

AMERICAN CONTRACT BRIDGE LEAGUE CODE OF DISCIPLINARY REGULATIONS

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1977-1	March 1977	1980-3	January 1981	1982-3	December 1982
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1994-1	March 1994	1994-3	November 1994	1995-3	November 1995
1996-2	August 1996	1997-3	January 1998	1998-3	January 1999
2000-1	March 2000	2000-3	January 2001	2001-1	April 2001
2001-2	August 2001	2001-3	November 2001	2002-3	November 2002
2003-1	March 2003	2003-2	July 2003	2003-3	November 2003
2004-1	March 2004	2004-2	July 2004	2004-3	November 2004
2005-1	March 2005	2005-2	July 2005	2005-3	January 2006
2006-1	March 2006	2006-2	July 2006	2006-3	November 2006
2007-2	August 2007	2007-3	January 2008	2008-1	April 2008
2008-3	January 2009	2009-1	April 2009	2009-2	August 2009
2009-3	January 2010	2010-2	August 2010	2010-3	January 2011
2011-2	August 2011	2011-3	January 2012	2012-3	January 2013
2013-1	April 2013	2013-3	November 2013	2014-3	January 2015
2015-1	March 2015	2015-2	August 2015	2015-3	November 2015
2016-1	March 2016	2016-2	August 2016	2017-2	August 2017
2018-2	July 2018	2018-3	January 2019	2019-1	March 2019
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CODE OF DISCIPLINARY REGULATIONS

TABLE OF CONTENTS

Definitions..... 1

1. Disciplinary Bodies Jurisdiction..... 6

2. Disciplinary Proceedings..... 9

3. Grounds for Discipline..... 11

4. Procedures for Imposition of Discipline..... 19

5. Procedures for Disciplinary Proceedings..... 25

6. Charged Party’s Rights.....389

Definitions

ACBL	American Contract Bridge League and, as the context requires, any of its affiliates.
ACBL activity	Any ACBL sanctioned event (including parking lots, elevators, communal areas, restaurants and hotels at or around the location of the activity), ACBL (or affiliated organizational) meetings, or other activity conducted for ACBL purposes.
ACBL Disciplinary Committee (ADC)	A non-board committee established by the BOD to accomplish the goals and objectives set out in this CDR.
ACBL Management	The ACBL Executive Director or their designee. The National Recorder may only be designated as Charging Party under CDR § 502.
ACBL Officials	ACBL employees, members of the ACBL Board of Directors, ACBL Advisory Council, or of any ACBL Foundation Board. Any board appointed member of an ACBL committee, sub-committee or commission. District and Unit Officials or District and Unit Board Members. All independent contractors hired by a Tournament Committee. This includes all Tournament Assistants and Caddies hired to work at an ACBL sanctioned tournament.
ACBL Regulations	This ACBL Code of Disciplinary Regulations, the Laws, the ACBL Bylaws, the ACBL Codification, the General Conditions of Contest for ACBL events (and Conditions of Contest for a specific event), the Bidding Box Regulations and any other rules and regulations of similar import.
Administrative Violation	“Administrative” violations are actions or behaviors in an ACBL activity described in §§ 303 et. seq.
Advocate	A person selected by the Charging Party and the Charged Party to represent their respective position before a Disciplinary Panel. The Advocate may not be a member of the ACBL BOD. The Advocate for the Charged Party may not be an employee of the ACBL.
Appeals and Charges Committee (A&C)	A committee of the ACBL BOD which conducts disciplinary proceedings and provides recommendations to the BOD on disciplinary processes.
Attorney	A person who is licensed or has been licensed to practice law in any jurisdiction.
Board of Directors (BOD)	The governing body of the ACBL.

Bridge Organization	An independent organization that organizes bridge in a certain location or geographical area such as a National Bridge Federation (as defined by the World Bridge Federation, for example, the United States Bridge Federation) or Zonal Conference of the World Bridge Federation (for example, the European Bridge League).
Catchline headings	The catchline headings of the sections of this CDR should be considered to be a part of the respective sections of the CDR.
Cause	With respect to removal of a member of a Disciplinary Panel “for cause,” the reasons affecting and concerning the ability and fitness of such member to perform the duty imposed upon him that are sufficient to warrant removal; it does not mean some arbitrary or capricious action.
CBCD	Computer-based cheating detection.
CDR	This ACBL Code of Disciplinary Regulations, as amended, supplemented or otherwise modified from time to time.
Charge	An allegation that an individual has violated the CDR.
Charged Party	A person against whom Charges have been brought.
Charging Party	The official of the ACBL who brings Charges against an ACBL member or non-member participating in an ACBL activity.
Club Barring Review	A formal process, as defined in CDR § 504, conducted by the ACBL to review and address instances where an ACBL member has been barred from participating in activities at an ACBL-sanctioned club pursuant to Codification Chapter IV.
Collusive Cheating	An agreement made between two or more people, at least one of whom is a contestant, to exchange or pass information illicitly. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.
Comfortable Satisfaction	<p>A burden of proof that is met when, after a careful weighing of the evidence and the facts proved by direct, circumstantial or other evidence, the decision maker has a comfortable satisfaction that he or she has reached a correct and just conclusion. It is higher than “preponderance of the evidence” standard but not as high as “beyond a reasonable doubt.”</p> <p>Direct evidence, circumstantial evidence, hearsay evidence, witness statements, mathematical analysis and any other relevant evidence (including evidence from outside of the ACBL) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.</p>
Complaint	A written accusation by the National Recorder based on a reported

Incident requesting that Charges be brought to an appropriate Disciplinary Body.

Computer-based cheating detection (CBCD) technique or tool

Any CBCD technique or tool approved by the ACBL Board of Directors for use in detecting cheating.

Conduct Violation

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

DIC

Director-in-Charge.

