

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

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**CODE OF DISCIPLINARY REGULATIONS**

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## **DEFINITIONS**

<b>ACBL</b>	The American Contract Bridge League.
<b>ACBL Management</b>	The ACBL Chief Executive Officer or his or her designee.
<b>Advocate</b>	A person selected by the Unit, District or ACBL Management to represent the organization by prosecuting the complaint.
<b>Appeals and Charges Committee</b>	A committee of the Board of Directors which hears all disciplinary appeals on behalf of the Board of Directors.
<b>Board of Directors</b>	The governing body of the ACBL.
<b>CDR</b>	This Code of Disciplinary Regulations.
<b>Charge</b>	A matter brought to a committee by an ACBL representative upon the making of a complaint.
<b>Charging Person</b>	The official of a Unit, District or the ACBL acting upon a complaint.
<b>"Clear and Convincing Proof"</b>	Proof which is more than a probability but less than the certainty required in a criminal case.
<b>Complainant</b>	A person or body bringing a complaint.
<b>Complaint</b>	An accusation by an ACBL member, a non-member playing in an ACBL sanctioned event, ACBL management or a Unit or District alleging conduct in violation of CDR 3.
<b>Disciplinary Bodies</b>	Those committees set forth in CDR 1 which are authorized to hear charges involving tournament discipline.
<b>Discrimination</b>	Actions against a full-time or part-time ACBL employee, independent contractor, member, or participant in an ACBL sanctioned event because of race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics covered by law.

## **DEFINITIONS (continued)**

<b>Ethical Oversight Committee</b>	A committee established by the Board of Directors, which hears original cases of cheating or serious breaches of ethics or other disciplinary referrals per CDR 2.2.3(d).
<b>Ethical Violations</b>	<p>Infractions of the Laws of Duplicate Contract Bridge or the CDR that involve improper conduct consciously perpetrated. "Ethical violations," include but are not limited to:</p> <ol style="list-style-type: none"><li>1. Any deliberate communication not allowed by the Laws of Duplicate Contract Bridge.</li><li>2. Obtaining unauthorized information from hand records of the current session prior to the conclusion of play or hand records of future sessions, except upon express instruction of the Director.</li><li>3. Purposely looking at the unplayed cards of another player (other than penalty cards) before play of the deal is concluded.</li><li>4. Purposely looking at another player's (other than partner's) private score or any score ticket or score slip, or a video screen, which displays or contains scoring information for or relating to a deal yet to be played by the offender during the session.</li><li>5. Deliberately behaving in a manner intended to disrupt, intimidate, or disconcert another player.</li><li>6. Concealing partnership agreements or deliberately providing incomplete, inaccurate, misleading, or inadequate explanations.</li><li>7. Deliberate violations of the Laws of Duplicate Contract Bridge and/or ACBL regulations which may produce improper or unfair advantages; no proof of intent to gain such unfair or improper advantage is necessary.</li></ol>
<b>Expulsion</b>	See CDR 4.1.5.
<b>Expungement</b>	The removal of a discipline from a person's disciplinary record so that it is as though the discipline was never imposed.
<b>Law</b>	A provision in the "Laws of Duplicate Contract Bridge."
<b>Participation in an ACBL Sanctioned Event</b>	Appearing in the playing area of an ACBL sanctioned tournament for any reason.

<b>Presenter</b>	A person selected by the Chairman of the Disciplinary Committee or the organization with jurisdiction, to make or assist with an impartial and neutral presentation of evidence to a disciplinary body.
<b>President</b>	The President of the ACBL Board of Directors.
<b>Probation</b>	See CDR 4.1.2.
<b>Reprimand</b>	See CDR 4.1.1.
<b>Sexual Harassment against a full-time or part-time ACBL employee</b>	Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature against a full-time or part-time ACBL employee when such advances or conduct occurs during or part of an individual's employment for the ACBL. Sexual harassment includes, but is not limited to: sexual innuendo or sexually-oriented verbal abuse; unwanted physical contact such as hugging, patting, stroking, or grabbing body parts; displaying sexually suggestive objects, pictures or materials; using disparaging and demeaning terms of a sexual nature which belittle or degrade; using sexist terms involving prejudice or discrimination based on one's sex; using sexist jokes or "teasing" of a sexist nature; making obscene gestures or suggestive/insulting sounds; indecent exposure; and/or inappropriate verbal or physical advances of a sexual nature.
<b>Suspended Sentence</b>	See CDR 4.1.3.
<b>Suspension</b>	See CDR 4.1.4.
<b>TDC</b>	The Tournament Disciplinary Committee which is a committee acting and completing its action at or immediately after an ACBL tournament and which hears disciplinary charges arising from action occurring at a tournament.

## **CODE OF DISCIPLINARY REGULATIONS**

The purpose of the CDR is to provide a fair hearing to every ACBL member charged with a disciplinary infraction. However, it is to be understood that disciplinary proceedings are not criminal or civil trials in that they do not involve personal liberty but rather the privileges of membership in the ACBL or continued participation in ACBL sanctioned events. The CDR also applies to non-members of ACBL when participating in ACBL sanctioned events.

### **1. ACBL Disciplinary Bodies of Original and Appellate Jurisdiction**

#### 1.1 Unit Disciplinary Committee

1.1.1 Each Unit shall have a standing Disciplinary Chairperson.

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

#### 1.2 District Disciplinary Committee

1.2.1 Each District shall have a standing Disciplinary Chairperson.

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

#### 1.3 District Appellate Committee

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

1.3.2 Each District may have a standing District Appellate Committee but at a minimum must have procedures to appoint a committee when necessary. In no event may a member of this committee be a member of the committee hearing the matter as in CDR 1.1.1 or 1.2.1.

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

- 1.5 The Ethical Oversight Committee shall, upon the direction of ACBL Management and with consultation of League Counsel, hear original cases of alleged cheating by use of signals, other unauthorized information, other forms of cheating, or serious breaches of ethics. The ACBL President and District Director of the person charged shall be notified of a decision to hold an Ethical Oversight Committee hearing. The results of its hearings shall be reported to the parties, the Board of Directors and ACBL Management.
- 1.6 The Appeals and Charges Committee.
- 1.7 ACBL Management.
- 1.8 TDCs of Organizations Sponsoring an ACBL Sanctioned Tournament or Event, Except Units, Districts or ACBL.
- 1.9 The ACBL Disciplinary Committee shall hear cases regarding those matters specified in the CDR 2.2.3 (d) and (e) or other original cases when so instructed by the ACBL Board of Directors. This committee shall act as an appellate body and hear appeals per CDR 7.3.

## **2. Jurisdiction**

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

- (a) Members of ACBL or others disciplined, for appellate purposes only, except where otherwise specified in the CDR.
- (b) Persons participating in a sanctioned event held under its jurisdiction.

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

2.1.5 None of the disciplinary bodies noted in CDR 2.2.1 have jurisdiction over ACBL employees (members or not) in pursuit of their employment.

## 2.2 Of Disciplinary Bodies

2.2.1 Units have only original jurisdiction, except when otherwise explicitly stated in the CDR.

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

- (a) Disputes between Units within the District.
- (b) Cases involving alleged violation by Units referred to in CDR 9.1.
- (c) Cases where there is no appropriate Unit disciplinary body.
- (d) When, in the opinion of the District Board, circumstances make it impractical for the matter to be heard by the Unit.
- (e) When, in the opinion of the Unit or District Board, the matter cannot be fairly heard by the Unit.

2.2.3 The ACBL Board of Directors has original jurisdiction of the

following:

- (a) Disputes between Districts.
- (b) Disputes between Units from different Districts.
- (c) Cases involving alleged violations by Districts, referred to in CDR 9.2.
- (d) When, in the opinion of the District Board or the ACBL Board of Directors, circumstances make it impractical or unfair for the matter to be heard by the District or Unit. If such matter is disciplinary in nature and of original jurisdiction, the matter shall be referred to the ACBL Disciplinary Committee for decision.
- (e) When a disciplinary committee refers a matter heard at an NABC to the ACBL, it shall be referred to the ACBL Disciplinary Committee for action.

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

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

### **3. Grounds for Discipline**

- 3.1 Violation of the Laws of Duplicate Contract Bridge.
- 3.2 Violation of ACBL regulations.
- 3.3 Leaving a session prior to completion of play without either good cause or the permission of the tournament or game director.
- 3.4 Accusations of unethical bridge conduct at an ACBL sanctioned event, not made privately to a tournament director or other tournament official. Private and confidential conversations are not within the ACBL's jurisdiction even if they take place at a tournament site.
- 3.5 Violation of CDR 4.4.

