Vandalism or deliberate destruction of ACBL, District, or Unit property.
- (9) Failure to pay a debt owed to an ACBL event venue or vendor contracting with ACBL, its Districts, or Units.
- (10) Failure to pay a debt owed to ACBL, its Districts, or Units.
- (11) Unauthorized disclosure of confidential information.
- (12) Submitting false information (including information concerning COVID vaccination status or other health information) to the ACBL (or affiliated organizations) unrelated to bridge competition or event eligibility.

(13) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Second Degree Administrative Violation is 30-180 days Suspension, with an appropriate term of Probation no less than 60 days following the term of suspension. However, person found responsible for a violation of CDR § 303(B)(9)-(10) will remain Suspended until, at a minimum, the debt is repaid or settled.

(C) **Third Degree Administrative Violations.** The following actions constitute Third Degree Administrative Violations:

- (1) Failure to accurately submit club masterpoint reports in a timely manner (the person must be either the club owner and/or club manager).
- (2) Failure to appear before a disciplinary committee in violation of CDR §§ 502(E) or 503(C).
- (3) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Third Degree Administrative Violation is a Reprimand up to 60 days Suspension, with an appropriate term of Probation following the term of suspension.

#### 304. VIOLATIONS OF ACBL DISCIPLINARY PROCEDURES OR AGAINST ACBL OFFICIALS

- (A) **Improper Influence of Disciplinary Process.** A charge under this section requires an attempt to influence, or actually influencing, a decision of a Disciplinary Body outside of the hearing process(es). The recommended discipline for a finding that a person has committed a violation of this section is no less than 90 days Suspension, with an appropriate term of Probation no less than 2 years following the term of suspension.
- (B) **Harassment.** A charge under this section requires Harassing E-mails or letters sent (or telephone calls or social media posts made) to an ACBL Official or entity or made publicly (including a social media post). The recommended discipline for a finding that a person has committed a violation of this section is no less than 30 days Suspension, with an appropriate term of Probation no less than 1 year following the term of suspension.
- (C) **Refusal to Cooperate.** A charge under this section requires Refusing any reasonable request for cooperation by a duly appointed recorder, including the National Recorder, or assistant recorder pursuant to the proper conduct of the recorder's duties. The recommended discipline for a finding that a person has committed a violation of this section is up to 60 days Suspension, with an appropriate term of Probation not less than 1 years following the term of suspension.
- (D) **Improper Conduct in ACBL Official Activities.** A charge under this section requires improper conduct toward any ACBL Official or Disciplinary Body in performance of their ACBL duties or functions or in ACBL (or affiliated organizational) official activities. This includes highly inappropriate behavior not rising to the level of sexual harassment, including but not limited to lewdness, harassment not of a sexual nature, or highly inappropriate attire. The recommended

discipline for a finding that a person has committed a violation of this section is 30-180 days Suspension, with an appropriate term of Probation not less than 180 days following the term of Suspension.

- (E) **Improper Disciplinary Action.** A charge under this section requires the initiation of disciplinary action against another or an appeal of a decision of a Disciplinary Body with no reasonable basis. The rejection of a Complaint by a Charging Party is not automatically a finding that there was not a reasonable basis for such Complaint. The recommended discipline for a finding that a person has committed a violation of this section is a Reprimand up to 30 days Suspension, with an appropriate term of Probation following the term of suspension.
  
- (F) **Discussion of Disciplinary Hearing Outside of Process.** A charge under this section requires discussing or disseminating the content of a disciplinary hearing, other than information released to the public pursuant to ACBL Regulations, outside the hearing room by a Disciplinary Body member with any party (whether a party to the hearing or not). However, members of the EOC may discuss cases with other EOC members after public release of a decision has taken place. The recommended discipline for a finding that a person has committed a violation of this section is a Reprimand up to 30 days Suspension, with an appropriate term of Probation following the term of suspension.

## 4. PROCEDURES FOR IMPOSITION OF DISCIPLINE

### 401. ADMINISTRATIVE RESOLUTIONS

(A) **Sexual Harassment.** If at any time during the investigation of an Incident, it becomes apparent that it may involve a person's sexual harassment of an employee of ACBL, its Districts, or Units, the matter shall be immediately forwarded, in writing, to ACBL Management for action:

- (1) Pursuant to the Workplace Harassment Policy set forth in the ACBL Employee Handbook, ACBL Management shall expeditiously investigate the matter referred and
  - (a) if a determination is made that there is no issue of sexual harassment, ACBL Management shall return the matter to the proper jurisdiction for resumption; or
  - (b) if a determination is made that there is an issue of sexual harassment, ACBL Management shall take any action deemed necessary or appropriate or required by federal or state law.
- (2) A written notice of the decision(s) of ACBL Management and the reasons for that decision shall be provided to the accused person and the A&C chairperson. (See CDR § 603(E)(2) for details of A&C review, if any.)

(B) **Suspension Pending Hearing.** A Suspension Pending Hearing is a temporary Suspension that the Executive Director (or the DIC of a NABC when Charges will be heard by a TDC) can impose on a Charged Party or the subject of a sexual harassment allegation under CDR § 401(A) to immediately prohibit participation in all ACBL sanctioned events and activities pending the final decision of a Disciplinary Body. A Disciplined Person's name, ACBL member number, and the Suspension Pending Hearing will be published on the website.

- (1) Such Suspension Pending Hearing should be rarely issued – only in extreme cases or when a hearing is delayed due to the fault of the Charged Party or the subject of a sexual harassment allegation. A Suspension Pending Hearing may not be appealed and will remain in effect until the official notification of the Disciplinary Body's decision has been sent by ACBL management.
- (2) Unless the Charged Party (or the subject of a sexual harassment allegation) causes the delay, the hearing must commence:
  - (a) within sixty (60) days *unless* it is before a NABC TDC.
  - (b) if before a NABC TDC, no later than 48 hours after the Incident occurred.

If the matter is not heard by the NABC TDC due to the delay of the Charged Party, the Suspension Pending Hearing will remain in effect until the proper Disciplinary Body hears the matter or that Disciplinary Body's Chair lifts

the Suspension Pending Hearing. If the matter is not heard at by the NABC TDC for any other reason, the Suspension Pending Hearing must be lifted and the matter must be referred to the appropriate Disciplinary Body to be heard. (See CDR § 503(M).)

(c) within sixty (60) days if the matter is referred to ACBL Management under CDR § 401(A).

(C) **Administrative Violations under CDR § 303.** ACBL Management shall follow the guidelines under CDR §§ 403 - 404.

#### 402. DETERMINATION OF DISCIPLINE BY DISCIPLINARY BODIES

In making the determination of an appropriate discipline within the range of disciplines recommended for a CDR violation as set out in CDR §§ 301(A)(7) et. seq., the Disciplinary Body should balance the following factors:

(A) **Primary Considerations.** The following factors must be taken into account in determining the appropriate discipline and should be weighed more heavily in the decision:

- (1) Prior Record of Discipline;
- (2) Experience of Player (measured by MPs, eligibility points, or other indicia of experience);
- (3) Level and Prestige of Event (measured by event rating);
- (4) Duration of Time Over Which the Proved Violation Occurred;
- (5) Flagrancy of the violation;
- (6) Whether the violation was premeditated.

(B) **Secondary Considerations.** The following factors may be taken into account in determining the appropriate discipline, but should be weighed less heavily than Primary Considerations:

- (1) Other Harm to Reputation of ACBL or the Game of Bridge;
- (2) Whether the Player Holds (or at any point in the past has held) an ACBL (or affiliated organizational) Office or Leadership Position (discipline enhancement);
- (3) Whether the Player Is Currently an ACBL (or affiliated organizational) Employee (discipline enhancement).

(C) **Factors that May Not Be Considered.** The following factors may not be taken into account in determining the appropriate discipline:

- (1) Race;
- (2) Color;
- (3) Religion or creed;
- (4) National origin or ancestry;
- (5) Sex (including gender, pregnancy, sexual orientation, and gender identity);
- (6) Age;

- (7) Physical or mental disability;
- (8) Veteran status;
- (9) Genetic information;
- (10) Citizenship;
- (11) Exercise of Member Rights Under CDR;
- (12) Conduct of Parties During Hearing;
- (13) ACBL Disciplinary System Irregularities or Deficiencies.

(D) **Departure Disciplines.** The Disciplinary Body may depart from the recommended discipline set out in CDR §§ 301(A)(6) et. seq., but any departure discipline must be adequately explained in the Hearing Report.