Disciplinary Bodies

The bodies set out in CDR § 1 which are authorized to conduct a disciplinary proceeding related to alleged violations under CDR § 3 or when otherwise expressly stated in this CDR.

Disciplinary Panel (Panel)

A specific group of members of a Disciplinary Body set out in CDR § 1 who are designated to conduct a disciplinary proceeding.

Disciplined Person

A person whom a Disciplinary Panel has determined to be responsible for a violation of the CDR and who shall be subjected to a discipline.

Discrimination

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

EDP

Expedited Disciplinary Proceeding set out in CDR § 201.

Electronic Presence

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

Eligibility Points

Masterpoints assigned to be used for placement in a flight, bracket, or stratification category and used to ensure proper seeding, and for determination of discipline.

Ethical Oversight Committee

A non-board committee established by the Board of Directors which conducts disciplinary proceedings as set out in CDR §107.

Ethical Violations

In general, ethical violations are actions (other than those permitted by the Laws or other ACBL regulations) that are likely to have a material impact on the outcome of a bridge competition.

Expunged or Expungement

The removal of a discipline, after such discipline has been served,

Incident	<p>from a person's disciplinary record so that it is as though the discipline was never imposed.</p> <p>An occurrence of conduct or actions by a player participating in an ACBL activity which may be the basis for a player memo or a Complaint.</p>
Institute for Bridge Arbitration (IBA)	The Institute for Bridge Arbitration (IBA) is an independent disciplinary body that adjudicates allegations of Ethical Violations.
Law	A provision in the "Laws of Duplicate Contract Bridge" or the "Laws of Duplicate Bridge", as each, respectively, may be amended, supplemented or otherwise modified from time to time.
mail	"Mail" shall mean service by first class mail or email, request of delivery receipt required.
member in good standing	<p>An ACBL member shall be deemed to be in "good standing" when such member's dues are current and such member is not presently:</p> <ol style="list-style-type: none"> 1. serving a term of Suspension; 2. serving an indefinite Probation; 3. serving a Probation, the initial term of which was 24 or more months; or 4. serving a term of Probation following a Suspension, the initial term of which 90 days or more. <p>Players who (a) have been expelled, (b) have resigned to avoid possible disciplinary action, or (c) are ACBL members not in "good standing" (as defined above) shall not be entitled to:</p> <ol style="list-style-type: none"> 1. serve in any elected or appointed position in ACBL; 2. receive any subsidy or remuneration from ACBL; 3. participate in Masterpoint races; 4. receive recognition for Masterpoint rank promotion; 5. publish an article in any ACBL publication; 6. vote in any election in which general membership is electorate; 7. serve as a club manager or director; 8. participate in events where such participation is prohibited by Conditions of Contest; 9. participate in NBO, Zonal, and/or World competitions; 10. vote in a Hall of Fame election; and/or membership on the Goodwill Committee.
Month	For the purposes of this CDR, a month is equal to thirty (30) days.
NABC	North American Bridge Championships.
NBO	A National Contract Bridge Organization (as defined in the World Bridge Federation Bylaws) that is a member of the World Bridge

Federation and controls bridge in its country (as defined in the World Bridge Federation Bylaws).

Negotiated Resolution

An agreement for resolution of a disciplinary proceeding between the Charging Party and the Charged Party. ~~Negotiated Resolutions must be submitted to A&C for its approval.~~ A Consent Award pursuant to the IBA Bridge Arbitration Rules is considered a Negotiated Resolution.

Online Ethical Oversight Committee (OEOC)

A non-board committee established by the BOD which conducts disciplinary proceedings set out in CDR § 107.

Panel Hearing

A virtual hearing before a Disciplinary Panel.

Panel Report

A form report provided by the ACBL to a Disciplinary Panel Chair for completion following a hearing which provides a summary of the facts, the Disciplinary Panel's findings and what discipline, if any, is to be or was imposed. An IBA Award is considered a Panel Report.

player memo

A written document informing the recorder about an Incident. The player memo is not necessarily a Complaint, but it may be used as the basis for a Complaint.

preponderance of the evidence

Evidence that is more convincing than the evidence opposed to it.

prima facie

Evidence that is sufficient to establish a fact in question until rebutted.

recorder

A person assigned the duty to collect and record player memos and other reports, investigate allegations of wrongdoing, submit complaints requesting that charges be brought and educate players regarding demeanor and ethical behavior pursuant to ACBL Regulations.

sanctioned event

For this CDR, any ACBL sanction issued by the ACBL to a club, Unit or District and any event awarding ACBL masterpoints which is conducted and sponsored by the ACBL.

Unit Sponsored Club

A club which has any one or more of the following features:
(a) a board which is the same as the Unit Board or whose members are appointed by the Unit;
(b) a co-mingling of funds with those of the Unit;
(c) the placement of funds in a Unit-owned account; or
(d) the appointment of a club manager or director by the Unit.

Zonal Conference

Zones established by the World Bridge Federation within each of the five continents that organize, manage and administer contract bridge activities within their geographical boundaries.

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

CODE OF DISCIPLINARY REGULATIONS

The purpose of this Code of Disciplinary Regulations (CDR) is to set out a comprehensive disciplinary process and structure for ACBL members (or non-members of the ACBL participating in an ACBL activity) charged with a disciplinary infraction. However, ACBL 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 activities. ACBL disciplinary proceedings do not establish the guilt of the accused in a legal sense, but rather an accused party's responsibility reflecting the ACBL's judgment of their privileges of membership or continued participation in an ACBL activity.

