

### 5.2.5 Required Appearance at Hearings

- (a) All complainants and/or the complainants' advocate are required to appear in person or by telephone. Failure to appear may be grounds for discipline.
- (b) When a committee chairperson determines (upon request by either the complainant or the charged person or persons) that a witness' testimony is critical to a hearing, then such a witness is required to appear or provide a signed statement. Failure to appear at the hearing in person, by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause is provided to the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.

- 5.3.5 When a Tournament Director or committee chairperson determines (upon request by either the complainant or the charged person or persons) that a witness' testimony is critical to a hearing, then such a witness is required to appear or provide a signed statement. Failure to appear at the hearing in person, by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause is provided to the Tournament Director or the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.

**Discussion:** For several years the issue of witnesses testifying has been governed for tournament disciplinary hearings and unit or higher disciplinary hearings by CDR 5.3.5. After discussion with League Counsel, this is thought to be inadequate. There should be some statement about witnesses in the section of the CDR specific to tournament disciplinary committees as well as other disciplinary committees.

The amendment above makes witnesses subject to the same conditions in each type of hearing. It also authorizes each side to go to the chair to get a determination that a witness is critical.