#### 403. APPLICATION OF DISCIPLINE BY DISCIPLINARY BODIES

- (A) **CDR Version.** Discipline imposed shall be in accordance with the version of the CDR effective at the time of the first Incident specified in the filing of the Recorder Complaint. Revisions of this CDR regarding procedures for all hearings apply to all hearings conducted on or after the effective date of the revision.
- (B) **Minimum Discipline.** A Reprimand is the minimum discipline that must be imposed upon a finding of responsibility for a violation set forth in CDR §§ 301-304.
- (C) **Maximum Discipline for Ethical Violations.** Upon a finding of responsibility for a violation set forth in CDR § 301, the following are the disciplines that may be imposed (other than the mandatory sanctions set out in CDR §404(F)):
  - (1) Reprimand (§ 404(A))
  - (2) Probation – Maximum of Two Years ((§ 404(B))
  - (3) Suspension – Maximum of Six Months ((§ 404(C))
  - (4) Expulsion – Unavailable ((§ 404(D))
  - (5) Reduction of Forfeiture of Masterpoints – Maximum of 10% of Total Masterpoints ((§ 404(E))

If the Charging Party wishes to seek a discipline exceeding the maximum available upon a finding of responsibility for an Ethical Violation, the Charge must be removed to the IBA. (See § 502(C))

- (D) **Limits on Participation Following Discipline.** While serving a Suspension or while expelled, a Disciplined Person may not participate in any online, 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 in the playing area of a tournament, or (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.
- (E) **Member in Good Standing.** An ACBL member shall be deemed to be in “good standing” when such member’s dues, if dues are required, are current and such member is not currently:

- (1) expelled;
- (2) serving a term of Suspension;
- (3) serving an indefinite Probation;
- (4) serving a Probation, the initial term of which was 24 or more months; or
- (5) serving a term of Probation following a Suspension, the initial term of which was more than 90 days.

(F) **Effective Date.** The effective date of imposition of discipline, if any, shall be the date noted in the Disciplinary Body's Hearing Report. If no effective date is so specified, the effective date of imposition of discipline shall be five (5) days from the date of the mailing of the decision by ACBL Management. If the discipline is to take effect immediately, the Disciplinary Body shall immediately notify the Disciplined Person of its decision in writing, provided, however, that the formal written notice to the parties as set forth in CDR § 501(N), including the date for appeal, shall also be made by ACBL Management. When the discipline imposed includes both a period of Suspension and a period of Probation, the Suspension is to be served first followed immediately by the Probation.

#### 404. DISCIPLINE OPTIONS BY DISCIPLINARY BODIES

The Disciplines set forth in CDR § 404 (A)-(F) are the only discipline(s) which may be imposed by a Disciplinary Body when a person is responsible for a violation under CDR § 3 except for those in connection with provisions a TDC has for imposing discipline under CDR § 503(J); or when otherwise expressly stated in this CDR. A Disciplinary Body may choose to combine such disciplines. Discipline shall apply to *all* events sanctioned by the ACBL unless stated otherwise.

- (A) **Reprimand.** A written statement of censure from the Disciplinary Body that includes an explanation of the relevant disciplinary policy and a warning against further related violations.
- (B) **Probation.** A determination that a Disciplined Person has committed an offense such that any further violation of the CDR, whether similar or different, may result in Suspension or Expulsion. A Disciplinary Body may impose a prohibition on playing with a particular partner as a condition of the Disciplined Person's Probation.
- (C) **Suspension.** The Disciplined Person is ineligible to participate in any ACBL sanctioned event or activity for a specified period.
- (D) **Expulsion.** A Permanent abrogation of all ACBL rights and privileges, including membership.
- (E) **Reduction or Forfeiture of Masterpoints.** Removal of a percentage of masterpoints as provided under each degree of a violation set forth in CDR §§ 301-304.
- (F) **Forfeiture of Masterpoints/Titles for a First Degree Ethical Violation.** When an ACBL member is found responsible for a First Degree Ethical Violation and is suspended for a period of two years or more or expelled, that member shall be:

- Permanently ineligible to be awarded the ACBL rank of Grand Life Master
- Permanently ineligible to be inducted into the ACBL Hall of Fame
- If a current GLM, the title/rank of GLM shall immediately be revoked
- If a current member of the ACBL Hall of Fame, such membership shall immediately be revoked.

Except as provided above, the Committee may also impose the forfeiture of any or a combination of any of the following:

- (1) Masterpoints, in accordance with CDR § 301(A)(7);
- (2) specific titles or all titles earned by the person disciplined;
- (3) ACBL status rank(s);
- (4) other ACBL related awards theretofore earned by said participants through participation in all ACBL events.

Titles forfeited as set out in CDR § 404(F)(2) shall remain vacant and there shall be no change in rankings or awarding of masterpoints for other contestants. First place awards for Unit masterpoint races forfeited as set out in CDR § 404(F)(2) shall not remain vacant. The second-place awardee shall move up to first place and lower ranked awards will be filled by a relevant change in rankings for other lower-ranked contestants. Awards for other than first place forfeited as set out in CDR § 404(F)(2) shall remain vacant and there shall be no change in rankings for other contestants. Management shall assign Eligibility Points to equal the number of masterpoints that have been forfeited by the Disciplinary Body's decision.

#### 405. RECIPROCAL DISCIPLINE POLICY

- (A) When an ACBL member has been found responsible and/or disciplined by another bridge organization for an action constituting an Ethical Violation under this CDR, that discipline shall be honored and enforced in ACBL events. However, the Executive Director may make a determination that the discipline imposed was grossly inappropriate, in which case the determination of the appropriate discipline will be decided by A&C.
- (B) Nothing in this section shall prohibit the ACBL from initiating its own independent disciplinary process for Ethical Violations by such ACBL member in ACBL sanctioned events.

#### 406. NEGOTIATED RESOLUTION OF A CHARGE

A Negotiated Resolution is a written agreement between the Charging Party and the Charged Party which may include (i) discipline outside the parameters listed in CDR § 404; (ii) a requirement that the Charged Party testify against any other Charged Party, if any; and/or (iii) a dismissal of all charges.

(A) **Requirements.** The resolution must:

- (1) dispose of all pending Charges against the Charged Party, and
- (2) include the complete parameters of the discipline to be imposed, and

- (3) include the Charging Party and the Charged Party waiving all rights to appeal, both administratively and through arbitration or the courts, and
- (4) be submitted to the proper Disciplinary Body for review to:
  - (a) A&C if the EOC or OEOC would have heard the Charges absent such Negotiated Resolution or if the charge was a First Degree Ethical Violation; otherwise,
  - (b) the Disciplinary Body which would have heard the Charge absent such Negotiated Resolution.

(B) **Disciplinary Body's Decision.** When deliberating on whether to accept the Negotiated Resolution, the Disciplinary Body must consider the benefit to the ACBL of the certainty of conviction and the waiver of all appeal rights by the Charged Party and Charging Party. The Disciplinary Body may:

- (1) accept the resolution;
- (2) reject the resolution.

If it is rejected the Charges shall be heard by the Disciplinary Body which would have heard the Charges absent such resolution.

- (3) reject the resolution and provide a condition for acceptance. Each party will have the right to review the condition for acceptance and choose to accept or reject with ten days of being notified.

#### 407. PUBLICATION OF A DISCIPLINARY BODY'S DECISION

- (A) **All Violations.** Any Disciplined Person's name, ACBL member number, the discipline imposed, and the section of the CDR violated will be published on the website upon receipt of the Disciplinary Body's Hearing Report. It will remain published until the discipline ends.
- (B) **Ethical Violations.** The Hearing Report of a Disciplined Person that was found responsible of an Ethical Violation, among other Charges, if any, shall be posted on the website upon receipt by ACBL management. If a decision of the EOC or OEOC is released while a NABC is still in progress, a summary of the decision, including the Disciplined Person's name, ACBL number and the CDR violation shall be reported in the NABC Daily Bulletin.
- (C) **Expulsions.** A Disciplinary Body's decision to expel a member shall be reported in the ACBL Bridge Bulletin if the decision to expel that member is affirmed by A&C.

#### 408. EXPUNGEMENT

A&C may consider a request to have a Disciplined Person's record Expunged and order Expungement at its sole discretion.