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

1. DISCIPLINARY BODIES JURISDICTION

101. LIMITS OF JURISDICTION

- (A) **ACBL Sanctioned Club Events or Employees.** Disciplinary Bodies do not have jurisdiction over conduct matters that occur during an ACBL sanctioned masterpoint game in a club (except for those held at Unit Sponsored Clubs or as part of a Club Barring Review as set out in CDR § 504) or ACBL employees in the performance of their duties.
- (B) **Statute of Limitations.** The National Recorder may file a Recorder Complaint involving a single Incident of conduct within sixty (60) days of receipt by the recorder of a player memo, if and only if such player memo is submitted to the Recorder within one hundred twenty (120) days of the Incident. Alleged violations under CDR § 301 and § 401(A) have no statute of limitations.
- (C) **Privileged Communications.** Any communication that occurs during the meeting of an ACBL Body (as defined below), which relates to matters that have been, are or might reasonably become subjects of business for that particular body, is privileged.
 - (1) "Privileged" shall mean that the communication may not be used as the basis for any Complaint under this CDR or other ACBL Regulations.
 - (2) "ACBL Body" includes the ACBL BOD, any ACBL Foundation Board and any ACBL committee or sub-committee appointed by the ACBL President, the Advisory Council, any District or Unit Board within ACBL and any duly appointed or elected District or Unit committee or sub-committee.

102. SIZE OF ACBL DISCIPLINARY PANELS

Panels of all Disciplinary Bodies, except ACBL Management, must consist of a minimum of 3 members.

103. ACBL DISCIPLINARY COMMITTEE JURISDICTION

- (A) **Conduct Violations.** All cases involving Charges set out in CDR § 302 against persons participating in an ACBL activity (see CDR § 101 for additional exclusions).
- (B) **Club Barring Review.** Review of a club barring as set out in CDR § 504.

104. ACBL MANAGEMENT JURISDICTION

- (A) **Administrative Violations.** Cases involving Charges set out in CDR § 303.
- (B) **Computer-Based Cheating Detection.** Cases that originate from a computer-based cheating detection technique or tool for resolution of online Ethical Violations under CDR § 502.
- (C) **Club Barring Review.** Review of a club barring as set out in CDR § 504.
- (D) **Other Disciplinary Matters.** ACBL Management with A&C concurrence may assume jurisdiction over any disciplinary matter not explicitly addressed in this CDR including but not limited to:
 - (1) A Charged Party who waives their right to a hearing and elects an EDP;
 - (2) A Charged Party who does not respond to the Charges or who affirmatively declines to participate in the disciplinary proceeding;
 - (3) A Charge brought against a non-member;
 - (4) Any change in jurisdiction that is agreed to by the Charged Party.

All such proceedings must preserve the Charged Party's right to appeal, consistent with the rights that would have been available under the original Disciplinary Body's jurisdiction.

105. APPEALS AND CHARGES COMMITTEE JURISDICTION

- (A) **CDR § 304 Violations.** Cases involving Charges set out in CDR § 304.
- (B) **Automatic Review of Sexual Harassment.** A decision of ACBL Management to impose discipline for alleged sexual harassment as set out in CDR § 505.
- (C) **Appeal.** Appeal of a Disciplinary Panel's decision set out in CDR § 506 (excludes decisions by IBA, cases resolved through a Negotiated Resolution, and a Disciplinary Panel's decision on a Club Barring Review).
- (D) **Negotiated Resolutions.** Approval of all Negotiated Resolutions. ~~including the approval of a recommended Consent Award before the IBA.~~
- (E) **Paramount Importance to ACBL.** In cases in which ACBL deems the issues of paramount importance to the organization, ~~Cases in which the issues involved are of paramount importance to the ACBL.~~ ACBL Management may use the Executive

Committee of the ACBL BOD to make a determination of whether such A&C jurisdiction is applicable ~~in a particular circumstance.~~

- (F) Repeat Offenders under § 502.** Individuals who were previously charged and deemed responsible for an ethical violation by a Disciplinary Body and have been charged with a subsequent First Degree Ethical Violation under § 502.

106. ETHICAL OVERSIGHT COMMITTEE JURISDICTION

- (A) Ethical Violations (Face-to-Face).** Cases involving Charges set out in CDR § 301 against persons participating in a face-to-face ACBL activity. Alternatively, at the discretion of the ~~ACBL Management~~ Charging Party, cases involving violations set out in CDR § 301 may be referred to ~~IBA~~ another Disciplinary Body authorized under this CDR.
- (B) Resentencing of an Ethical Violation.** Cases involving ACBL members who have been found responsible by any other bridge organization for a face-to-face Ethical Violation when referred by the ACBL Executive Director for resentencing purposes. (See CDR § 405 for procedure.)

107. ONLINE ETHICAL OVERSIGHT COMMITTEE JURISDICTION

- (A) Ethical Violations (Online).** ~~The OEOC has jurisdiction over e~~Cases involving Charges set out in CDR § 301 against persons participating in an online ACBL activity, including events that occur online but are also partially played face-to-face, ~~that are not otherwise resolved under CDR § 502.~~ Alternatively, at the discretion of ~~ACBL Management~~ the Charging Party, such cases ~~involving violations set out in CDR § 301~~ may be referred to ~~IBA~~ another Disciplinary Body authorized under this CDR.
- (B) Ethical Violations (Online and Face-to-Face).** ~~In events that occur online but are partially played face-to-face, the OEOC shall have jurisdiction.~~
- (C) Resentencing of an Ethical Violation.** Cases involving ACBL members who have been found responsible by any other bridge organization for an online Ethical Violation when referred by the ACBL Executive Director for resentencing purposes. (See CDR § 405 for procedure.)

108. INSTITUTE FOR BRIDGE ARBITRATION JURISDICTION

- (A) Ethical Violations.** Cases involving Ethical Violations set out in CDR § 301 against persons participating in an ACBL activity that are not otherwise resolved under CDR § 502. Alternatively, at the discretion of ~~ACBL Management~~ the Charging Party, violations set out in CDR § 301 may be referred to ~~OEOC or EOC~~ another Disciplinary Body authorized under this CDR.