- 3.6 Betting on the results of any ACBL sanctioned event.
- 3.7 Actions or behavior unbecoming a member of ACBL (or a person participating in an ACBL sanctioned event), including, but not limited to, improper actions at the time and site of an ACBL tournament or sanctioned game including parking lots, elevators, restaurants, and hotels. Private and confidential conversations are not within the ACBL's jurisdiction even if one takes place at a tournament site.
- 3.8 Non-payment of a valid hotel bill when the person participating in an ACBL sanctioned tournament stays at such hotel during that ACBL sanctioned tournament.
- 3.9 Non-payment of any sums owed ACBL, Districts, or Units. (For example: bad checks.)
- 3.10 Filing formal legal action against a Unit, District or the ACBL without first exhausting ACBL administrative or other internal remedies.
- 3.11 Improper conduct toward any official or body of ACBL.
- 3.12 Influencing or attempting to influence an entrant or entrants other than one's partner or teammates to withdraw from any ACBL-sanctioned event.
- 3.13 Knowingly submitting false information to a tournament official, ACBL official or ACBL body.
- 3.14 Failure to appear before a disciplinary committee in violation of CDR 5.2.5, 5.3.3 and 5.3.5.
- 3.15 Initiating disciplinary action against another with no reasonable basis or appealing the decision of a disciplinary body with no reasonable basis. (The rejection of a complaint is not equivalent to a finding that there was not a reasonable basis.)
- 3.16 Refusing any reasonable request for cooperation by a duly appointed recorder or assistant recorder pursuant to the proper conduct of the recorder's duties.

#### **4. Discipline**

- 4.1 Except for disciplines which may be imposed at tournaments under CDR 5, the subsections in this CDR 4 set forth the only discipline

which may be imposed by ACBL disciplinary bodies. ACBL disciplinary bodies may choose to combine such disciplines. Except for CDR 4.1.6, a disciplinary action by an ACBL disciplinary body shall apply to all events sanctioned by the ACBL. The following disciplines do not apply to conditions for a player's readmission to the ACBL, conditions for a player being allowed to play following a suspension, or the authority of any sanctioned ACBL club game to remove or ban any player from playing at that club game. All discipline shall be matters of public review and shall be filed in the person's disciplinary record. Discipline imposed shall be subject to ACBL rules and regulations in effect at the time in which incident(s) occurred which led to the discipline.

4.1.1 *Reprimand.* A written determination that a person has committed an offense warranting discipline for which the appropriate sanction is a statement of censure, an explanation of the relevant disciplinary policy and a warning against further related violations.

4.1.2 *Probation.* A determination that a person has committed an offense warranting discipline such that the person must lose some of the privileges of membership and such that any further disciplinary violation, whether similar or different, will automatically result in suspension or expulsion. If the member is disciplined for another offense during the probationary period, then the probation becomes suspension for the remainder or half of the probation period, whichever is the greater. Such new discipline shall be consecutive, not concurrent. (See CDR 4.1.8.)

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

- (a) shall not participate in international team trials sanctioned by the ACBL, or any national bridge organization of the United States, Canada, Mexico or Bermuda; and
- (b) shall not be eligible to direct a sanctioned masterpoint game unless specifically authorized by ACBL Management or the ACBL Board of Directors.

4.1.3 *Suspended Sentence.* A determination that a person has committed an offense warranting discipline such that a suspension would normally be imposed effective immediately, but based on mitigating circumstances the

suspension is being waived, conditioned on good behavior for a specified period of time. When the discipline is imposed and the execution thereof suspended, such suspension shall be deemed to be probation. (See CDR 4.1.8.)

4.1.4 *Suspension.* A determination that a person has committed an offense warranting abrogation of all ACBL rights and privileges including membership for a specified period. (See CDR 4.1.8.)

4.1.5 *Expulsion.* A determination that a person has committed an offense warranting permanent abrogation of all ACBL rights and privileges, including membership. (See CDR 4.1.8.)

4.1.6 *Exclusion From Events.* A determination that a person has committed an offense warranting abrogation of the person's right to play in certain specified events. (See CDR 4.1.8.)

4.1.7 *Reduction or Forfeiture of Masterpoints or Tournament Rank or Disqualification.* A determination that a person has committed an offense at a tournament warranting forfeiture of a specified number or all of the masterpoints earned in that event, or in the tournament in which the offense occurred, or a reduction of rank in a particular event, or disqualification in the event or tournament or any combination of the above. (See CDR 4.1.8.)

(a) When the determination has been made before the termination of the applicable correction period, resulting in a reduction in rank or disqualification, the standing of the other contestants in the event shall be adjusted to reflect such determination.

(b) When the determination has been made after the termination of the applicable correction period, a reduction in rank or disqualification shall not affect the standing of the other contestants in the event even though there may be no winner because of such action.

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

(a) Any participant(s) in an ACBL sanctioned event convicted of premeditated or collusive cheating or any participant who admits to such action or actions shall

forfeit all masterpoints and titles theretofore earned by said participants in all ACBL events.

- (b) Any participant(s) in an ACBL sanctioned event suspended for one year or longer as a result of ethical transgressions, other than those set forth in this CDR 4.1.8 (a), shall forfeit any masterpoints and titles won in the event in which the offense(s) occurred. Further, the committee shall remove, as a minimum, all masterpoints won within the twelve (12) calendar months preceding the date of the offenses to a maximum of all masterpoints won within the thirty-six (36) calendar months preceding the date of the offense(s).
- (c) Teammates and partners of (a) participant(s) who suffer(s) penalties as provided in CDR 4.1.7 and 4.1.8 (a) or (b) shall forfeit any title(s) and masterpoints won in events in which the offense or offenses occurred.
- (d) Titles forfeited in CDR 4.1.8 (a), (b) or (c) shall remain vacant and there shall be no change in rankings or awarding of masterpoints for other contestants.

#### 4.1.9 *Expungement.*

- (a) No ACBL disciplinary body of original jurisdiction may order expungement as a part of a discipline.
- (b) A discipline which has been issued by an ACBL disciplinary body may be expunged from a person's record only by action of an appellate body for good cause.

## 4.2 ACBL Probation and Suspension.

- 4.2.1 A person who has been disciplined twice in accordance with CDR 4.1 within a twenty-four (24) month period shall be automatically placed on ACBL probation for two (2) years by ACBL Management. A violation of such probation shall result in automatic suspension for sixty (60) days by ACBL Management and such additional disciplines, including expulsion from the ACBL, as may be determined by the ACBL Appeals and Charges Committee. At the meeting of the ACBL Appeals and Charges Committee the disciplined

party is entitled to be present in person, by a qualified representative or by telephone to discuss the case. ACBL discipline imposed as a result of multiple offenses shall be consecutive to the imposition of the original discipline. When both of the disciplines are public reprimand, ACBL Management shall inform the person that he or she may request the Appeals and Charges Committee to consider extenuating circumstances to have the ACBL probation suspended. When considering such relief, the entire ACBL disciplinary record of the member shall be considered.

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

#### 4.3 Suspension by ACBL Management.

4.3.1 ACBL Management may suspend a person who:

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

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

- 4.3.3 If the ACBL Management has cause to believe that a person has violated his or her discipline, it may suspend such person pending a review by the person's Unit Disciplinary Committee for consideration of additional sanctions.
- 4.4 In every sanction resulting in suspension or expulsion, a person may not participate in any National, District, Unit, club or other ACBL sanctioned activity including, but not limited to (i) acting as non-playing captain, (ii) kibitzing any game or event, (iii) being physically present at the playing area of a tournament, (iv) participating personally or through a corporation or other entity, agent, "doing business as" or other device in bridge-related affairs of the ACBL or of any ACBL affiliated organization.
- 4.5 The effective date of a discipline imposed shall be that date named by the committee in its determination, or failing that, five (5) days after oral or written notification to the disciplined person.
- 4.6 A report shall be submitted to ACBL Management by the disciplinary body imposing a sanction. Further, in order that a disciplinary action may be considered in imposing ACBL Probation, a report must be on file with ACBL Management. ACBL's Disciplinary Guidelines are attached as CDR Appendix C.