#### 409. READMISSION OF RESIGNED/EXPELLED MEMBERS

The BOD may not consider a request from a former member who:

- (i) was expelled for a First Degree Ethical Violation in an NABC+ event; or
- (ii) resigned his membership for the purpose of avoiding possible disciplinary action concerning a First Degree Ethical Violation in an NABC+ event.

In all other cases, the ACBL BOD may consider a request for readmission following a resignation to avoid possible disciplinary action or an Expulsion.

**(A) Readmission Following Resignation.** A Charged Party who resigns his membership when Charges are pending is considered to have resigned to avoid possible disciplinary action and the matter will be treated as an Expulsion under CDR § 404(D). Following are the condition for a request for readmission:

- (1) A written request for readmission may be submitted after ten (10) years from the date of the written resignation and, thereafter, only once every three (3) years.
- (2) The BOD may impose such conditions upon readmission as it deems appropriate.
- (3) There shall be no statute of limitations on the possible disciplinary action related to the resignation.

**(B) Readmission Following Expulsion.** A Disciplined Person who was expelled by a Disciplinary Body may request readmission under the following conditions:

- (1) A written request for readmission may be submitted after ten (10) years from the date of Expulsion. Notwithstanding the previous sentence, if the individual who was expelled admitted to the factual basis of the Charges prior to the commencement of the hearing on those Charges, that person may apply for readmission after five (5) years.
- (2) The ACBL Anti-Cheating Commission, EOC, and the OEOC will be informed of a prospective Readmission Following Expulsion. They may advise the ACBL BOD, may be represented at a Readmission hearing, and may give oral or written testimony.
- (3) Any member readmitted following an Expulsion shall be placed on Probation for a minimum of 5 years.
- (4) Under no circumstances will the ACBL BOD hear a request for readmission regarding a *second* Expulsion or resignation to avoid possible disciplinary actions or combination thereof.



## 5. PROCEDURES FOR DISCIPLINARY BODIES OF ORIGINAL JURISDICTION

### 501. GENERAL PROCEDURES FOR CONDUCT OF HEARINGS BY DISCIPLINARY BODIES OF ORIGINAL JURISDICTION (*See also CDR Appendix A (Guidelines for Conducting Disciplinary Proceedings)*)

- (A) **CDR as Guide.** The chairperson of the Disciplinary Body should be familiar with this CDR and its Guidelines for Conducting Disciplinary Proceedings (CDR Appendix A).
- (B) **Simple, Fair Hearing.** 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. There shall be no motion practice other than a request for continuance or postponement if good cause is shown for such request. (See also CDR § 501(H)-(I).) All issues other than a request for a continuance or postponement shall be decided at the hearing.
- (C) **Recordkeeping Required.** A record must be kept of a hearing:
  - (1) Charges must be in writing, based upon the allegations in the Complaint, and submitted by the Charging Party to the chairperson of the appropriate Disciplinary Body with jurisdiction in the matter. Charges must direct that the Disciplinary Body hold a hearing. The Charges must set forth the specific sections of the CDR that allegedly have been violated by the facts and evidence presented in the Complaint. The Charges and accompanying Complaint are an integral part of the hearing record.
  - (2) A stenographic or recorded record of the hearing shall be kept. The Disciplinary Body shall also preserve a copy of all documentary evidence presented to it. If such a record (or a similar facsimile of it) or documentary evidence is not available, the appellate body may remand the issue to the original (or immediately preceding) Disciplinary Body to be reheard. Should a stenographic or recorded record of the hearing be requested, the cost, if any, 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). Only the parties to the hearing and the reviewing Disciplinary Body, and the Disciplinary Body who heard either the original matter or the intermediate appeal of the matter may have access to such record.
- (D) **Informal Rules.** The Disciplinary Body shall not be bound by rules of courts of law, 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, unsworn written statements or relevant evidence from another ACBL jurisdiction or another bridge organization may be admitted and given such weight at the hearing as the committee deems appropriate.
- (E) **Opening/Closing Statements.** The Disciplinary Body shall determine the use of opening and closing statements at the hearing and the submission of briefs and memoranda.

- (F) **Pre-hearing Matters.** Pre-hearing conferences with the parties may be held relative to the procedural questions relating to the matter before the Disciplinary Body if, in the committee's or its chairperson's judgment, it is so warranted. Notwithstanding the foregoing, once Charges have been brought, such Charges may not be dismissed on a motion to dismiss or a motion for summary judgment prior to a hearing on the merits of the Charges.
- (G) **Other Pre-hearing Matters.** Under such terms and conditions as the Disciplinary Body, in its discretion, shall deem proper it may (but shall not be required to):
- (1) Direct pre-hearing disclosure of available evidence (or a summary of that evidence) and the identity of witnesses;
  - (2) Permit presentation of sworn or unsworn written statements for use at the hearing;
  - (3) Limit the number of witnesses to be heard at the hearing;
  - (4) Clarify and define the issues to be heard at the hearing; and
  - (5) Consolidate proceedings where the parties or the issues are the same.
- (H) **Postponed Hearing.** The hearing may be postponed or adjourned from time to time for good cause shown upon the application of a party or upon the Disciplinary Body's own motion.
- (I) **Challenging Committee Members for Cause.** There shall be no automatic challenges to the members of any Disciplinary Body. There may be challenges for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the committee members shall decide the validity of the challenge. A majority vote of such remaining members is required to remove a member for Cause. (See also CDR §§ 602(D), 603(B)(4), and 604(B)(4).)
- (J) **Discovery of Evidence.** Other than as expressly provided in this CDR, the Charged Party shall not be entitled to prehearing discovery as might be provided in civil litigation. Production of documents is limited to reports and statements received or prepared for the investigation and prosecution of the Charges as well as any documents referred to in the Charges.
- (K) **Advocate.** The Charging Party and the Charged Party each have the right to appoint an Advocate who shall not be a member of the ACBL BOD to represent them before a Disciplinary Body at their own cost.
- (L) **Hearing Report Required.** A Disciplinary Body must send to ACBL headquarters a fully typed Hearing Report and a copy of its written decision, if any is produced in writing, within thirty (30) days from the conclusion of the presentation of evidence.
- (M) **Notice of Decision.** All formal written notifications of a Disciplinary Body's decision ("Notice of Decision") shall be made by ACBL Management upon receipt of the Disciplinary Body's Hearing Report. Unless the Disciplinary Body has imposed a discipline that begins immediately (see CDR § 501(O)), the Disciplinary Body should

not provide its decision to any Disciplined Person in writing (but may verbally inform the Charged Party). Rather, a decision and a Hearing Report should be provided to ACBL Management to enable ACBL Management to make the formal written notification. The effective date for a timely filed request for an appeal of the Disciplinary Body's decision shall be the date on which ACBL Management mails such decision to the parties to the hearing. For purposes of this CDR § 501(N), "mail" shall include email.

- (N) **Imposition of Discipline.** The effective date of imposition of discipline, if any, of an ACBL Disciplinary Body's decision shall be the date noted in the Disciplinary Body's Hearing Report. If the discipline is to take effect immediately, the Disciplinary Body shall immediately notify the Disciplined Person of its decision in writing, provided, however, that the formal written notice to the parties as set forth in CDR § 501(N), including the date for appeal, shall also be made by ACBL Management. If no effective date is so specified, the effective date of imposition of discipline shall be five (5) days from the date of the mailing of the decision by ACBL Management. When the discipline imposed includes both a period of suspension (and/or exclusion from certain events) and a period of Probation, the Suspension (and/or exclusion from certain events) is to be served first followed immediately by the Probation. For purposes of this CDR § 501(O), "mail" shall include email.
- (O) **Contents of Notice of Decision.** The formal Notice of Decision shall contain, in addition to the discipline imposed by the Disciplinary Body, if any, an explanation of what that discipline involves and a description of the offense by number and title by reference to Appendix B of this CDR.
- (P) **Distribution of Notice of Decision.** The formal Notice of Decision (other than a Reprimand) shall be sent to the Disciplined Person; the Charging Party; the ACBL BOD; the Disciplined Person's District president, secretary and recorder; the Disciplined Person's Unit president, secretary and recorder; the appropriate NBO of the World Bridge Federation; the American Bridge Association (if an Ethical Violation); the ACBL CEO; ACBL staff as determined by the ACBL CEO; the Complainant; the appropriate appellate body chairperson; and the World Bridge Federation (if an Ethical Violation).
- (Q) **Advisor for Committees of Original Jurisdiction.** Due to the simplified procedures of these information hearings, an advisor for committees of original jurisdiction is not routinely required. If a committee of original jurisdiction feels that it needs assistance on procedural matters, it may ask to have an advisor provided to assist it. The advisor shall be selected by and paid for (if any cost is incurred) by the organization responsible for the cost (i.e., District Boards for District Disciplinary Committees and ACBL Management for the ACBL Disciplinary Committee, the EOC, the OEOC and the A&C). The advisor for the ACBL Disciplinary Committee and the EOC, shall be chosen jointly by the chairperson of that committee and ACBL Management. The advisor selected shall not be an employee of the organization choosing the advisor (current or former) and shall be impartial. The advisor shall not participate in the determination of responsibility or the discipline to be imposed. Notwithstanding the foregoing, In-House Counsel may serve as the advisor to the A&C.