~~(B) **Computer Based Cheating Detection.** Cases that originate from a CBCD technique or tool for resolution of online Ethical Violations set out in CDR § 502.~~

2. DISCIPLINARY PROCEEDINGS

201. DISCIPLINARY PROCEEDINGS

(A) **Expedited Disciplinary Proceeding (EDP).** An EDP is a streamlined determination of a Charge under certain circumstances. In an EDP, the Disciplinary Panel reviews the case based solely on the documents received, may request additional documents from either party, and, if necessary, may meet virtually to deliberate and make a decision. The parties are not permitted to appear before the Disciplinary Panel. A Disciplinary Panel has the discretion to proceed with an EDP ~~if all Charged Parties named in the Charge meet~~ under any of the following circumstances:

- (1) The alleged violation ~~against the Charged Party~~ is an Administrative Violation set out in CDR § 303. (See procedure for Sexual Harassment set out in CDR § 505);
- ~~(2) A Charged Party cannot be reached within 30 days of the notification of the Charge (see CDR § 501(E)). Cases in which the notice of the charge specifies an intent to initiate arbitration will be re-routed to an ACBL Disciplinary Panel to conduct an EDP.~~
- ~~(23)~~ A Charged Party waives their right to a hearing and opts for an EDP.
- ~~(4) A Charged Party admits to the Charge prior to the hearing but a Negotiated Resolution was not executed.~~
- ~~(35)~~ A Charged Party is a non-member.
- ~~(46)~~ The proceeding is a Club Barring Review as set out in CDR § 504. There is no Charged Party or Charging Party in a review of a club barring.
- ~~(67)~~ The Disciplinary Panel is conducting an Automatic Review set out in CDR § 505.
- (8) The Disciplinary Panel is conducting an Appeal set out in CDR § 506.
- ~~(9) Charges were initiated under CDR § 502:~~
 - ~~(i) against a Charged Party who has previously been found responsible for a First Degree Ethical Violation under the CDR;~~
 - ~~(ii) and the Charged Party confirmed they do not plan to participate in a hearing before the IBA.~~

(B) **Panel Hearing.** A virtual proceeding held before a Disciplinary Panel via video conference with the opportunity for the parties to participate by Electronic Presence.

- (C) **NABC Proceeding.** The Disciplinary Chair may determine that charges brought against an individual in attendance at a NABC involving Incidents occurring at that tournament is urgent and must be resolved during that same NABC. In a case of extreme urgency to resolve the matter, the Disciplinary Chair has the discretion to convene a Panel Hearing (virtually or in-person) at that NABC. The panel may consist of members that are not on the Disciplinary Body's roster but only if members of the Disciplinary Body are unavailable.
- (D) **Club Barring Review.** A proceeding to review a Club Barring set out in CDR § 504.
- (E) **Automatic Review.** An Automatic Review set out in CDR § 505.
- (F) **Appeal.** Appeal of a decision of a Disciplinary Panel set out in CDR § 506 (excludes IBA decisions and matters resolved through a Negotiated Resolution).

202. CBCD RESOLUTION.

A proceeding set out in CDR § 502 to resolve Ethical Violations using a Computer-Based Cheating Detection (CBCD) technique or tool approved by the BODs.

203.REMOVAL TO IBA.

A proceeding conducted by the IBA according to its rules.

3. GROUNDS FOR DISCIPLINE

301. CHEATING AND OTHER ETHICAL VIOLATIONS

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

years following the term of suspension, and removal of 25-100% of the Disciplined Person's total masterpoint holding. (See CDR § 502 for discipline related to CBCD Resolution).

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

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

- (8) *Concealment of Partnership Agreement.* A charge of “Concealment of Partnership Agreement” requires a deliberate non-disclosure of any material aspect of a partnership agreement. The duty to disclose a partnership agreement is not limited to conventional meanings or bids but may and include tactical or “state-of-the-match” agreements or understandings between partners or teammates.
 - (9) *Dumping.* “Dumping” means intentionally obtaining a poor result on a hand, losing a match or contest, or any other actions designed to affect the outcome of a deal or the ranking for any stage of a contest other than through bridge ability.
 - (10) *Entering Ineligible Event.* “Entering Ineligible Event” means a player knowingly entered an event for which he was ineligible.
 - (11) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Second Degree Ethical Violation is 90 days to 2 years Suspension, with an appropriate term of Probation following the term of suspension, and removal of 0-50% of the Disciplined Person’s total masterpoint holding.
- (C) **Third Degree Ethical Violations.** The following actions constitute Third Degree Ethical Violations:
- (1) *Unsportsmanlike Psyching.* “Unsportsmanlike Psyching” includes frivolous or overly frequent psyching.
 - (2) *Using Unauthorized Information.* A charge under this section requires that the UI be revealed accidentally.
 - (3) *Clocking.* “Clocking” is the attempt to identify a card based upon the location of where that card is pulled from a player’s hand.
 - (4) *Coffeehousing.* “Coffeehousing” is behavior having no bridge-related purpose and intended to deceive an opponent. This includes actions such as hesitating with singletons in a suit or asking frivolous or leading questions.
 - (5) *Score Comparison.* A charge of “Score Comparison” is the deliberate provision of, or request for, information about a board in play after both parties have played it before the end of the session.
 - (6) *Illegal Method.* “Illegal method” is the use of any treatment, convention, or signaling method otherwise permitted by Law 73 which is not allowed by the Convention Chart applicable to the particular event. -A charge of “Illegal Method” requires proof that a player knew, or had reason to know, of the illegality of the method prior to the time it was actually used.
 - (7) *Contestant Influence.* A charge of “Contestant Influence” is an attempt to influence an opponent to enter or withdraw from an event to improve one’s likelihood of success.

- (8) *Failure to Correct Incorrect Score.* A charge of “Failure to Correct Incorrect Score” is the failure of any player to timely notify an appropriate tournament official of a score that one knows is incorrect, whether or not that score is beneficial to that player.
- (9) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Third Degree Ethical Violation is 10 to 90 days Suspension, with an appropriate term of Probation following the term of suspension, and removal of 0-25% of the Disciplined Person’s total masterpoint holding.
- (D) **Ethical Violation Not Otherwise Specified.** An ethical violation not otherwise specified in CDR § 301(A)-(C). The discipline imposed, if any, will be commensurate with the severity of the violation at the discretion of the panel.