## **5. Procedures for ACBL Disciplinary Bodies of Original Jurisdiction**

- 5.1 Procedural Principles for Conduct of Hearings by Unit, District, and National Committees [*See, also CDR Appendix A (Guidelines for Disciplinary Proceedings) and CDR Appendix B (Handbook for Appeals Committees)*]
- 5.1.1 The Chairperson of the disciplinary body should be familiar with the CDRs, *the Guidelines for Disciplinary Proceedings* (CDR Appendix A) and *the Handbook for Appeals Committees* (CDR Appendix B).
- 5.1.2 The procedures before these Committees are intended to promote a hearing which is expeditious under the circumstances prevailing and as simple and informal as circumstances permit, keeping in mind at all times the rights of the parties.
- 5.1.3 It is strongly recommended that a stenographic or tape record be kept. Should a stenographic or tape record be

requested, the cost shall be borne by the person requesting the record (who must also provide, if requested, a free copy to the other party and the committee).

- 5.1.4 The Committee shall not be bound by legal rules, whether of substantive law, evidence or procedure, and shall be liberal in receiving evidence. The receipt of evidence is not necessarily indicative of the weight or the credit which the Committee may give it in their ultimate determination; thus, hearsay evidence and written statements may be admitted and given such weight as the Committee deems appropriate. Each member of the committee makes the decision as to responsibility using a standard of "clear and convincing proof."
- 5.1.5 The Committee shall determine the use of opening and closing statements and submission of briefs and memoranda.
- 5.1.6 Pre-hearing conferences may be held relative to the narrowing or framing of issues or procedural questions relating to the matter before the Committee, if, in the Committee's or its Chair's judgment it is so warranted.
- 5.1.7 Under such terms and conditions as the Committee, in its discretion, shall deem proper it may (but shall not be required to):
- (a) Order an additional investigation;
  - (b) Direct pre-hearing disclosure of evidence;
  - (c) Permit presentation of written statements for use at the hearing;
  - (d) Limit the number of witnesses to be heard;
  - (e) Clarify and define the issues to be heard; and
  - (f) Consolidate proceedings where the parties or the issues are the same.
- 5.1.8 The hearing may be adjourned from time to time for good cause shown, upon the application of a party or upon its own motion.

- 5.1.9 There shall be no automatic challenges to committee members. There may be challenges for cause, such as bias. In such cases the balance of the committee shall decide the validity of the challenge.
- 5.1.10 Other than as provided in the CDR, the party accused shall not be entitled to prehearing discovery as might be provided in civil litigation.
- 5.1.11 Representation on behalf of ACBL Disciplinary Bodies of Original and Appellate Jurisdiction may be provided at cost to the disciplinary body, as follows:
- (a) In matters before TDCs, the DIC may appoint a representative to be an advocate of the Unit, District or ACBL or a neutral presenter of facts.
  - (b) In matters before Unit or District Disciplinary Committees, the Unit or District President may appoint a representative to be an advocate of the Unit or District or a neutral presenter of facts.
  - (c) In matters before the Ethical Oversight Committee, ACBL Management may appoint a representative to be an advocate of the ACBL or a neutral presenter of facts.
  - (d) In matters before District Appeals, the District President may appoint a representative to be an advocate of the District or a neutral presenter of the matters on appeal.
  - (e) In matters before Appeals and Charges Committee, ACBL Management may appoint a representative to be an advocate of the ACBL or a neutral presenter of facts.
- 5.1.12 If a complaint, which alleges sexual harassment against a full-time or part-time ACBL employee, is brought before an ACBL Disciplinary Body, the Disciplinary Body shall immediately forward the matter to ACBL Management for action as follows:
- (a) ACBL Management shall expeditiously investigate the matter referred, including interviews of the

complainant and accused, and make a decision to:

- Exonerate the accused and take no action.
- Impose a reprimand.
- Impose probation.
- Impose suspension.
- Impose expulsion.

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

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

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

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

- (a) A complaint involving a single incident of conduct must be brought within sixty (60) days of discovery of the incident.
- (b) A complaint involving a pattern of conduct must be

brought within five (5) years of the earliest instance referenced in the complaint.

- (c) A complaint involving the conveying of information by unauthorized means, whether within a partnership or not (see Law 73.B.2), is not subject to a statute of limitations.

5.2.2 An initial charge based upon a complaint must be brought expeditiously by the charging party (for example, the president or recorder) of the organization having jurisdiction. (See CDR 2.) If the organization has failed to designate an individual, the president is the charging party. No person sitting on the organization's disciplinary committee should be the charging party. The charging party in deciding to bring a charge must answer "yes" to the following three (3) questions:

- (a) Is there prima facie evidence that the complaint has some validity (that there was misconduct)?
- (b) Does ACBL have jurisdiction?
- (c) If found responsible, would the disciplinary committee be obligated to issue a discipline?

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

- (a) Receive written notice of the date, time, and place of hearing. Should a person admit to a charge, a hearing shall be held in order to determine and impose appropriate discipline.
- (b) Be furnished with a written statement of the charge(s) and the name of the complainant.
- (c) Be represented by another person.
- (d) Produce evidence and make statements on his/her own behalf.
- (e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.

- (f) Question persons testifying through the Chair at the Chair's discretion.
- 5.2.4 All disciplinary bodies may allow reasonable adjournments or continuances consistent with the time available to the disciplinary body.
- 5.2.5 All complainants are required to appear in person or by telephone. Failure to appear may be grounds for discipline.
- 5.2.6 Charged persons are not required to appear and their failure to appear shall not be grounds for further discipline.
- 5.2.7 A person's past ACBL discipline which is a matter of record, should such exist, may not be considered in establishing guilt but may be relevant to the discipline to be imposed if the person is found guilty. (See CDR Appendix C.)
- 5.2.8 The disciplined person, complainant or ACBL Management may file an appeal with the appropriate appellate body. The disciplined person and the complainant, if any, are to be informed of this right in writing and in a timely manner along with notification of the name and address of the chairman of the appropriate appellate committee. (See CDR 7.)
- 5.2.9 A written report in a format provided by the ACBL shall be made of all hearings, including a brief summary of the facts, the committee's findings and what sanction, if any, is to be or was imposed. The disciplined person, the complainant and ACBL Management shall receive the written report.
- 5.2.10 A person who has been subjected to a disciplinary proceeding conducted under CDR 5 shall not be subject to any further proceedings by any other disciplinary body for the same matter, except pursuant to appeal and/or for additional disciplines as provided under CDR 4.2, 5.3.9, 5.3.13 and 7.
- 5.2.11 At the request of ACBL Management in matters coming before the Ethical Oversight Committee, League Counsel may be present to advise the Committee as to procedural matters and matters of law. The League Counsel shall be impartial and, in no case shall the League Counsel act as an advocate for the ACBL or anyone appearing before the Committee.

### 5.3 Procedures Specific to Tournament Disciplinary Committees

5.3.1 Disciplinary procedures at tournaments are intended to be expeditious. Matters heard by a TDC involving tournament discipline shall be heard and the hearing conducted at or immediately after the tournament in which the event(s) involving the discipline took place. Notices may be oral and the proceedings may be informal.

5.3.2 A disciplinary complaint involving events at a tournament must be brought by a participant in the tournament, by the sponsoring organization recorder or by the Director in Charge ("DIC") or his or her designee, which designation may be written or oral. An initial charge to the TDC must be brought by the DIC or his or her designee (the charging party). A decision by the DIC not to bring a charge before a TDC is final, provided that a party may take his or her complaint to the Unit or District having jurisdiction. The charging party in deciding to bring a charge must answer "yes" to the following three (3) questions:

- (a) Is there prima facie evidence that the complaint has some validity (that there was misconduct)?
- (b) Does ACBL have jurisdiction?
- (c) If found responsible, would the Disciplinary Committee be obligated to issue a discipline?

5.3.3 All complainants are required to appear. Failure to appear may in itself be grounds for discipline.

5.3.4 Persons charged are not required to appear and their failure to appear shall not be grounds for further discipline.

5.3.5 When a Tournament Director or committee chairperson determines that a witness' testimony is critical to a hearing, then such a witness is required to appear or provide a signed written statement. Failure to appear at the hearing shall be grounds for discipline, unless reasonable cause is provided to the Tournament Director or the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.

5.3.6 A person charged with a violation under CDR 3 shall be

entitled to:

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

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

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

5.3.9 The disciplined person, complainant or ACBL Management may file an appeal with the appropriate appellate body. The disciplined person and the complainant, if any, are to be informed of this right at the conclusion of the hearing along with notification of the name and address of the chairman of the appropriate appellate committee. (See CDR 8.)

5.3.10 A suspension imposed by a TDC shall not exceed ninety (90) days nor may an additional probation exceed ninety (90) days.

5.3.11 When a discipline imposed exceeds the permitted disciplinary limits it shall be valid only to the extent set forth

in CDR 5.3.10.