502. SPECIFIC PROCEDURES FOR THE CONDUCT OF HEARINGS BY A DISTRICT DISCIPLINARY COMMITTEE, THE ETHICAL OVERSIGHT COMMITTEE, THE ONLINE ETHICAL OVERSIGHT COMMITTEE AND THE ACBL DISCIPLINARY COMMITTEE (See also CDR § 501.)

(A) **Complaint.** A Complaint requesting that Charges be brought to an appropriate Disciplinary Body must be made in writing and submitted to the appropriate Charging Party having jurisdiction, i.e., the District or ACBL (see CDR §§ 201-202), by any ACBL recorder within the period of limitations described in CDR § 502(A)(1)(3) below. **Note that a Complaint is the only basis for an official Charge to a District Disciplinary Committee, the EOC, OEOC or the ACBL Disciplinary Committee.** Each of these committees receives and acts on a Charge, not a Complaint. (See CDR § 502(B).)

- (1) A recorder may file a Recorder Complaint involving a single Incident of conduct within sixty (60) days of receipt by the recorder of a player memo, if and only if such player memo is submitted to the Recorder within one hundred twenty (120) days of the Incident.
- (2) A Complaint involving a pattern of conduct must be brought within five (5) years of the earliest instance referenced in the Complaint.
- (3) Notwithstanding the previous limitations period above, a Complaint alleging a violation under CDR § 301 is not subject to a period of limitations.

(B) **Charges/Charging Party.** An initial Charge, based upon a Complaint, must be brought expeditiously by the Charging Party of the organization having jurisdiction. (See CDR §§ 201-202.) Based upon the specifications in the Complaint, the Charge(s) sets forth the violations located in CDR §§ 301-305 which subject the person so charged to discipline.

The Charging Party is the official in charge of the organization having jurisdiction. No person sitting on the organization's disciplinary committee should be the Charging Party. If the organization has failed to designate an individual (who may not be the recorder), the president is the Charging Party. The president (or a 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 each of the following three (3) questions:

- (1) Is there *prima facie* evidence that the Complaint has some validity (i.e., that there was misconduct)?
- (2) Does the ACBL have jurisdiction?
- (3) If the Charged Party is found responsible, would the Disciplinary Body be obligated to issue a discipline?

If the answer is "yes" to all three questions, Charges must be brought. If the Charge is to be assigned to the EOC or OEOC Committee for a hearing, ACBL In-House Counsel, the ACBL President and the District Director of the Charged Party shall be notified of the Charge.

- (C) **Removal to Institute for Bridge Arbitration.** If the Charging Party wishes to seek a discipline exceeding the maximum available upon a finding of responsibility for an Ethical Violation, the case must be removed to the IBA.
- (1) The Charging Party must follow the procedures for initiating the case according to IBA and affiliated AAA rules.
  - (2) The filing fee shall be paid by the ACBL or District who the Charging Party is representing.
  - (3) The Charging Party is responsible for complying with all policies and procedures of the IBA and AAA.
  - (4) The Charging Party shall select an Advocate(s) to represent the position before the IBA panel.
  - (5) The Charging Party shall recommend a specific discipline to the IBA panel within the range set out in §§ 301(A)(7) et seq., balancing the factors set out in § 402.
  - (6) The ACBL agrees to be bound by the decision of the IBA and any related appeal rights provided by IBA rules, and constitutes the final resolution of the matter.
- (D) **Charged Party's Rights.** A person charged with one of the grounds for discipline set forth in CDR §§ 301-305 shall be entitled to:
- (1) Receive written notice of the date, time, and place of the hearing. Even if a person admits to a Charge, unless pursuant to a Negotiated Resolution (as set forth in CDR § 502(L)), a hearing shall nevertheless be held to determine and impose appropriate discipline.
  - (2) Be furnished with a written statement of the Charges, the Complaint upon which the Charges are based (or a summary of the facts of such Complaint), and the name of the Complainant.
  - (3) Be present at the hearing, which presence may be electronic and/or in person.
  - (4) Be represented at the hearing by another person who shall not be a member of the ACBL BOD.
  - (5) Produce evidence and make statements on his/her own behalf.
  - (6) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
  - (7) Question persons testifying. The chairperson may restrict this right if abused.
- (E) **Postponement of Hearing.** All Disciplinary Bodies may allow reasonable postponements, adjournments or continuances consistent with the time available to the Disciplinary Body.

**(F) Required Appearance at Hearings.**

- (1) Either the Charging Party and/or the Charging Party's Advocate is required to appear in person, by telephone or by Skype, or some similar mechanism, at the person's expense.
- (2) When a Disciplinary Body's chairperson determines (upon request by either the Charging Party or the Charged Party) that a witness' testimony is critical to a hearing, then such witness is required to appear in person, by telephone or by Skype, or some similar mechanism, at the ACBL's expense or to provide a signed witness statement. *Failure to appear at the hearing in person or by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause for such failure is provided to the Disciplinary Body's chairperson. "Reasonable cause" shall be liberally construed.*
- (3) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

**(G) Consideration of Prior Discipline.** A Charged Party's past ACBL discipline (which is a matter of record), should such exist, may not be considered during the hearing in establishing responsibility. However, such past ACBL discipline may be relevant to the determination of the severity of the discipline to be imposed if the person is found responsible and who is then, accordingly, a Disciplined Person. A Disciplined Person's prior disciplinary record from another bridge organization may be considered only if subject to CDR § 202(B)(6). (See also CDR Appendix B, Part II.)

**(H) Appeal Rights.** The Disciplined Person and/or the Charging Party may file a written request to appeal with the appropriate appellate body. The Disciplined Person and the Charging Party must be informed by ACBL Management of this right in writing in a timely manner along with notification of the name and address of the chairperson of the appropriate appellate body. The Complainant, if any, shall be informed that it is the Charging Party who has the right to request an appeal. (See CDR §§ 601-605.)

**(I) Consideration of Player Memos.** Unless an Incident reported on a player memo is included in the Complaint and/or the Charges, neither the player memo nor evidence regarding the Incident noted on the player memo may be considered by the Disciplinary Body in establishing responsibility. In determining the severity of the discipline imposed, a player memo dated within the past ten (10) years may be used. When evaluating the relevance of these player memos, the Disciplinary Body should pay special attention to the completeness of the player memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the player memo and the age of the player memo.

**(J) Hearing Report.** A typewritten Hearing Report shall be produced following all hearings, including a summary of the facts, the Disciplinary Body's findings and what discipline, if any, is to be or was imposed. The Hearing Report must be submitted to ACBL Management within thirty (30) days from the conclusion of the presentation of evidence. ACBL Management shall receive the written Hearing Report and is required to promptly provide a copy to the Disciplined Person and the Charging Party as well as

to the ACBL CEO upon request, ACBL staff as determined by the ACBL CEO, and a member or members of the ACBL BOD (upon a determination by the President that such request is for a proper ACBL business purpose).

- (K) **Finality of Proceedings.** A person who has been subjected to a disciplinary proceeding conducted under CDR §§ 501-504 shall not be subject to any further proceedings by any other Disciplinary Body for the same matter arising out of the same operative facts, except pursuant to an appeal and/or for additional disciplines as provided under CDR §§ 305(A), 503(J)-(M).
- (L) **Discipline Outside Guidelines.** When ACBL Management receives a Hearing Report in which the Disciplinary Body has imposed a discipline that contravenes or is inconsistent with this CDR without any reasonable justification for it, ACBL Management shall notify the committee chairperson in writing of such contravention or inconsistency. The Disciplinary Body shall then reconvene on the matter of imposition of discipline only.