302. CONDUCT VIOLATIONS

- (A) **First Degree Conduct Violations.** The following actions constitute First Degree Conduct Violations:
 - (1) Accusations of unethical bridge conduct publicly made at an ACBL sanctioned event, not made privately to a tournament director or other tournament official.
 - (2) Acts of abuse or violence.
 - (3) Failure to notify a tournament official of a known score correction in a timely fashion.
 - (4) Sexual harassment (not including allegations involving an employee of ACBL, its Districts, or Units).
 - (5) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a First Degree Conduct Violation is up to 2 years Suspension, with an appropriate term of probation from 90 days to 2 years following the term of suspension.
- (B) **Second Degree Conduct Violations.** The following actions constitute Second Degree Conduct Violations:
 - (1) Harass or intimidate another player.
 - (2) Threat of abuse or violence.
 - (3) Negligently submitting, or causing to be submitted, false information to an ACBL Official or a Disciplinary Body.
 - (4) Influencing or attempting to influence an entrant or entrants other than one's partner or teammates to withdraw from any ACBL sanctioned event.

- (5) Leaving a session prior to completion of play without good cause or the permission of the DIC.
 - (6) Deliberately or negligently partnering or playing on a team with a person who is ineligible for that event.
 - (7) Refusing to play against another player, pair or team duly entered in the event without a medical excuse. A violation of this section shall require immediate disqualification of the player, pair or team so refusing to play from further participation in the event and the forfeiture of any masterpoints earned by the player, pair or team in the event. Such refusal shall also be referred to the Recorder's Office for the determination as to whether additional disciplinary action is appropriate.
 - (8) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Second Degree Conduct Violation is 30-180 days Suspension, and/or 30-180 days of Probation.
- (C) **Third Degree Conduct Violations.** The following actions constitute Third Degree Conduct Violations:
- (1) Betting on the results of any ACBL sanctioned event.
 - (2) A series of Zero Tolerance violations may be used to establish a pattern of conduct.
 - (3) Non-ethical violation of Laws of Duplicate Bridge.
 - (4) Non-ethical violation of ACBL Regulations as a participant in an ACBL Sanctioned event (excluding club games) including egregious slow play.
 - (5) Publicly belittle partner.
 - (6) Rudeness in conversation, gesture, or general behavior.
 - (7) Inappropriate hygiene or appearance.
 - (8) *Recommended Discipline.* The recommended discipline for a finding that a person has committed a Third Degree Conduct Violation is up to 60 days Suspension, and/or up to 90 days of Probation.
- (D) **Conduct Violation Not Otherwise Specified.** A conduct violation not otherwise specifically described in CDR § 302(A)-(C). The discipline imposed, if any, will be commensurate with the severity of the violation at the discretion of the panel.

303. ADMINISTRATIVE VIOLATIONS

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

- (1) Sexual harassment of an employee of ACBL, its Districts, or Units. (see CDR § 501(D)).
 - (2) Embezzlement or theft of monies or property belonging to ACBL, its Districts, or Units.
 - (3) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a First Degree Administrative Violation is no less than 2 years Suspension to Expulsion, with an appropriate term of Probation no less than 2 years following the term of suspension.
- (B) **Second Degree Administrative Violations.** The following actions constitute Second Degree Administrative Violations:
- (1) Excessively derisive, degrading, or insulting statements made about an ACBL Official.
 - (2) Cyber-attacks or similar intentional electronic disruptions, or attempts at such electronic disruptions, of websites and/or electronic data systems of the ACBL, its Districts, or Units.
 - (3) Attempts to acquire or alter information through unauthorized access to data stored electronically.
 - (4) Unauthorized use of member data legitimately obtained.
 - (5) Infringement of ACBL copyrights, trademarks, or patents.
 - (6) Violation of discipline previously imposed under this CDR.
 - (7) Filing a civil action or arbitration against the ACBL without exhausting available administrative remedies.
 - (8) Vandalism or deliberate destruction of ACBL, District, or Unit property.
 - (9) Failure to pay a debt owed to an ACBL event venue or vendor contracting with ACBL, its Districts, or Units.
 - (10) Failure to pay a debt owed to ACBL, its Districts, or Units.
 - (11) Unauthorized disclosure of confidential information.
 - (12) Submitting false information (including information concerning COVID vaccination status or other health information) to the ACBL (or affiliated organizations) unrelated to bridge competition or event eligibility.
 - (13) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Second Degree Administrative Violation is 30-180 days Suspension, with an appropriate term of Probation no less than 60 days

following the term of suspension. However, person found responsible for a violation of CDR § 303(B)(9)-(10) will remain Suspended until, at a minimum, the debt is repaid or settled.

- (C) **Third Degree Administrative Violations.** The following actions constitute Third Degree Administrative Violations:
- (1) Failure to accurately submit club masterpoint reports in a timely manner (the person must be either the club owner and/or club manager).
 - (2) *Appropriate Discipline.* The recommended discipline for a finding that a person has committed a Third Degree Administrative Violation is up to 60 days Suspension, with an appropriate term of Probation following the term of suspension.