5.3.12 Any discipline surviving the tournament imposed by a TDC shall commence immediately following the tournament.

5.3.13 When the TDC determines the charged person has committed an offense which may warrant a discipline exceeding ninety (90) days, the TDC, after imposing either a suspension of ninety (90) days or probation of ninety (90) days or both under CDR 5.3, shall refer its report with its recommendations via ACBL Management to:

- (a) The Unit having jurisdiction when the action occurred during a Sectional tournament.
- (b) The District having jurisdiction when the action occurred during a Regional tournament.
- (c) The District in which the event is geographically located when the action occurred during a North American Bridge Championship tournament or other event sponsored by ACBL.
- (d) The sponsoring organization having jurisdiction when the infraction occurred.

## **6. Suspension Pending Hearing**

6.1 When charge(s) have been made, a person so charged may play in an ACBL sanctioned event pending hearing unless otherwise directed by the chairperson of the committee which will be hearing the charge(s). Such suspension pending hearings should be rarely issued and only in extreme cases or when a hearing is delayed due to the fault of the person charged.

6.2 When suspension pending hearing is directed by:

6.2.1 A Unit level disciplinary body, the hearing must commence within twenty (20) days, unless the person charged causes a delay.

6.2.2 A District level disciplinary body, the hearing must commence within sixty (60) days, unless the person charged causes a delay.

6.2.3 The ACBL Board of Directors, ACBL Board Committee or

Ethical Oversight Committee, the hearing must commence at the next ensuing ACBL Board of Directors' meeting consistent with adequate notice, unless delay is caused by the person charged.

## **7. Appeal Procedures**

### **7.1 Appeals to the District:**

7.1.1 A disciplined person, a complainant or ACBL Management may file a written appeal with the District Appellate Committee and/or the District President or their designee from:

- (a) A decision of TDC at a tournament held in that District.
- (b) A decision of a Unit's Disciplinary Committee. Such Unit must be located within the geographical area of the District.
- (c) A decision of that District's Disciplinary Committee.
- (d) A decision of an NABC tournament disciplinary committee from an NABC held in that District's geographical boundaries.

7.1.2 Written notice of appeal must be made within thirty (30) days following the notice of the ruling being appealed. A written statement, which shall provide at least a reasonable basis for concluding that one (1) of the following exists, must accompany the appeal:

- (a) Insufficient evidence to support the verdict.
- (b) Procedures inconsistent with the CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary determination.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias, which affected the decisions of the panel, when objection to such bias was raised at the hearing.

7.1.3 The District shall hear and decide appeals expeditiously.

7.1.4 The decision of the District shall be in writing.

7.2 Appeals to Appeals and Charges Committee:

7.2.1 A disciplined person, a complainant or ACBL Management may file an appeal with the Chairman of the Appeals and Charges Committee from:

- (a) A decision of the Ethical Oversight Committee.
- (b) A decision of the District Appellate Committee.
- (c) A decision of the ACBL Disciplinary Committee per CDR 7.3.

7.2.2 A written notice of appeal must be given to the Appeals and Charges Committee within thirty (30) days following the notice of the ruling. In order to be considered by the Appeals and Charges Committee, a written statement must accompany the appeal which shall provide at least reasonable grounds that one (1) of the following exists:

- (a) Insufficient evidence to support the verdict.
- (b) Procedures inconsistent with the CDR.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

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

7.2.4 Decisions of the Appeals and Charges Committee shall be in writing and shall be final. All decisions shall be reported to the ACBL Board of Directors and, thereafter, to all parties.

7.2.5 All disciplinary cases where a suspension of one (1) year or longer or expulsion is imposed shall be automatically reviewed by the ACBL Appeals and Charges Committee.

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

7.3 Appeals to the ACBL Disciplinary Committee:

7.3.1 A disciplined person, a complainant or ACBL Management may file an appeal with the Chairman of the ACBL Disciplinary Committee from a decision of an NABC tournament disciplinary Committee.

7.3.2 A written notice of appeal must be given to the Appeals and Charges Committee within thirty (30) days following the notice of the ruling. In order to be considered by the Appeals and Charges Committee, a written statement must accompany the appeal which shall provide at least reasonable grounds that one (1) of the following exists:

- (a) Insufficient evidence to support the verdict.
- (b) Procedures inconsistent with the CDR.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

7.3.3 The District shall hear and decide appeals expeditiously.

7.3.4 The decision of the District shall be in writing

7.4 Appeals will generally be considered on the record made in prior hearings unless in the opinion of the reviewing body the record is insufficient. A person's past disciplinary record, should one exist, may not be considered in review of the merits of decision being appealed, but may be considered as to the severity of the sentence under review.

7.5 The disciplinary body is a party to any appeal taken from its action. The appellate body may permit persons other than the parties to the appeal to participate in the appeal. During the deliberations of the appellate body no additional persons other than League Counsel may be present.

- 7.6 An appellate body may: (i) affirm or reverse the decision; (ii) modify, reduce or increase the discipline being appealed; and (iii) remand the matter to any committee which previously heard the matter.
- 7.7 A person bringing an appeal under this CDR 7 shall be entitled to:
  - 7.7.1 Receive written notice of date, time and place of the appeals hearing.
  - 7.7.2 Be represented.
  - 7.7.3 Make statements on his or her behalf.
  - 7.7.4 Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
  - 7.7.5 Question persons testifying through the Chair, at the Chair's discretion.
- 7.8 In matters coming before the Appeals and Charges Committee, League Counsel shall be present at all times to advise the Committee as to procedural matters and matters of law. The League Counsel shall be impartial and, in no case, shall the League Counsel act as an advocate for the ACBL or anyone appearing before the committee.

## **8. Stays of Execution of Discipline Pending an Appeal**

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

8.4.1 The Chairman of the District Appellate Committee.

8.4.2 The Chairman of the Appeals and Charges Committee.

8.4.3 The Chairman of the ACBL Disciplinary Committee

## **9. Disciplines Involving Units or Districts**

- 9.1 When it is alleged that a Unit has violated ACBL, District, or its own bylaws or regulations, has acted in an illegal or improper manner, or has improperly failed to act upon a complaint, a member, or group of members, or Unit or District may bring the matter directly to the District Disciplinary Committee to request a hearing. The District Disciplinary Committee may decide not to conduct a hearing if it finds that: the case does not warrant any action; or the matter was dealt with in a reasonable manner at the Unit level; or the matter lacks significance to warrant a hearing.
- 9.2 When it is alleged that a District has violated ACBL or its own bylaws or regulations, or has acted in an illegal or improper manner, or has improperly failed to act upon a complaint, a Unit, a member, or group of members may bring the matter directly to the ACBL Board of Directors' Appeals and Charges Committee to request a hearing. The Appeals and Charges Committee may decide not to conduct a hearing if it finds that: the case does not warrant any action; or the matter was dealt with in a reasonable manner at the District level; or the matter lacks significance to warrant a hearing.
- 9.3 When it is alleged that the Board of Directors, ACBL Management or staff has violated ACBL bylaws or regulations, or has acted in an illegal or improper manner or has improperly failed to act upon a complaint, a Unit, a District, a member or group of members may bring the matter directly to a Special ACBL Committee ("Special Committee") consisting of the ACBL President, the ACBL Chief Executive Officer and League Counsel to request a hearing. The Special Committee may decide not to conduct a hearing if it finds that: the case does not warrant any action; the matter was previously dealt with in a reasonable matter; or the matter lacks significance to warrant a hearing.

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## APPENDIX A

### **GUIDELINES FOR DISCIPLINARY PROCEEDINGS**

(Handbook for Disciplinary Committees)

Since disciplinary hearings differ both in purpose and process from appeals committee hearings, this handbook, while useable as a stand-alone document, serves best when used as a supplement to the applicable parts and sections of the *ACBL Handbook for Appeals Committees*.

Tournament disciplinary committees hear complaints of conduct and ethics (C&E) arising at that tournament. Unit and district disciplinary committees usually hear initial complaints of conduct and ethics while district appellate committees hear appeals from C&E decisions of lower jurisdictional bodies. Jurisdiction is outlined in the *ACBL Code of Disciplinary Regulations (CDR)*.

The purpose of these guidelines is to help the appropriate body provide fair hearings for all ACBL members charged with wrongdoing under the *CDR*. Disciplinary proceedings are not criminal trials and do not involve personal liberty or property rights. Rather, they involve the privilege of playing bridge at an ACBL-sanctioned event. These guidelines are suggested procedures, except for those in which it is specifically stated that they are mandatory, as required by the *CDR*.