### 503. SPECIFIC PROCEDURES FOR CONDUCT OF HEARINGS BY A NABC TOURNAMENT DISCIPLINARY COMMITTEE

- (A) **Expedited Hearing.** Disciplinary procedures at NABC tournaments are intended to be expeditious. Matters that could be heard by a TDC involving tournament discipline shall be heard by a TDC, and the hearing shall be conducted at (or immediately after) the NABC tournament at which the Incident leading to discipline took place. (Refer to CDR §§ 503(B)-(M) for procedures specific to tournament disciplinary proceedings.)
- (B) **Complaint/Charges/Charging Party.** A Complaint (which may be in the form of a player memo) involving Incidents at a tournament must be made by a participant in the tournament, by the sponsoring organization's recorder or by the DIC (or his designee, which designation must be in writing) (see CDR § 503(D) when the subject of a Complaint or a Charged Party is no longer present at the tournament or when a Complaint is made following the conclusion of the tournament).

An initial Charge, based upon the Complaint, must be brought by the DIC (or his designee) to the NABC TDC.

The DIC (or his designee) shall be the Charging Party even when the DIC (or his designee) or a tournament staff member is the Complainant. The Charging Party in deciding to bring a Charge must answer "yes" to the following three (3) questions:

- (1) Is there *prima facie* evidence that the Complaint has some validity (that there was misconduct)?
- (2) Does the NABC TDC have jurisdiction?
- (3) If the Charged Party is found responsible, would the TDC be obligated to issue a discipline?

If the answer is "yes" to all three questions, Charges must be brought.

**(C) Required Appearance at Hearings**

- (1) Either the Charging Party and/or the Charging Party's Advocate is required to appear in person, by telephone or by Skype, or some similar mechanism, at the person's expense.
- (2) When a TDC chairperson determines (upon request by either the Charging Party or the Charged Party) that a witness' testimony is critical to a hearing, then that witness is required to appear or to provide a signed witness statement. *Failure to appear at the hearing in person or by telephone, or to provide a signed written or electronic statement, shall be grounds for discipline, unless reasonable cause for such failure is provided to the TDC chairperson. "Reasonable cause" shall be liberally construed by the Disciplinary Committee chairperson.*
- (3) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

**(D) Hearing Held Following NABC Tournament.** Circumstances may not permit a hearing to be held during a NABC in which case the following procedures will apply<sup>2</sup>:

- (1) A Complaint about a participant who is no longer present at the tournament will be reviewed by the DIC (or his designee) in accordance with the standards set forth in CDR § 503(B) above to determine whether to bring Charges to the appropriate Disciplinary Body as provided in CDR § 503(D)(2) below.
- (2) Charges, with an attached Complaint, against a person who is no longer present at the tournament shall be sent, preferably via email, by the DIC (or his designee) within ten (10) days of the end of the tournament to the appropriate Disciplinary Body for a hearing (automatically delegating the responsibility as Charging Party to the ACBL Management).
- (3) A Complaint made following the end of a tournament must be submitted by the Complainant as follows:
  - (a) From a Sectional tournament or Sectional-level event, to the Charging Party having jurisdiction who must then make the decision whether Charges should be brought.
  - (b) From a Regional tournament or Regional-level event, to the Charging Party having jurisdiction who must then make the decision whether Charges should be brought.
  - (c) From a NABC or an NABC-level event sponsored by the ACBL, to the to the National Recorder who must then make the decision in consultation with the ACBL CEO regarding whether Charges should be brought.

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<sup>2</sup> Complaints, usually in the form of a player memo, for which the DIC lacks sufficient information (or lacks sufficient time to obtain sufficient information) may be sent to the relevant recorder. (See also CDR § 502(A).)

- (E) **Charged Party's Rights.** A person charged with one of the grounds for discipline set forth in CDR §§ 301-305 shall be entitled to:
- (1) Receive written notice of date, time and place of the hearing. Should a person admit to a Charge, a hearing shall nevertheless be held to determine and impose appropriate discipline.
  - (2) Be furnished with a written statement of the Charges, the Complaint upon which the Charges are based (or a summary of the facts of such Complaint), and the name of the Complainant.
  - (3) Be represented at the hearing by another person who shall not be a member of the ACBL BOD.
  - (4) Produce evidence and make statements on his/her behalf.
  - (5) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
  - (6) Question persons testifying. The chairperson may restrict this right if abused.
- (See also CDR § 402 (Suspension Pending Hearing).)
- (F) **Stay of Discipline.** Discipline imposed by a TDC for all or part of that tournament may not be stayed. However, any discipline that survives the tournament may be stayed in accordance with CDR §§ 701-704. If the decision of the TDC is subsequently reversed, discipline that had not been stayed in accordance with CDR §§ 901-906 shall be Expunged.
- (G) **Consideration of Prior Discipline.** A Charged Party's past ACBL discipline (which is a matter of record), should such exist, may not be considered during the hearing in establishing responsibility but may be relevant to the determination of the severity of the discipline to be imposed if the person is found responsible and who is, accordingly, a Disciplined Person. A Disciplined Person's prior disciplinary record from another bridge organization may be considered only if subject to CDR § 202(B)(6). See also CDR Appendix B, Part II.
- (H) **Consideration of Player Memos.** Unless an Incident reported on a player memo is included in the Complaint and/or the Charges, neither the player memo nor evidence regarding the Incident noted on the player memo may be considered by the TDC in establishing responsibility. In determining the severity of the discipline imposed, a player memo within the past ten (10) years may be used. When evaluating the relevance of these player memos, the TDC should pay special attention to the completeness of the player memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the player memo and the age of the player memo.
- (I) **Appeal Rights/Hearing Report.** The Disciplined Person and/or the Charging Party may file a written request to appeal with the appropriate appellate body. If present at the tournament at the conclusion of the hearing, the Disciplined Person and the Charging Party must be informed of this right in writing at the conclusion of the

hearing along with notification of the name and address of the chairperson of the appropriate appellate body.

A typewritten or legibly handwritten Hearing Report in a format provided by the ACBL shall be made of all hearings, including a summary of the facts, the TDC's findings and what discipline, if any, is to be or was imposed. The Hearing Report must be submitted to ACBL Management within ten (10) days from the conclusion of the presentation of evidence. After receiving the Hearing Report, ACBL Management shall, in writing, promptly apprise the Disciplined Person and the Charging Party of this right to request an appeal if they have not been so informed. The Complainant, if any, shall be informed that it is the Charging Party who has the right to request an appeal. (See CDR §§ 901-906.)

- (J) **Finality of Proceedings.** A person who has been subjected to a disciplinary proceeding conducted by a TDC under CDR §§ 501-504 shall not be subject to any further proceedings by any other Disciplinary Body for the same matter arising out of the same operative facts, except pursuant to appeal and/or for additional disciplines as provided under CDR §§ 305(A) and 503(M). A TDC has the same options for discipline as any other Disciplinary Body other than Expulsion. However, a Suspension or a Probation imposed by a TDC may not exceed ninety (90) days nor may a Probation following a Suspension exceed ninety (90) days; provided, however, that the cumulative period of suspension followed by the period of Probation may not exceed ninety (90) days.
- (K) **Disallowed Discipline.** If the discipline imposed by a TDC exceeds the permitted limits, it shall be valid only to the extent set forth in CDR § 503(J).
- (L) **Continuation of Discipline After Tournament.** Any discipline imposed by a TDC that survives the tournament shall commence immediately following that tournament.
- (M) **Additional Discipline Recommended.** When the TDC determines the Charged Party has committed an offense which may warrant a discipline exceeding ninety (90) days, the TDC, after imposing either a Suspension of ninety (90) days, a Probation of ninety (90) days or both (not to exceed 90 days cumulatively) under this CDR § 503 (see specifically CDR § 503(J)), shall within ten (10) days refer its Hearing Report with its recommendations for discipline of more than ninety (90) days and the reasons for it via ACBL Management to:
  - (1) The ACBL Disciplinary Committee when the Incident occurred during a NABC or another event sponsored by the ACBL; or
  - (2) The next higher level appellate body when any appeal is taken from the decision of the NABC Tournament Conduct Committee and/or the ACBL Disciplinary Committee. (See also CDR § 604(A))

Appeal rights will be stayed until the second disciplinary committee has reviewed the Hearing Report and rendered a decision regarding the application of additional discipline. Such second disciplinary committee may, but is not required to, access the record of the TDC hearing(s).

504. NOT APPLICABLE TO ACBL MANAGEMENT AS DISCIPLINARY BODY. Sections 501-503 of this CDR do not apply when ACBL Management is acting as a Disciplinary Body (*e.g.*, for alleged violations of CDR §§ 303(A)-(C)).