304. VIOLATIONS OF ACBL DISCIPLINARY PROCEDURES OR AGAINST ACBL OFFICIALS

- (A) **Improper Influence of Disciplinary Process.** A charge under this section requires an attempt to influence, or actually influencing, a decision of a Disciplinary Body outside of the hearing process(es). The recommended discipline for a finding that a person has committed a violation of this section is no less than 90 days Suspension, with an appropriate term of Probation no less than 2 years following the term of suspension.
- (B) **Harassment.** A charge under this section requires ~~H~~harassing ~~E~~e-mails or letters sent (or telephone calls or social media posts made) to an ACBL Official or entity or made publicly (including a social media post). The recommended discipline for a finding that a person has committed a violation of this section is no less than 30 days Suspension, with an appropriate term of Probation no less than 1 year following the term of suspension.
- (C) **Refusal to Cooperate.** A charge under this section requires ~~R~~refusing any reasonable request for cooperation by a duly appointed recorder, including the National Recorder, or assistant recorder pursuant to the proper conduct of the recorder's duties. The recommended discipline for a finding that a person has committed a violation of this section is up to 60 days Suspension, with an appropriate term of Probation not less than 1 year following the term of suspension.
- (D) **Improper Conduct in ACBL Official Activities.** A charge under this section requires improper conduct toward any ACBL Official or Disciplinary Body in performance of their ACBL duties or functions or in ACBL (or affiliated organizational) official activities. This includes highly inappropriate behavior not rising to the level of sexual harassment, including but not limited to lewdness, harassment not of a sexual nature, or highly inappropriate attire. The recommended discipline for a finding that a person has committed a violation of this section is 30-180 days Suspension, with an appropriate term of Probation not less than 180 days following the term of Suspension.
- (E) **Improper Disciplinary Action.** A charge under this section requires the initiation of

disciplinary action against another or an appeal of a decision of a Disciplinary Body with no reasonable basis. The rejection of a Complaint by a Charging Party is not automatically a finding that there was not a reasonable basis for such Complaint. The recommended discipline for a finding that a person has committed a violation of this section is up to 30 days Suspension, with an appropriate term of Probation following the term of suspension.

- (F) **Discussion of Panel Proceeding Outside of Process.** A charge under this section requires discussing or disseminating the content of a Disciplinary Proceeding, other than information released to the public pursuant to ACBL Regulations, outside the hearing room by a Disciplinary Body member with any party (whether a party to the hearing or not). The recommended discipline for a finding that a person has committed a violation of this section is up to 30 days Suspension, with an appropriate term of Probation following the term of suspension.

4. PROCEDURES FOR IMPOSITION OF DISCIPLINE

401. SUSPENSION PENDING HEARING

A Suspension Pending Hearing (SPH) is a temporary Suspension that the Executive Director (or designee) can impose on an individual charged with a violation of the CDR or the subject of a sexual harassment allegation under CDR § 501(D) to immediately prohibit participation in all ACBL sanctioned events and activities pending the final decision of a Disciplinary Panel. An SPH may not be appealed.

- (A) **Imposition of SPH.** An SPH should be rarely issued – only in extreme cases or when a proceeding is delayed due to the fault of the Charged Party. One example of an extreme case may be an allegation of sexual harassment. An SPH is required if the player has previously been found responsible for a First Degree Ethical Violation.
- (B) **Commencement of Proceeding.** Unless the Charged Party (or subject of a sexual harassment allegation) causes the delay, the proceeding must commence within the following timeframes:
 - (1) For Charges initiated under CDR § 502, the proceeding must be scheduled or a demand for arbitration must be filed within 45 days from the effective date of the SPH;
 - (2) For any other Charges, the proceeding must start within 60 days of the charge date or within 48 hours for NABC Proceedings.
- (C) **Discipline Published.** The Disciplined Person's name, ACBL member number, and the SPH will be published on the website.
- (D) **Consideration for Lifting SPH.** In cases of circumstances warranting a review of the Suspension Pending Hearing, the Executive Director (or designee) may request approval to lift the SPH. Such a request should be submitted to the Appeals and Charges Chair and include a written summary outlining the reasons for the request.

402. DETERMINATION OF DISCIPLINE

In making the determination of an appropriate discipline within the range of disciplines recommended for a CDR violation as set out in CDR §§ 301(A)(7) et. seq., the Disciplinary Panel (and the ~~Charging Party~~ ACBL Advocate under CDR § 503(G)) ~~should~~ must balance the following factors:

- (A) **Primary Considerations.** The following factors must be taken into account in determining the appropriate discipline and should be weighed more heavily in the decision:
 - (1) Prior Record of Discipline which shall include Official Warnings on file with the Office of National Recorder;

- (2) Experience of Player (measured by MPs, Eligibility Points, or other indicia of experience);
 - (3) Level and Prestige of Event (measured by event rating);
 - (4) Duration of Time Over Which the Proved Violation Occurred;
 - (5) Flagrancy of the violation;
 - (6) Whether the violation was premeditated.
- (B) **Secondary Considerations.** The following factors may be taken into account in determining the appropriate discipline, but should be weighed less heavily than Primary Considerations:
- (1) Other Harm to Reputation of ACBL or the Game of Bridge;
 - (2) Whether the Player Holds (or at any point in the past has held) an ACBL (or affiliated organizational) Office or Leadership Position (discipline enhancement);
 - (3) Whether the Player Is Currently an ACBL (or affiliated organizational) Employee (discipline enhancement).
- (C) **Factors that May Not Be Considered.** The following factors may not be taken into account in determining the appropriate discipline:
- (1) Race;
 - (2) Color;
 - (3) Religion or creed;
 - (4) National origin or ancestry;
 - (5) Sex (including gender, pregnancy, sexual orientation, and gender identity);
 - (6) Age;
 - (7) Physical or mental disability;
 - (8) Veteran status;
 - (9) Genetic information;
 - (10) Citizenship;
 - (11) Exercise of Member Rights Under CDR;
 - (12) Conduct of Parties During Hearing;
 - (13) ACBL Disciplinary System Irregularities or Deficiencies.