#### I. COMMITTEE COMPOSITION

##### A. SELECTION

Serving on a disciplinary committee is a most difficult (and important) responsibility. For most cases, committee members need not be expert players. However, it is important that each member of the committee have a reputation for integrity, honesty and unimpeachable ethics to avoid any claim of a prejudiced decision. Generally, the chairperson should have considerable experience in disciplinary matters and be sensitive to the due process considerations affecting the disciplinary process. An odd number (usually 5) is best to avoid the possibility of deadlock on any single issue.

##### B. BIAS

Every committee member must be completely unbiased as to the personalities and issues involved. Common sense should prevent most incorrect appointments. No committee member should be a regular partner, close friend, spouse, significant other or known enemy of any party, or have a business or financial association. Any committee member who has dealings with a party that might give even the appearance of impropriety should excuse him or herself from further service. Committee members should conduct themselves appropriately, and avoid social contact with any party either before or immediately after the hearing.

## II. PERIOD OF LIMITATIONS

A complaint concerning a single incident must be filed within 60 days of that incident. A complaint concerning a pattern of actions must be filed within five years of the earliest action referenced in the complaint. A complaint involving the conveying of information by unauthorized means, pursuant to Law 73.B.2 is not subject to any period of limitations.

## III. THE DISCIPLINARY COMMITTEE

### A. The Committee

Each unit and district should have a committee whose purpose is to hear disciplinary matters. Where such a standing committee does not exist, it must be formed on a case by case basis. All members of the committee should be well-respected members of the bridge-playing community. The committee as a whole should represent diverse.

If a Disciplinary Committee member feels unable to act impartially at a hearing, he or she should ask to be excused. If there is an appearance of possible partiality (See I.B), the committee should either excuse the member from the hearing or discuss the matter with the parties involved, to determine if they object to the presence of that person on the committee. The committee as a whole is the sole determiner of the eligibility of committee members.

### B. Charger

The person delegated to bring charges must not be the Disciplinary Committee Chair or other member of the disciplinary committee.

### C. Presenter

An individual who makes or assists with an impartial presentation of evidence to a disciplinary committee. A presenter may be the recorder, tournament director or other party. The presenter may act as an aide to the disciplinary committee to insure a fair and complete presentation of the evidence for the committee to consider.

There are occasions when the person delegated to bring charges (or the committee chair) will determine that, in the interests of a full and fair hearing, it will be appropriate to have an impartial party help organize and present evidence. In these instances, the committee chair should request that a presenter be selected if the person responsible for charging has not previously selected a presenter.

Except for simple, straightforward cases, it is suggested that consideration be

given to selection of a presenter.

#### D. Advocate

A person selected by the Unit, District or ACBL Management to represent the organization by prosecuting the complaint. An advocate is the representative of the complainant. As such, the advocate is not neutral or unbiased. The advocate is free to aggressively prosecute a complaint.

### IV. PRE-HEARING PROCEDURES (DISCIPLINARY AND APPELLATE)

Subsequent to the scheduling of a disciplinary hearing or an appeal, it is mandatory that the parties involved receive timely written notice of the date, time and place of the hearing, are furnished with written charges, and are advised of their right to be represented by counsel (who need not be an attorney), to produce evidence on their behalf and to be present during the entire hearing. Suggested forms are available at the ACBL web page at [www.acbl.org](http://www.acbl.org) under Governance. The chairperson of the committee must verify that appropriate notices have been sent.

Since discussions and considerations at hearings of appeals of disciplinary sanctions are based primarily on the facts determined by the committee imposing the sanction(s), it is extremely important that detailed records be kept of all proceedings and testimony given at disciplinary hearings. While tape recording is not mandatory, it is most desirable. The chairperson should attempt to provide for the best record keeping permitted by circumstances. At the very least, one or more members of the committee should be charged with the task of keeping good written records. The Chairperson should ensure that any such records are sent to ACBL Headquarters, along with the written report of the hearing, for safekeeping in the event of future need.

The Disciplinary Committee may hold a pre-hearing conference to narrow or frame procedural questions that relate to the matter before it. At this conference the committee also may direct the disclosure of evidence, permit the taking of depositions, and permit the presentation of affidavits for use at the hearing. In addition, when more than one party is charged in the same situation, or when one party is charged in several situations, the proceedings may be consolidated.

### V. HEARING PROCEDURES

The complainants and the people charged and/or their counsels are entitled to be present while all evidence is given. Other individuals may remain at the hearing only at the discretion of the chairperson.

After calling the hearing to order, the chairperson should clarify to all parties that the chair is in charge and that no one is to speak unless recognized by the chair. After introducing all individuals present to each other, the

chairperson then explains how the hearing will proceed.

The chairperson should begin the hearing by reading the complaint. At a tournament, a tournament director who might also be a witness in the case, presents most cases to the committee. At a Unit or District hearing, the case will usually have been referred to the committee after review by the President or a designee, who may be the recorder. In the absence of a person to officially present the case (such as the recorder), the chair will provide an opportunity for each side to present its case. The committee should hear the evidence, first in support of the complaint and then on behalf of those charged, followed by rebuttal by either side, as necessary. (See discussions on evidence in the Appeals Committee Handbook.)

Next, witnesses may be questioned by the party (or counsel) who calls them, by the other party (or counsel), the presenter, and by the committee members. At his or her discretion, the chair may sequester one or more witnesses; that is, allow them to attend the hearing only while giving testimony and caution them against discussing the case until the hearing is completed.

After hearing all testimony the committee considers the case in a closed session; these deliberations are privileged. The standard for determining guilt is that the evidence must be clear and convincing (See VII). A simple majority decision prevails, unless the unit or district bylaws specify otherwise.

If the committee arrives at a decision of guilt, the next step is the determination of what discipline to impose. The CDR should be consulted, along with the list of ACBL Sanction Guidelines (See CDR Appendix C). The committee should examine the previous record of the guilty party before determining discipline. This information may be obtained by having the guilty person fill out the provided form listing previous disciplines and/or consulting with ACBL Headquarters prior to or after the determination of guilt.

Before a disciplinary committee at a tournament can refer a matter to a higher disciplinary body for further discipline (when it feels such additional discipline is warranted), the referring committee must impose a maximum discipline permitted by a tournament disciplinary committee (90 days suspension or 90 days probation or both).

## VI. POST-HEARING PROCEDURES

When the disciplinary body imposes sanctions, it is mandatory that such disciplinary body furnish the person(s) against whom the sanctions were imposed with written notice of the sanction, stating its effective date. The disciplined party or parties and the complainant if any are to be notified of the right to appeal the ruling to the District Appellate Committee (providing the name and address of the Chairman) if the disciplinary body is a unit, district or tournament disciplinary committee. (Note: Other disciplinary bodies should

check the CDR to properly advise the disciplined party or parties.)

It is also mandatory that the disciplinary body send a full report of the hearing (See Hearing Report Form at [www.acbl.org](http://www.acbl.org)) along with a copy of the letter sent to the disciplined party or parties to ACBL Headquarters at the same time.

## VII. EVIDENCE

To find a person guilty requires a simple majority of the committee. Each committee member, in deciding which way to vote, uses as a standard that the evidence be clear and convincing. It is not necessary that the evidence be beyond a reasonable doubt. If a reasonable person has a firm conviction that the evidence favoring guilt is more likely to be true than the evidence favoring innocence, then that committee member should find the charged person guilty as this meets the standard of clear and convincing.

## VIII MEMBER IN GOOD STANDING

In assessing any of the following sanctions, the committee should consider the definition of member in good standing which is: "an ACBL member shall be deemed to be in good standing when such member is not currently on suspension, indefinite probation or serving probation that resulted from a suspension, the initial term of which was in excess of ninety days".

## APPENDIX B

# HANDBOOK FOR APPEALS COMMITTEES

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- APPEALS COMMITTEE COMPOSITION
  - Two Types of Committees
  - Appointment
  - Skill as a Selection Criteria
  - Geography as a Selection Criteria
  - Committee Member Bias
  - Tournament Directors Role
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### I. INTRODUCTION

• This handbook is created to educate our members about Appeals Committees. The process begins with the Tournament Director, who enforces the Laws of Duplicate Contract Bridge. The Tournament Director can adjust scores (Law 12) and give procedural penalties (Law 90). Each player then has a right to appeal a ruling made at his or her table (Law 92). An Appeals Committee will usually hear that appeal (Law 93).