## 6. PROCEDURES FOR APPELLATE BODIES

### 601. APPEALS TO A DISTRICT DISCIPLINARY COMMITTEE

- (A) **Right to Appeal a Club Barring.** An ACBL member barred from an ACBL sanctioned club game, including Unit Sponsored club games, in accordance with the regulations in Chapter 4, Section Three, IV, H. (Club Discipline) of the *ACBL Handbook* (discriminatory or extended barring) may file a written appeal with the District Disciplinary Committee chairperson (or, if none, the president) of the District of the geographical territory in which the game is operated.
- (B) **How to Appeal a Club Barring.** Written notice of appeal must be made within thirty (30) days following the date of the notice of the barring which is being appealed. For an appeal to be accepted by the District Disciplinary Committee chairperson and considered by the District Disciplinary Committee, a written statement must accompany the appeal. This statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one (1) of the following exists:
- (1) For an appeal only of an extended barring, the reason for the barring has no basis in fact; and/or
  - (2) For an appeal of any barring, that the barring was due to one or more of the discriminatory reasons listed in the *ACBL Handbook of Rules and Regulations*, Chapter 4, Section Three, IV, H (Club Discipline); and/or
  - (3) For a barring from a Unit Sponsored Club, that the barring resulted from improper disciplinary procedures and/or was for unfair reasons.
- (C) **Appeal Mandatory Under Certain Conditions.** This appeal is mandatory if the process in CDR §§ 601(A)-(B) is followed. The appeal shall be conducted as an original hearing in that the appellant may present evidence, including new evidence, to support the allegations noted in the written statement accompanying the notice of appeal. To be successful, the appellant's allegations must be considered to have been proven at the hearing by a preponderance of the evidence.
- (D) **District Disciplinary Committee Appeals Process.** The District Disciplinary Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any person, group or other entity that barred the player; a summary of the past disciplinary record of the person barred; a summary of the procedural issues or administrative matters, if any; and any other information upon instruction of the chairperson.
- (E) **Decision in Writing.** The decision of the District Disciplinary Committee shall be in writing and must be submitted to ACBL Management within thirty (30) days from the conclusion of the presentation of argument.

### 602. APPEALS TO A DISTRICT APPELLATE COMMITTEE

- (A) **Right to Appeal a Disciplinary Body's Decision.** The Disciplined Person and/or the Charging Party may file a written request to appeal with the District Appellate

Committee chairperson (and/or the District President, or their respective designee, who shall promptly forward such written appeal to the District Appellate Committee chairperson) from a decision of that District's District Disciplinary Committee.

(B) **How to Appeal to a District Appellate Committee.** A written request to appeal must be made within thirty (30) days following the mailing of the official written notice of the decision being appealed. For a request for an appeal to be granted by the District Appellate Committee chairperson and considered by the District Appellate Committee, a written statement must accompany the request. The statement shall provide an allegation, with a summary of the reasons supporting their position, that at least one (1) of the following exists:

- (1) The decision is not supported by the weight of the evidence presented at the hearing held by the lower level Disciplinary Body (i.e., not an appellate body except CDR § 503(M)(1)-(2) and CDR § 601);
- (2) Procedures employed were inconsistent with this CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process;
- (3) Discipline imposed is inappropriate; and/or
- (4) One (1) or more person(s) on the hearing panel had a bias, which affected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

(C) **District Appellate Committee Appeals Process.** If the request for an appeal is granted, the District Appellate Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also CDR § 605(A).)

(D) **Decision in Writing.** The decision of the District Appellate Committee shall be in writing and must be submitted to ACBL Management within thirty (30) days from the conclusion of the presentation of argument.

### 603. APPEALS TO THE APPEALS AND CHARGES COMMITTEE

(A) **Right to Appeal a Disciplinary Body's Decision.** Except for cases subject to Automatic Review under § 603(E)(1), the Disciplined Person and/or the Charging Party may file a written request to appeal with the chairperson of the A&C from

- (1) A decision of the EOC;
- (2) A decision of the District Appellate Committee;

- (3) A decision of the ACBL Disciplinary Committee; or
- (4) A decision of the OEOC.

(B) **How to Appeal to the Appeals and Charges Committee.** A written request for an appeal must be given to the A&C within thirty (30) days following the mailing of the official notice of the ruling. For an appeal to be granted by the A&C chairperson, and considered by the A&C, a written statement must accompany the request. The statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one (1) of the following exists:

- (1) The decision is not supported by the weight of the evidence presented at the hearing held by the lower level Disciplinary Body (i.e. not an appellate body except CDR § 503(M));
- (2) Procedures employed were inconsistent with this CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process;
- (3) Discipline imposed is inappropriate; and/or
- (4) One (1) or more person(s) on the hearing panel had a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

(C) **Appeals and Charges Committee Appeals Process.** If the request for an appeal is granted, the A&C shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also CDR §§ 603(E) and 605(A).)

(D) **Decision in Writing.** Decisions of the A&C shall be in writing and shall be final. All decisions shall be reported to the ACBL BOD within thirty (30) days from the conclusion of the presentation of argument and, thereafter, to all parties.

(E) **Automatic Review by the Appeals and Charges Committee**

- (1) All disciplinary cases in which
  - (i) a Suspension of one (1) year or longer is imposed;
  - (ii) Expulsion is imposed; or
  - (iii) a discipline for a First Degree Ethical Violation is imposed

shall be automatically reviewed by the A&C within six (6) months of receipt of the decision or Hearing Report, whichever is earlier, by the ACBL (an "Automatic Review"). In conducting such Automatic Review, the A&C shall

not conduct a new hearing but shall review the previous hearing to ensure that:

- (a) procedures were followed in accordance with the CDR;
  - (b) the decision and discipline imposed was supported by the evidence;
  - (c) a fair hearing was conducted; or
  - (d) no person on the hearing panel had a bias affecting the decisions of the panel, when such objection was raised at the hearing.
- (2) At its first meeting subsequent to an ACBL Management decision to impose discipline for alleged sexual harassment as set out in CDR § 501(L), the A&C shall make an Automatic Review of the discipline imposed by ACBL Management. Such Automatic Review shall be consistent with the procedures for appellate review, except that the accused person shall be entitled to present evidence and witnesses at the review hearing and ACBL Management shall be entitled to present evidence and witnesses in response thereto. Discovery shall be limited to reports prepared or received during the investigation or referred to in the decision by ACBL Management.
- (3) In any case in which A&C conducts an Appeal or Automatic Review of an Ethical Violation, the Committee will uphold the original disciplinary panel's findings on responsibility unless they were clearly in error, inconsistent with the evidence, or established CDR rules. The Committee will review the original disciplinary panel's impositions of discipline as recommendations. A&C may increase or reduce the discipline imposed as well as affirm, reverse or modify the disciplinary determination or remand the case for further proceedings.

#### 604. APPEALS TO THE ACBL DISCIPLINARY COMMITTEE

- (A) **Right to Appeal a Disciplinary Body's Decision.** The Disciplined Person and/or the Charging Party may file a written request to appeal with the ACBL Disciplinary Committee chairperson from a decision of a NABC Tournament Conduct Committee. However, if the ACBL Disciplinary Committee is automatically reviewing a NABC Tournament Conduct Committee request for additional discipline as set out in CDR § 503(M), the request to appeal shall be made to the A&C.
- (B) **How to Appeal to the ACBL Disciplinary Committee.** A written request to appeal must be given to the ACBL Disciplinary Committee within thirty (30) days following the mailing of the official notice of the NABC Tournament Conduct Committee decision being appealed. For a request for an appeal to be granted by the ACBL Disciplinary Committee chairperson, and considered by the ACBL Disciplinary Committee, a written statement must accompany the appeal. The statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one (1) of the following exists:
- (1) The decision is not supported by the weight of the evidence presented at the hearing held by the NABC Tournament Conduct Committee;
  - (2) Procedures employed were inconsistent with this CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process;

- (3) Discipline imposed is inappropriate; and/or
- (4) One (1) or more person(s) on the hearing panel had a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

- (C) **ACBL Disciplinary Committee Appeals Process.** If the request for an appeal is granted, the ACBL Disciplinary Committee shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also CDR § 605(A).)
- (D) **Decision in Writing.** The decision regarding the appeals heard by the ACBL Disciplinary Committee (when meeting as an appellate body) shall be in writing and must be sent to ACBL Management within thirty (30) days from the conclusion of the presentation of argument.