403. APPLICATION OF DISCIPLINE BY DISCIPLINARY BODIES

- (A) **CDR Version.** The discipline imposed shall be in accordance with the version of the CDR effective at the time of the first Incident specified in the filing of the Recorder Complaint or provided in the evidence submitted by the Charging Party. Revisions of this CDR regarding procedures set out in CDR § 5 apply to all proceedings conducted on or after the effective date of the revision. Notwithstanding the foregoing, any disciplinary action resulting from a charge initiated by a CBCD technique or tool is not constrained by the date of the first Incident. This includes matters referred to IBA under CDR § 502.
- (B) **Minimum Discipline.** A Disciplinary Panel is required to impose discipline upon a finding of responsibility for a violation set out in CDR § 3.

~~(C) **Limits on Participation Following Discipline.** While serving a Suspension or while expelled, a Disciplined Person may not participate in any online, national, District, Unit, club or other ACBL sanctioned event or activity, including, but not limited to (i) acting as non-playing captain, (ii) kibitzing any game or event, (iii) being physically present in the playing area of a tournament, or (iv) participating personally or through a corporation or other entity, agent, “doing business as” or other device in bridge-related affairs of the ACBL or of any ACBL affiliated organization.~~

~~However, the Disciplined Person may engage in volunteer activities as requested by their Unit or District Board while serving a suspension. Those Disciplined Persons must be “active” in that their dues are paid while volunteering.~~

~~Disciplined Persons may not be appointed to serve on either Unit or District Boards or engage in fiduciary activities while serving their suspension and all prohibitions for a Member Not in Good Standing remain in place.~~

~~(D) **Member in Good Standing.** An ACBL member shall be deemed to be in “good standing” when such member’s dues, if dues are required, are current and such member is not currently:~~

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

(E) **Effective Date.** The effective date of imposition of discipline, if any, shall be the date noted in the Panel Report. If no effective date is specified, the effective date of imposition of discipline shall be five (5) days from the date of the emailing of the decision by ACBL Management. If the discipline is to take effect immediately, the Disciplinary Panel Chair shall immediately notify the Disciplined Person of its decision in writing.

(F) **Fast Track Discipline.** The parameters for discipline imposed through CBCD Resolution are specified in CDR § 502.

404. DISCIPLINE OPTIONS BY DISCIPLINARY BODIES

The Disciplines set out in CDR § 404(A)-(E) are the only discipline(s) that may be imposed by a Disciplinary Panel, when a person is responsible for a violation under CDR § 3 or when otherwise expressly stated in this CDR. A Disciplinary Panel may choose to combine such disciplines. When the discipline imposed includes both a period of Suspension and a period of Probation, the Suspension must be served first followed immediately by Probation. The discipline shall apply to *all* ACBL activities. (See CDR § 502 for specific parameters for discipline imposed through CBCD Resolution).

(A) **Probation.** A determination that a Disciplined Person has committed an offense such that any further violation of the CDR, whether similar or different, may result in Suspension or Expulsion. A Disciplinary Panel may impose a prohibition on playing

with a particular partner as a condition of the Disciplined Person's Probation.

- (B) **Suspension.** The Disciplined Person is ineligible to participate in any ACBL sanctioned event or activity for a specified period. (See § 407~~3(E)~~)
- (C) **Expulsion.** A permanent abrogation of all ACBL rights and privileges, including membership. (See § 409)
- (D) **Reduction or Forfeiture of Masterpoints.** Removal of a percentage of masterpoints as provided under each degree of a violation set out in CDR § 3.
- (E) **Forfeiture of Masterpoints/Titles for a First Degree Ethical Violation.**
 - (1) When an ACBL member is found responsible for a First Degree Ethical Violation and is suspended for a period of one year or more or expelled, that member shall be:
 - (i) Permanently ineligible to be awarded the ACBL rank of Grand Life Master;
 - (ii) Permanently ineligible to be inducted into the ACBL Hall of Fame;
 - (iii) If a current GLM, the title/rank of GLM shall immediately be revoked;
 - (iv) If a current member of the ACBL Hall of Fame, such membership shall immediately be revoked.
 - (2) Except as provided above, the panel may also impose the forfeiture of any or a combination of any of the following:
 - (i) Masterpoints, in accordance with CDR § 301(A)(7);
 - (ii) specific titles or all titles earned by the person disciplined;
 - (iii) ACBL status rank(s);
 - (iv) other ACBL related awards theretofore earned by said participants through participation in all ACBL events.
 - (3) Titles forfeited as set out in CDR § 404(E)(2) shall remain vacant and there shall be no change in rankings or awarding of masterpoints for other contestants. First place awards for Unit masterpoint races forfeited as set out in CDR § 404(E)(2) shall not remain vacant. The second-place awardee shall move up to first place and lower ranked awards will be filled by a relevant change in rankings for other lower-ranked contestants. Awards for other than first place forfeited as set out in CDR § 404(E)(2) shall remain vacant and there shall be no change in rankings for other contestants. Management shall assign Eligibility Points to equal the number of masterpoints that have been forfeited by the Disciplinary Panel's decision.

405. RECIPROCAL DISCIPLINE POLICY

- (A) **Reciprocity.** When an ACBL member has been found responsible and/or disciplined by another bridge organization for an action constituting an Ethical Violation under this CDR, that discipline shall be honored and enforced in ACBL events. However,

the Executive Director may make a determination that the discipline imposed was grossly inappropriate, in which case the determination of the appropriate discipline will be decided by a Disciplinary ~~Panel~~Body authorized under this CDR. If the member has a prior record of having committed a First Degree Ethical Violation under this CDR, whether that finding was made by an ACBL Disciplinary Body or otherwise, the Executive Director must recommend to the Disciplinary Panel that the player be expelled from the ACBL.

- (B) **Initiation of Charges.** Nothing in this section shall prohibit the ACBL from pursuing Charges for Ethical Violations arising from an ACBL member's participation in ACBL sanctioned events. The Executive Director may refer the matter to any Disciplinary Body authorized under this CDR.

406. EXPUNGEMENT

A&C may consider a request to have a Disciplined Person's record Expunged. Written requests for Expungement must be submitted to the A&C Chair. Any recommendation from A&C to approve an expungement; must be submitted to the BOD for approval.