- The Laws of Duplicate Contract Bridge allow contestants to appeal any ruling made at their table by the Director (Law 92). Even if an Appeals Committee is available, the Chief Director still hears an appeal if it is based solely on Law or Regulation. Other appeals go directly to committee. In cases dealing solely with Law or Regulation, the contestant may appeal the Chief Director's ruling. However, no committee is permitted by law to overrule the Tournament Director on a point of Law or Regulation. It can only recommend that the Tournament Director reconsider his or her decision (Law 93).

- The Appeals Committee deals mostly with bridge judgment and fact. If the Committee believes discipline is warranted, it should decide the bridge appeal and refer the remainder to the Tournament Director for charging to the appropriate disciplinary committee. This committee is not a court of law, but in some ways is similar. It uses principles of equity so no player may gain an advantage by unethical conduct or violation of bridge law. Committee members should hear the whole story and make a fair and reasonable adjudication. They should not accept a procedural argument that prevents either side from fully expressing its views. The purpose of this Handbook is to help those who serve on an Appeals Committee and those who appoint committee members. When a Committee follows these guidelines, it will hold a fair hearing and should reach a fair and reasonable decision. Every participant is entitled to a fair and impartial hearing, no matter the final decision.

**•Note: The Committee Chairperson must be particularly careful in implementing part III. Procedures, A. Introductions below with respect to advising committee members and parties to the appeal to air concerns of possible bias.**

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## II. APPEALS COMMITTEE COMPOSITION

### •A. Two Types of Committees

- The Appeals Committee deals with questions of bridge judgment and facts arising from bidding, play or defense. For example, its members might have to decide whether a particular action could be based on unauthorized information. Members may need to analyze a player's bidding system and skill level plus whatever else the committee may feel is relevant.

- The other type of committee is the Disciplinary Committee. A sponsoring organization appoints this committee as its disciplinary body. It focuses on player conduct. Members decide whether to discipline a player for conduct ranging from simple rudeness to deliberate cheating. Bridge judgment is usually a side issue during its hearings and deliberations.

- The differences between these committees are important. An Appeals Committee lets the actual result stand or adjusts it as permitted by the Laws of Duplicate Contract Bridge. Sometimes it assesses a procedural penalty against some or all of the parties (in IMPs, matchpoints, or some other non-score sanction). A Disciplinary Committee decides if it should discipline a player for his or her conduct. Its options include anything from imposing a reprimand to expulsion from ACBL. Regulations permit a scoring adjustment in the interest of

equity, but this is a secondary consideration. A Tournament Disciplinary Committee has limited powers, as detailed in the *Code of Disciplinary Regulations* (CDR).

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#### **•B. Appointment**

- The Unit or District Board of Directors appoints an Appeals Committee for its sectional or regional tournament. It may delegate this authority to the tournament chairperson or another specified individual.

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#### **•C. Skill as a Selection Criteria**

- An Appeals Committee must often make bridge judgments about other players of different skill levels. Consequently, every Unit or District should make an effort to appoint knowledgeable players to serve on their Appeals Committees.
- Selecting committee chairpersons is an important duty. A good chairperson can help ensure that the committee considers all of the evidence and conducts an impartial hearing. Players who serve on Committees at North American Bridge Championships are good choices for this role.

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#### **•D. Geography as a Selection Criteria**

- Committee members should come from different geographical areas when possible. This will give the committee a broader base of experience, making a fair and impartial hearing more likely. No party should leave an Appeals Committee hearing feeling disadvantaged merely because they live in a different locale. All parties should believe they had a fair hearing with a full opportunity to express their views.

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#### **•E. Committee Member Bias**

- Every committee member must be unbiased. Common sense should prevent most incorrect appointments. Of course, no committee member should be a regular partner, close friend, spouse, significant other or known enemy of any party, or have a business or financial association. Any committee member who has dealings with a party should reveal that fact immediately and excuse himself or herself from service. Committee members should conduct themselves appropriately, and avoid social contact with any party either before or immediately after the hearing.

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#### **•F. Tournament Director's Role**

- The Tournament Director performs different functions at an Appeals Committee hearing. As the first witness, he or she presents a complete statement of the facts, issues, applicable laws and available sanctions.
- A Tournament Director is no party's adversary. As a professional arbiter, the Tournament Director is expected to make each ruling after a careful effort to

discover every relevant fact and understand the bridge judgments involved.

- The Appeals Committee should support the Tournament Director as a neutral person. During the hearing, this means treating the Tournament Director with respect. It also means announcing its decision without reference to the Tournament Director. Avoid phrases such as "We uphold the director's ruling" or "We overrule the director" because these imply that a Tournament Director is not neutral.

- In the interest of efficiency the Tournament Director normally testifies first. He or she should give a summary of the facts and issues, recite the pertinent law and regulations, and describe the available sanctions. An Appeals Committee may not overrule a Tournament Director on a point of law. In such a case, the Tournament Director may be asked to reconsider his or her ruling.

- The Tournament Director should inform the committee when bridge judgment is not relevant by showing a copy of the applicable law or regulation.

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#### **•G. Standing Committees and Lists**

- Each tournament should have a list of qualified persons who agree to serve on Appeals Committees. The person responsible for appointing the committee should consult with his or her Board of Directors. The opinions of some of the respected players in the area may also be helpful.

- The Tournament Committee can avoid having a less-than-qualified Appeals Committee by enlisting available, qualified players in advance.

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#### **•H. Size**

- A committee should have an odd number of members, usually three or five. This should prevent a committee from becoming deadlocked.

#### **•III. PROCEDURES**

- Bridge players are as argumentative as other high level competitors. We need procedures that ensure an orderly and efficient hearing. Committees should follow the procedures described beginning here.

## •A. Introductions

1. Introductions are the first order of business. The committee chairperson should:
    - a. Give his or her full name and home city;
    - b. State that the chair will function as the presiding officer;
    - c. Request that all questions and comments be directed to the chair;
    - d. Have the other committee members introduce themselves;
    - e. Have the parties, including their advocates, introduce themselves.
  2. The committee chairperson addresses the committee members as follows:

"If there is any reason why you feel you should not serve on this committee, please recuse yourselves now."

"If you believe you can serve and make an unbiased decision, but you know of conditions or circumstances that may be perceived as creating potential bias or perceived as such, please disclose those issues now."
  3. The committee chairperson addresses the parties to the appeal and the committee as follows: "If any member of this committee or party to the appeal has cause to believe that a committee member should not serve, you must raise the issue or issues now." (If there is any objection, see section III.F. below.)
  4. The committee chairperson introduces The Tournament Director and gives his or her name and role (e.g., table or floor director, chief director, appeals director);
  5. The committee chairperson introduces any witness, stating if that witness is associated with any party to the appeal.
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## •B. Disabilities and Interpreters

- The committee should consider whether any person is at a disadvantage because he or she does not understand English. The chair should make a good faith effort to ensure that this person fully understands what others say and that everyone understands what this person says. If there was no opportunity to arrange for an interpreter, then in appropriate cases the committee should postpone the hearing to provide that opportunity.
  - The committee should also undertake a good faith effort to ensure that any disability will not be a disadvantage. In appropriate cases the committee should postpone the hearing.
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## •C. Control

- The chairperson should inform those present of the following:
  1. They will have enough time to present their side;

2. The committee will call upon each party at the appropriate time;
3. There should be no interactions between the parties involved;
4. All testimony is directed to the chairperson;
5. For team events, the committee should not hear anything about what happened at the other table (NOTE: If the committee decides to award an artificial adjusted score pursuant to Law 12C1, they should then be told of the score at the other table.);
6. No interruptions will be tolerated;
7. When a witness is finished, opposing parties and committee members will have an opportunity to ask questions (always directed to the chair);
8. Each party will have an opportunity to present rebuttal testimony, and make whatever final argument they feel is appropriate;
9. When everyone is finished testifying, the committee will deliberate privately;
10. The parties will be called back to the committee room to hear the committee's decision. Once the committee announces its decision there is no further argument or discussion.

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#### •D. Documentation

- The chairperson may ask a member to prepare the required report or keep notes so that the chair can prepare the report
- No other record of the hearing is kept, except as directed by the committee.

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#### •E. Evidence

- The committee determines all rulings on the suitability of a question and admissibility of evidence. The chairperson speaks for the committee. If any member disagrees, the committee deliberates the issue privately and decides the point by majority vote.