#### 605. OTHER APPELLATE PROCEDURES FOR ANY APPELLATE BODY

- (A) **Standard of Review.** In considering whether to grant or deny permission to appeal, the appellate body chairperson shall consider only the allegation(s) in the written statement and the supporting reasons. The request for an appeal shall be liberally construed, meaning that the chairperson should give more regard to an equitable resolution of the matter, grant those requests that are clearly within the spirit or reason behind the CDR rules being applied and resolve any reasonable doubts in favor of appellant.
- (B) **Procedures on Automatic Review or When Permission to Appeal is Granted**
  - (1) *Standard of Appellate Body Review.* Once permission to appeal has been granted, other than appeals as set out in CDR §§ 601 and 603(E), the appellate body's considerations shall address only the allegation(s) raised in the written statement that accompanied the request to ensure that: (1) the decision was supported by the weight of the evidence presented at the hearing; (2) the procedures were followed in accordance with this CDR; (3) the discipline imposed was supported by the evidence; and/or (4) no person on the hearing panel had a bias which affected the decisions of the panel, when objection to such bias was raised at the hearing, as the case may be. In general, appeals will be considered on the record made in prior hearings. Other than as provided in CDR § 601, no new evidence shall be allowed and the appellate body may not conduct a new hearing. A person's past disciplinary record, should one exist, may not be considered in review of the merits of the issues being appealed but may be considered as to the severity of the discipline under review.
  - (2) *Withdrawal of Appeal.* Once permission to appeal has been granted, appellant shall be allowed to withdraw its appeal by written notice to the chairperson of

the appellate body, who shall promptly notify all parties that the appeal has been dismissed. In the case of an appeal to the A&C, if the A&C chairperson is not available to receive and process the request within forty-eight (48) hours, In-House Counsel may act in his place. However, see CDR § 702 for restrictions on appellant's right to withdraw an appeal.

**(C) Status of Disciplinary Body Whose Decision is Appealed or on Automatic Review.**

A Disciplinary Body is not a party to any appeal taken from its action. Its position, analysis and reasoning should already be set forth in its Hearing Report. However, the appellate body in its sole discretion may permit persons other than the parties to the appeal to participate in the appeal by filing an argument in support or opposition to appellant's argument and/or by presenting an oral argument at the appellate hearing. At the discretion of the appellate body chairperson, they may be provided a copy of the written appeal and all supporting documents submitted by the appellant, any other information submitted in a timely manner to the appellate body by any party to the appeal and any other information upon the instruction of the appellate body chairperson.

During the deliberations of the appellate body, no additional persons may be present.

**(D) Appellate Body's Options.** An appellate body may: (i) affirm or reverse the decision being appealed; (ii) modify, reduce or increase the discipline being appealed; and/or (iii) remand the matter to any Disciplinary Body which previously heard the matter.

**(E) Rights of Parties to the Appeal or Automatic Review.** Each party to an appeal or Automatic Review under §§ 601-605 shall be entitled to:

- (1) Receive written notice of date, time and place of the appeals hearing.
- (2) Be sent prior to the hearing a copy of the written appeal and all supporting documents submitted by the appellant, any other information submitted in a timely manner to the appellate body by any party to the appeal, all information included in the record from any previous Disciplinary Body that has heard the case, and any other information upon the instruction of the appellate body chairperson.
- (3) Be represented at the hearing by another person who shall not be a member of the ACBL BOD.
- (4) Make statements on his behalf.
- (5) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing. Presence at the hearing may be in person or via telephone, teleconference, Skype or any other similar means where all participants may hear and/or see one another.
- (6) Question persons testifying. The chairperson may restrict this right if abused.
- (7) Be heard by a committee of at least three persons.

**(F) Advisor for Committees of Appellate Jurisdiction.** Due to the simplified procedures

of these informal proceedings, an advisor for committees of appellate jurisdiction is not routinely required. If a committee of appellate jurisdiction feels that it needs assistance on procedural matters, it may ask to have an advisor provided to assist it. The advisor shall be selected by and paid for (if any cost is incurred) by the organization responsible for the cost (i.e., District Boards for District Appellate Committees and ACBL Management for the ACBL Disciplinary Committee and A&C). The advisor for the ACBL Disciplinary Committee shall be chosen jointly by the chairperson of that committee and ACBL Management. The advisor selected shall not be an employee of the organization (current or former) and shall be impartial. Notwithstanding the foregoing, In-House Counsel may serve as the advisor to the A&C. The advisor shall not participate in the determination of responsibility or the discipline to be imposed.

## **7. STAY OF EXECUTION OF DISCIPLINE PENDING APPEAL**

### **701. NO AUTOMATIC STAY OF DISCIPLINE**

The mere filing of a request for an appeal does not stay (i.e., postpone) execution of a discipline.

### **702. PROCEDURE FOR GRANT OF STAY**

A stay of execution of a discipline pending an appeal may be granted only on written request directed to the chairperson of the appellate body with jurisdiction over the appeal, which request will include the reasons for such request. Once the stay of execution of a discipline is granted, neither the appeal nor the request for the stay may be withdrawn. The foregoing does not affect the power of the grantor later to modify or vacate (i.e., cancel) the stay.

### **703. STANDARD FOR GRANT OF STAY**

A stay of execution of a discipline may be granted only if the appellant makes a showing in her request that a reasonable likelihood exists that the decision will be reversed or that the discipline will be reduced.

### **704. AUTHORITY TO GRANT STAY**

A stay of execution of a discipline pending the disposition of an appeal shall be considered by:

- (A) The chairperson of the District Disciplinary Committee, when the appeal is to the District;
- (B) The chairperson of the District Appellate Committee, when the appeal is to the District;
- (C) The chairperson of the A&C, when the appeal is to the A&C;
- (D) The chairperson of the ACBL Disciplinary Committee, when the appeal is to the ACBL Disciplinary Committee.

## 8. PROCEDURES FOR HANDLING UNIT, DISTRICT OR BOARD OF DIRECTOR OFFENSES.

### 801. ALLEGATION AGAINST A UNIT

When it is alleged that a Unit (i) has violated ACBL, District or its own bylaws or regulations, or (ii) has acted in an illegal or improper manner, a member or group of members, a Unit or a District may bring the matter directly to the District Disciplinary Committee to request a hearing. Such request must include specific incidents or evidence regarding such violation of bylaws or regulations, improper or illegal action. The District Disciplinary Committee will review the request and 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.

(A) **Unit's Rights.** If the District Disciplinary Committee decides to conduct a hearing, the Unit against which an allegation has been submitted as set forth in CDR § 801 shall be entitled to (through the Unit president with a copy to the Unit secretary):

- (1) Receive written notice of the date, time and place of the hearing. Should a Unit admit that an allegation is true, a hearing shall nevertheless be held to determine an appropriate course of action.
- (2) Be furnished with a copy of the allegation (or a summary of the facts of such allegation), and the name of the member or entity submitting such allegation.
- (3) Be represented at the hearing by a person who shall not be a member of the ACBL BOD.
- (4) Produce evidence and make statements on the Unit's behalf.
- (5) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
- (6) Question persons testifying. The chairperson may restrict this right if abused.

(B) **Actions Following a Finding of Responsibility.** The District Disciplinary Committee may take one of the following actions (or a combination of the actions) in its resolution of the matter if it finds, by a preponderance of the evidence, a violation, or illegal/improper action:

- (1) Issue a warning to cure a deficiency and notify the ACBL BOD that, unless the deficiency is cured by a certain date, the Board should act against the Unit's charter;
- (2) Recommend that the ACBL BOD act against the charter of the Unit immediately; or

(C) **Appellate Bodies.** An appeal of a decision of the District Disciplinary Committee against or for the Unit *as an entity* shall be submitted to the A&C as a CDR § 802 action. An appeal of a decision against or for a specific *individual* within the Unit shall be submitted to the District Appellate Committee as required in CDR § 602.

## 802. ALLEGATION AGAINST A DISTRICT

When it is alleged that a District (i) has violated ACBL or its own bylaws or regulations, (ii) has acted in an illegal or improper manner, or (iii) has improperly failed to act upon a Complaint (or when a District Disciplinary Committee has ruled for or against a Unit as an entity as set out in CDR § 801(B)), a member, a group of members or a Unit may bring the matter directly to the A&C to request a hearing. Such request must include specific incidents or evidence regarding such violation of bylaws or regulations, improper or illegal action, or failure to act upon a Complaint (or defect of the District Disciplinary Committee).