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#### •F. Challenges

- Each committee's first duty is to ensure not only actual fairness but also the appearance of fairness. Mere knowledge of a party's past appearances before appeal or disciplinary committees is not a basis for disqualification. Parties should have the chance to challenge a committee member for cause. If a party challenges a member who will not withdraw, the remaining committee members may consider evidence pertaining to the challenge and vote on the issue. Before the substantive phase of the hearing begins, the sponsoring organization should fill any resulting vacancy to maintain an odd number of committee members.

#### • Standing

- After the committee resolves any and all challenges, it decides if the appealing party has standing to make the appeal. An individual may appeal a ruling only if the Tournament Director made it at his or her table. Both members of a partnership, and in a team game the captain, must concur in the appeal. If the appealing party does not have standing, the committee must dismiss the appeal. The hearing does not end, as the committee may impose a procedural penalty upon the appellant although the Committee should assume that the appealing party's standing was determined by the Tournament Director, they may make an independent decision on that issue.

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#### **•H. Explaining the Burden of Proof**

- The chairperson should explain to those present that the standard of proof to accept one version of the facts over another version is a preponderance of the evidence. This means that the committee accepts the version more likely to be true.

- For example:

If the appeal involves a mistaken bid versus mistaken explanation situation, the chairperson should say that this pair has a burden to present clear and convincing evidence. To accept as true that there was a mistaken bid, a majority of the committee members must possess a firm belief or conviction that there was a mistaken bid rather than a mistaken explanation. This is not so rigorous a standard as proof beyond a reasonable doubt, as used in criminal cases. For a fuller explanation, see Section IV B.

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#### **•I. Presentations**

- The Tournament Director is first, summarizing the relevant facts and issues along with the pertinent law. Next, he or she presents a list of available rulings and sanctions and informs the Appeals Committee of the full range of its authority. After responding to any questions from committee members and parties, the Tournament Director may withdraw. The chairperson may and should recall the Tournament Director especially when more information regarding law or regulation is needed.

- Each appellant (the contestant lodging the appeal) or their advocate (not both) gives his or her version of the facts plus their reasons why the Appeals Committee should decide matters in their favor. After each appellant is finished, the appellee (the opponent of the appellant) and any committee members may ask any pertinent questions. If an advocate represents the appellant, the appellant speaks only as a witness.

- Each appellee, or their advocate (not both), gives his or her version of the facts plus their reasons why the Appeals Committee should decide matters in their favor. After each appellee is finished, the appellant and any committee members may ask any pertinent questions. If an advocate represents the appellee, the appellee speaks only as a witness.

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## •J. Rebuttal and Closing Arguments

•Each party, starting with the appellant, has a chance to address what the opposing parties said. Rebuttal is not the time to say something a party forgot to say at his or her first opportunity. After rebuttal is finished, each party may make a final argument why the committee should support his or her position. Following this, the chairperson should emphasize that once the committee announces a decision there can be no further testimony or argument.

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## •K. Deliberations

•After final arguments are finished, the committee deliberates privately. All other persons must remain out of earshot. It keeps no record of its deliberations. If the committee discovers facts not known by the Tournament Director or believes he or she applied the wrong law, it should recall the Tournament Director. After discussion with him or her, the Appeals Committee decides the matter by majority vote.

•The Laws of Duplicate Contract Bridge (specifically Law 84E) state that if an irregularity has occurred for which no penalty is provided by law, the Tournament Director awards an adjusted score if there is even a reasonable possibility that the non-offending side was damaged. An Appeals Committee is subject to the same Laws. In gray areas both a Tournament Director and an Appeals Committee should rule for the non-offending side. Members are completely free to find facts and make bridge judgements that are completely at odds with the facts and bridge judgements found by the Tournament Director.

•An Appeals Committee is bound by the Tournament Director's statement of applicable law and regulation. If a committee finds the same facts as the Tournament Director and makes the same bridge judgments, then it must make the same ruling. A committee cannot overrule a Tournament Director on a point of law or regulation. A Committee may decide that a different Law applies and inform the Tournament Director of the facts that led to this conclusion. The Committee may not apply a different law if the Tournament Director disagrees.

•When announcing a decision that is identical to the Tournament Director's ruling, the Appeals Committee should emphasize that it found the facts and applied its collective bridge judgment independently. It should refrain from describing that decision as "upholding the director's ruling." This will help preserve everyone's image of the Tournament Director as a neutral person, rather than as an advocate.

•A committee should recognize the Tournament Director is impartial. That alone may be enough to convince the committee of a particular set of facts. A party disagreeing with the facts as set forth by the Tournament Director is most likely speaking out of self-interest. An appellant or appellee may truly believe what he or she is saying, but remember each party had time to consider what they were going to say. This is a matter of credibility, discussed more fully in section IV.

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## •L. Announcing and Reporting the Decision

•The committee should recall all parties and the Tournament Director to hear its decision. The chairperson should try to ensure that both sides are aware of why the decision was reached. All of the parties are subject to a disciplinary penalty if objections to the committee's decision are considered disrespectful of either the process or the committee. The Committee delivers its report on the official ACBL form to the Tournament Director.

## IV. PRINCIPLES OF EVIDENCE

### •A. Evidence That May Be Considered by a Committee

•ACBL is a membership organization whose governing body sets its own rules. Committees are not courts of law, so the rules of evidence applicable to courts of law and other legal tribunals do not apply to committees.

•Usually, a committee should permit hearsay evidence but not hearsay on hearsay. We may roughly define hearsay evidence as a statement made by another person offered for the truth of the statement. An example is testimony by one person that another person said he or she heard South bid 3 spades. This is hearsay evidence if offered for the proposition that South bid 3 spades. A person who testifies that he or she heard a rumor that another person said he or she heard South bid 3 spades gives hearsay on hearsay, if offered for the same proposition.

•While a committee should permit hearsay evidence, the weight given the hearsay evidence should be less than the weight given direct testimony. The reason is that it is not as reliable as direct testimony and there is no effective way to question it. This often means we have no way to be certain it is really true.

•Hearsay on hearsay testimony is so unreliable that the possibility of prejudice far outweighs its probative value. We are all familiar with the elementary school game of story telling. The teacher whispers a short story to the first child. The child repeats the story to the next child, and so on until the last child tells the story to the class. The end story is usually substantially different.

•The committee should consider any evidence that bears on an issue before it. If particular testimony makes any contested fact or factual inference more or less likely, then that particular testimony is relevant and the committee should hear it. A committee should not allow testimony that fails this test because hearing it is a waste of time.

•What is relevant is primarily a matter of common sense and experience. ACBL expects committees to use their collective discretion rather than a rigid set of rules. The committee should be prepared to deal with self-serving testimony. The testimony usually is relevant and should be admitted, but in such cases the committee should not give it any significant weight. The reason is the potential bias by players having a direct interest in the committee deciding matters in a particular way.

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### •B. Burden of Proof

•As to a particular issue, the party with the Burden of Proof has the responsibility

to prove that issue. A party satisfies the burden if he or she introduces evidence that, if accepted, could be a basis for deciding the matter in their favor. As an aside, the party still satisfies the burden of proof if the committee does not believe the evidence. In such a case the committee is simply resolving evidentiary or credibility issues against that party.

- Cases before a committee should be heard as if for the first time, regardless of any previous determination by the Director. A committee must review the evidence independently, and make its own determination of fact or bridge judgment. Consequently, a Tournament Director has no burden of proof in an Appeals Committee hearing. Remember, however, that, if the committee finds the same facts and bridge judgment as the Tournament Director, it must make the same ruling. NOTE: Committee should discuss the point of how much, if any, weight be given to the director's decision.

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### •C. Types of Evidence

- When used to prove a proposition, direct evidence means that we require no inference to prove the proposition. Circumstantial evidence requires an inference to prove the same proposition. The dealer opens 1 diamond and second chair overcalls 2NT. Fourth chair explains the bid shows the "two lower unbid". This is direct evidence that the bid shows the two lower unbid suits. However, if fourth chair later bids clubs holding five hearts and only three clubs, that is circumstantial evidence that the bid does not show the two lower unbid suits.

- Neither type of evidence is necessarily more convincing. A committee member can discount direct evidence about an automobile going through the intersection while the light is green if the witness proves to have an uncertain memory. Committee members should evaluate all direct and circumstantial evidence to decide which evidence is more credible and entitled to more weight under the circumstances of that particular hearing.

- Demonstrative evidence is an object or tangible item. Its probative value depends on its connection to the other evidence produced in the hearing. For example, a convention card and partnership notes are demonstrative evidence. Their importance and effect in a mistaken bid versus mistaken explanation case could depend on their completeness and when the players filled in the relevant sections.