The A&C will review the request (and, in the case of an appeal of a District Disciplinary Committee decision, the prior disciplinary hearing record) and may decide not to conduct a hearing if it finds that (i) the case does not warrant any action; (ii) the matter was dealt with in a reasonable manner at the District level; or (iii) the matter lacks significance to warrant a hearing.

(A) **District's Rights.** If the A&C decides to conduct a hearing, the District against which an allegation has been made as set forth in CDR § 802 shall be entitled to (through its District president with a copy to its District secretary):

- (1) Receive written notice of the date, time and place of the hearing. Should a District admit that an allegation is true, a hearing shall nevertheless be held to determine an appropriate course of action.
- (2) Be furnished with a copy of the allegation (or a summary of the facts of such allegation), and the name of the member or entity submitting such allegation.
- (3) Be represented at the hearing by a person who shall not be a member of the ACBL BOD.
- (4) Produce evidence and make statements on the District's behalf.
- (5) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
- (6) Question persons testifying. The chairperson may restrict this right if abused.

(B) **Actions Following a Finding of Responsibility.** The A&C may take one of the following actions (or a combination of the actions) in its resolution of the matter if it finds, by a preponderance of the evidence, a violation, illegal/improper action or improper failure to act:

- (1) Issue a warning to cure a deficiency and notify the ACBL BOD that, unless the deficiency is cured by a certain date, the Board should take some action against the District Organization;
- (2) Recommend that the ACBL BOD take some action against the District Organization immediately; or

(3) Decide the Complaint upon which the District failed to act.

(C) **Decisions Final.** Decisions of the A&C shall be in writing and shall be final. All decisions shall be reported to the ACBL BOD within thirty (30) days from the conclusion of the presentation of argument and, thereafter, to all parties and ACBL Management.

### 803. ALLEGATION AGAINST THE ACBL BOARD OF DIRECTORS

When it is alleged that the BOD as a body has violated the ACBL Bylaws or ACBL 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 CEO and the In-House Counsel to request a hearing. Such request must include specific incidents or evidence regarding such violation of bylaws or regulations. The Special Committee will review the request and may decide not to conduct a hearing if it finds that the case does not warrant any action. The Special Committee shall conduct a hearing if it feels that the allegations have merit.

(A) **Board of Directors’ Rights.** If the Special Committee decides to conduct a hearing, the BOD shall be entitled to (through its Executive Committee other than the ACBL President):

- (1) Receive written notice of the date, time and place of the hearing. Should the Executive Committee admit that an allegation is true, a hearing shall nevertheless be held to determine an appropriate course of action.
- (2) Be furnished with a copy of the allegation (or a summary of the facts of such allegation) and the name of the member or entity submitting such allegation.
- (3) Be represented at the hearing by a person who shall not be a member of the ACBL BOD.
- (4) Produce evidence and make statements on the BODs' behalf.
- (5) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
- (6) Question persons testifying. The chairperson may restrict this right if abused.

(B) **Actions Following a Finding of Responsibility.** If the Special Committee finds that the allegations have been proven by a preponderance of the evidence, the Executive Committee shall be directed to reconvene the entire BOD within a reasonable time frame to reconsider the actions that had previously been taken and to consider actions to comply with the ACBL Bylaws or ACBL Regulations.

**APPENDIX B  
to Code of Disciplinary Regulations**

**ACBL DISCIPLINARY RECOMMENDATIONS**

**Part I: Recommended Discipline for a Single Incident**

*Part I of these ACBL Disciplinary Recommendations is intended to apply to the typical case involving a single Incident and a Charged Party who has no previous disciplinary record. If this is not the case (i.e. there have been multiple offenses in the past or a pattern of conduct is evidenced), the Disciplinary Body must consider (but is not obligated to follow) Part II of these ACBL Disciplinary Recommendations before deciding on an appropriate discipline.*

The lists contained in Chart 1 and Chart 2 in this Appendix B, Part I, represent the recommended discipline and suggested masterpoint penalties which are to be imposed by a Disciplinary Body after rendering a decision which finds a Charged Party responsible of a conduct violation or an Ethical Violation, respectively.

The first column, entitled “OFFENSE”, sets forth an offense with a reference to the Code of Disciplinary Regulations (“ CDR”) section that most properly reflects that offense. Chart 1 is not intended to be an exhaustive list of all possible offenses for which a Charged Party might be found responsible.

The second column, entitled “RECOMMENDED DISCIPLINE”, is a guide for discipline to be imposed. **It is not mandatory.** However, discipline imposed that is outside these recommendations must be explained in the Hearing Report.

The third column, entitled “SUGGESTED MASTERPOINT PENALTIES”, represents a range of masterpoints which may be deducted in accordance with an offense listed in the chart for which the Charged Party is found responsible. Players who are found responsible of collusive cheating and Expelled shall forfeit all masterpoints.

A Disciplinary Body may find that there has been a violation of the CDR for which there is no recommendation cited in the two charts in this Appendix B, Part I. In such cases, the committee is free to impose on a responsible Charged Party whatever discipline it deems is appropriate from among the options described in CDR § 401. It may be helpful to consider offenses in the charts that are similar in nature or similar in degree to the Charges. The reasoning employed by the Disciplinary Body should be outlined in the Hearing Report. Additionally, a Disciplinary Body that imposes a discipline which is outside the range recommended by these guidelines for the stated offenses (or for extrapolated similar offenses) must explain why it chose the discipline imposed.

If a discipline outside of these Disciplinary Recommendations is imposed without explanation, the Hearing Report will be returned to the Disciplinary Body with a request for an explanation of their decision. There is no magic to such explanation. A clear and cogent explication of the committee’s thinking/reasoning is sufficient.

**APPENDIX B**  
**to Code of Disciplinary Regulations (cont.)**

**Part II: Recommended Discipline for Multiple Incidents or a Pattern of Conduct**

There are three major reasons why the recommended discipline in Part I of this Appendix B might not be appropriate. First, the single violation currently charged might be either so slight or so severe as to make the recommended discipline inappropriate. Second, the Disciplined Person might be convicted for several violations (such as a pattern of conduct). Third, the Disciplined Person might have a previous disciplinary record.

1. When the Disciplined Person's single violation is either extremely slight or extremely severe, the Disciplinary Body should apply its sound, unemotional judgment to determine the proper discipline. For example, either the level of bridge experience or the mental intentions of the Disciplined Person might be a consideration. Please explain on the Hearing Report form why the violation was considered atypical.
2. When the recommended discipline would not have the usual impact upon a responsible Disciplined Person, a Disciplinary Body may tailor the length or severity of the discipline in order that the discipline will have the desired impact.
3. When the Disciplined Person has been found responsible of several violations, such as a pattern of behavior, the Disciplinary Body should consider imposing a discipline as if each violation was a separate offense. The Disciplinary Body should note the separate violations and/or explain the pattern of behavior and its impact upon their decision.
4. When the Disciplined Person has a prior disciplinary record, the discipline imposed for the previous offense is not particularly important. However, the *number* of prior find of responsibility is important. The reason is that the Disciplined Person was already disciplined for the specific prior violation(s). In this current case, the Disciplinary Body should pay close attention to how the prior findings of responsibility reflect on the Disciplined Person's ability to behave according to ACBL standards and explain on the Hearing Report form the reasons for its decision relative to the discipline applied for the prior offense or offenses.

Examples of the application of these Part II Recommended Disciplines:

**Example #1.** A person convicted of accidentally gaining access to unauthorized information and acting on it has one prior finding of responsibility for bad hygiene for which he received thirty (30) days Probation. Here the Disciplinary Body would probably disregard the prior finding in making its decision regarding the proper discipline to be imposed for the current Incident involving unauthorized information. They would only consider the significance of the current violation – the use of the unauthorized information.

**Example #2.** A person convicted of accidentally gaining access to unauthorized information and acting on it has, following three separate hearings in the past four years, received thirty (30) days Probation for bad hygiene, thirty (30) days Probation for rude behavior towards his partner, and thirty (30) days Suspension for a threat of violent behavior towards an opponent. In this case, the prior disciplinary record indicates that this person has a history of violating ACBL Regulations and that discipline has had negligible effect on moderating their behavior. Here, the Disciplinary Body is encouraged to impose a discipline *above* the maximum guideline recommended for the offense for which that Disciplined Person was most recently found responsible.