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### •D. Credibility and Weight

- Credibility is the extent to which a witness is believable. A witness who testifies that the light was green when the automobile entered the intersection, but who later admits being miles away should be found not credible.

- Witnesses usually testify to the truth, as they perceive it. If two people testify to the opposite, such as whether a traffic light was green or red, one must be wrong. However, both could firmly believe they are correct and the other wrong. This sometimes happens when a witness so strongly wants a particular fact to be true that he or she becomes convinced of it. Committee members need not think a witness is lying to disbelieve him or her.

- Weight is the degree to which credible evidence controls the ultimate decision of the committee. Weight is the importance assigned to the particular evidence. If a witness testifies that the playing area was very noisy, the testimony could be very credible. However, in a mistaken explanation versus mistaken bid case the testimony would not have much weight.
  - Sometimes evidence will be irrelevant due to legal constraints. In a hesitation case, the subjective opinions and judgments of the partner of the player who hesitated are irrelevant. The only relevant issues in a hesitation case are whether the hesitation demonstrably suggested the action taken and whether there was a logical alternative to the action take.
  - A Tournament Director often bases his or her ruling on Management guidelines and precedents that suggest a particular ruling. The committee makes independent credibility decisions, and may depart from established Management guidelines and precedent only when there is overwhelming evidence to the contrary. Accordingly, the committee should not consider itself bound by the facts or bridge judgments found by the Tournament Director.
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#### **•E. Organization**

- A committee's main task is to decide the facts, apply its collective judgment to the effect the facts have on the matter before it, apply the law as stated by the Tournament Director, to the facts, and make its decision. Its members should work together to reach a consensus. No member should stubbornly hold to a position without seriously considering the contrary positions held by other members, or change his or her position solely to avoid dissension.
- A committee should not compromise on the facts. Only one set of facts can exist. Determining the effect of the facts is necessarily a subjective judgment. Compromise on the effect of those facts, therefore, is often appropriate and always possible.
- Committee members should avoid endless and futile deliberations. A vote resolves an issue, but a committee may revisit that issue if a member raises some new point. However, once the committee announces its decision, the matter is at an end.

## APPENDIX C

### ACBL DISCIPLINARY SANCTION GUIDELINES

The following range of discipline for conduct and ethics violations is provided as a guide to a disciplinary committee not a mandate. This is not intended to be an exhaustive list of all possible infractions but rather to set forth examples. The committee is free to impose on a guilty defendant whatever punishment it deems is appropriate from options described in the CDR. However, a disciplinary committee, which imposes a sanction which is outside the range recommended by these guidelines, must explain why it chose the sanction imposed. **Part A** of these guidelines is intended to apply to the typical case involving a single incident and a defendant who has no previous disciplinary record. If this is not the case, the committee must read **Part B** of these guidelines before deciding on an appropriate discipline.

#### Part A

<b>CONDUCT</b>		<b>RECOMMENDED DISCIPLINE</b>
<b>OFFENSE</b>		
C1	Poor personal hygiene or dress (CDR 3.7)	Reprimand to 30 days Probation
C2	Rudeness in conversation, gesture, or general behavior (CDR 3.7)	Reprimand to 30 days Probation
C3	Publicly belittle partner or opponent on bid or play (CDR 3.7)	Reprimand to 30 days Probation
C4	Influence or attempt to influence an entrant to withdraw from an event to improve one's likelihood of winning more masterpoints CDR 3.12)	Reprimand to 90 days Probation
C5	Harass a tournament director or tournament official (CDR 3.11)	Reprimand to 90 days Probation to 30 days Suspension
C6	Deliberately fail to follow instructions given by a tournament director or official including leaving a session without permission of the tournament director or game director. (CDR 3.1 & 3.2)	90 days Probation to 30 days Suspension
+C7	Fail to report a known incorrect score (CDR 3.2)	90 days Probation to 30 days Suspension
C8	Publicly made obscene comments (CDR 3.7)	Reprimand to 120 days Probation

**Part A (continued)**

<b>CONDUCT (continued)</b>	
<b>OFFENSE</b>	<b>RECOMMENDED DISCIPLINE</b>
C9 Intimidate or harass another player or ACBL official (CDR 3.11)	90 days Probation to 30 days Suspension
C10 Publicly accuse another player of unethical behavior (CDR 3.4)	90 days Probation to 180 days Suspension
C11 Threat of abusive or violent contact with another person (CDR 3.7)	90 days Probation to 180 days Suspension
C12 Abusive or violent contact with another person (CDR 3.7)	90 days Suspension to 1 year Suspension
C13 Knowingly submit false information or deliberately distort facts to an ACBL official or committee (CDR 3.13)	90 days Probation to 1 year Suspension
C14 Failure of Complainant to appear at hearing (CDR 3.14)	30 days Suspension
C15 Appeal a decision from a disciplinary body with no reasonable basis (CDR 3.15)	Reprimand 90 days Probation to 90 days Suspension
C16 Initiate disciplinary action against another player with no reasonable basis (CDR 3.15)	30 days Suspension to 90 days Suspension
C17 Initiate and maintain legal action against the ACBL (including a District or Unit) without first exhausting administrative remedies (CDR 3.10)	1 year Suspension
C18 Misappropriate ACBL, Unit or District Funds (CDR 3.9)	Indefinite Suspension pending return of funds

**Part A (continued)**

<b>ETHICS</b>		
<b>OFFENSE</b>		<b>RECOMMENDED DISCIPLINE</b>
E1	Deliberately ask for or give information about a board in play after both parties played it (CDR 3.2)	Reprimand
E2	Deliberately ask for or give information about a board in play prior to one or both parties playing the board (CDR 3.2)	30 days Suspension to 1 year Suspension *
E3	Unsportsmanlike and frivolous psyching (CDR 3.2)	Reprimand to 30 days Suspension
E4	Play a convention, system, or treatment knowing it is illegal; Purposefully fail to disclose partnership agreements with intent to deceive. (CDR 3.2)	Reprimand to 30 days Suspension *
E5	Bid or play with the specific intent to achieve a poor result on that hand (CDR 3.2)	90 days Probation to 90 days Suspension *
E6	Intentionally change a score or any information that could result in awarding incorrect masterpoints (CDR 3.1)	180 days Suspension to 1 year Suspension *
E7	Accidentally gain access to information and then act on it (CDR 3.1 & 3.2)	90 days Probation to 180 days Suspension *
E8	Hesitate with an intent to deceive; use intonations and mannerisms that may deceive opponents or help partner (CDR 3.1 & 3.2)	1 year Probation to 180 days Suspension *
E9	Deliberately try to see from where an opponent plays his cards (CDR 3.1 & 3.2)	90 days Probation to 90 days Suspension *
E10	Actively and deliberately try to see an opponent's cards (CDR 3.1 & 3.2)	90 days Suspension to 1 year Suspension *
E11	Actively seek advance information about a board in play	2-year Suspension to Expulsion *
E12	Prearrange a deal or part thereof including one card (CDR 3.1 & 3.2)	2-year Suspension to Expulsion *
E13	Intentionally gain access to hand records (CDR 3.1 & 3.2)	2-year Suspension to Expulsion *
E14	Prearranged partnership collusion by means of signaling to exchange information (CDR 3.1 & 3.2)	Expulsion *

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\* If a committee imposes a suspension, then it should also disqualify the pair or team from the event. This will mean the pair or team will lose its place in the event, any masterpoints earned in the event and any other benefits it may have earned from playing in the event. Should this disqualification take place after the correction period for the event has expired, other pairs and teams do not move up - the place formerly held by the disqualified contestant (pair or team) remains vacant.

## **Part B**

There are three major reasons why the suggested guidelines in Part A might not be appropriate. First, the single violation might be either so slight or severe as to make the suggested sanction inappropriate. Second, the defendant might be convicted for several violations (such as a pattern of behavior). Third, the defendant might have a previous record.

1. When the defendant's single violation is either extremely slight or severe, the committee should apply its sound, unemotional judgment. For example, either the experience or mental intentions of the defendant might be a consideration. Please explain on the Hearing Report Form why the violation was considered atypical.
2. When the defendant is convicted of several violations, such as a pattern of behavior, the committee should impose a sanction as if each violation was a separate offense. The Committee should note the separate violations and/or explain the pattern.
3. When the defendant has a prior record, the nature of the previous offense is not particularly important. The number of prior convictions is important. The reason is that the defendant was already sanctioned for the specific prior violation(s). The committee should pay close attention to how the prior conviction(s) reflects on the defendant's ability to behave according to ACBL standards and explain on the Hearing Report Form the reasons for its decision.