407. SUSPENDED PLAYER LIMITATIONS

All restrictions of Members Not in Good Standing as set forth in the Codification remain in effect.

- (A) While serving a suspension under the CDR, a suspended player is ineligible to participate in any ACBL sanctioned activity in any capacity, including but not limited to:
- (1) Playing in or kibitzing any ACBL sanctioned event;
 - (2) Acting as a non-playing captain;
 - (3) Being physically present in the playing area of an ACBL sanctioned game while the game is occurring;
 - (4) 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.
- (B) Notwithstanding § 407(A), limited participation may be allowed in the following cases:
- (1) A suspended member (or a member on Probation and a Member Not in Good Standing) may engage in volunteer activities if specifically requested by their Unit or District Board, provided that:
 - (i) Their membership dues are current; and
 - (ii) They do not serve as a Unit or District Official or Board Member or engage in fiduciary activities.
 - (2) A suspended player may be eligible to participate in certain ACBL-sanctioned face-to-face (F2F) club-rated games. A Club Manager has discretion to allow

participation if all of the following conditions are met. The player must:

- (i) Have been identified by a computer-based cheating detection technique or tool as having engaged in collusive cheating after February 1, 2024;
- (ii) Have a completed Ethics Certification and Fair Play Pledge (EC/FPP) on file with the ACBL;
- (iii) Submit a written request to the Club Manager seeking approval to participate, which must include full disclosure of their current disciplinary status;
- (iv) Not play with any complicit partner;
- (v) Not earn Masterpoints in such games;
- (vi) Play in only the allowable events listed on the Face-to-Face Club Game Participation list available on the ACBL website.

408. RESIGNATION OF ACBL MEMBERSHIP WITH PENDING CHARGES

An ACBL member who resigns their membership with pending charges will be classified as a Resignation with Pending Charge (RPC).

- (A) RPCs are treated as equivalent to Expulsion for purposes of access and participation restrictions.
- (B) The Charges underlying the RPC will be held in abeyance for a minimum of ten years. Those Charges are not eligible for any resolution through a disciplinary proceeding or arbitration or otherwise, except solely in connection with a request for readmission as set forth in §409.

~~409~~7. READMISSION OF RESIGNED/EXPELLED MEMBERS RESIGNATION WITH PENDING CHARGES AND EXPULSION

A member who has resigned their membership with pending Charges or an individual who has been expelled is permanently barred from participation in all ACBL-sanctioned events, governance, and affiliated functions. This includes all restrictions on Members Not in Good Standing as set forth in the Codification.

- (A) The BOD may not consider a request for readmission from a former member who was expelled or resigned their membership with pending charges related to~~for the purpose of avoiding possible disciplinary action for~~a First Degree Ethical Violation in an NABC+ event.
- (B) In all other cases, the ~~ACBL~~BOD may consider a written request for readmission from a former member who either resigned with pending charges~~following a resignation to avoid possible disciplinary action or an Expulsion~~was expelled by a Disciplinary Body under the following conditions:-

- ~~(A) **Readmission Following Resignation.** An ACBL member who resigns their membership when Charges are pending is considered to have resigned to avoid possible disciplinary action and the matter will be treated as an Expulsion under CDR~~

~~§ 404(C). Following are the conditions for a request for readmission:~~

- (1) A written request for readmission may be submitted only after ten (10) years from the date of the ~~written~~ resignation or Expulsion. Notwithstanding the previous sentence, an individual who was expelled and admitted to the factual basis of the Charges prior to the start of disciplinary proceeding may apply for readmission after five (5) years.
- (2) Once eligible, a former member may submit a request for readmission no more than ~~and, thereafter, only~~ once every three (3) years.
- (~~3~~) The BOD may impose such conditions upon readmission as it deems appropriate. A member readmitted following Expulsion shall be placed on Probation for a minimum of five (5) years.
- (~~4~~) There shall be no statute of limitations on the possible disciplinary action related to the charge that resulted in the original resignation.

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

- ~~(1) A written request for readmission may be submitted after ten (10) years from the date of Expulsion. Notwithstanding the previous sentence, if the individual who was expelled admitted to the factual basis of the Charges prior to the commencement of the proceeding on those Charges, that person may apply for readmission after five (5) years.~~
 - ~~(2) Any member readmitted following an Expulsion shall be placed on Probation for a minimum of 5 years.~~
- (~~3~~) C There shall be no readmission for a second Expulsion or a second RPC. ~~Under no circumstances will the ACBL BOD hear a request for readmission regarding a *second* Expulsion or resignation to avoid possible disciplinary actions or combination thereof.~~

5. PROCEDURES FOR DISCIPLINARY PROCEEDINGS

501. GENERAL PROCEDURES FOR DISCIPLINARY PROCEEDINGS

- (A) **Procedures Not Applicable.** ~~The procedures in CDR § 501 do not apply to proceedings set out in CDR §§ 502-506 unless otherwise stated in this CDR.~~ The procedures in CDR § 501 apply to all disciplinary proceedings. In the event of a conflict between CDR § 501(C)-(Z) and either CDR §§ 502-506 or the IBA Bridge Arbitration Rules, then the provisions of CDR §§ 502-506 or the IBA Bridge Arbitration Rules, as applicable, will take precedence.
- (B) **CDR as Guide.** The Disciplinary Body Chair and Panel Chair must be familiar with and adhere to this CDR.
- (C) **Simple, Fair Proceeding.** The procedures before the Disciplinary Bodies are intended to promote a proceeding that is fair, expeditious, simple, and informal as circumstances permit, keeping in mind at all times the rights of the parties.
- (D) **Sexual Harassment.** A report that alleges sexual harassment or it is apparent that it involves sexual harassment as set out in CDR § 303(A)(1), shall be immediately forwarded, in writing, to Human Resources or the Executive Director for investigation pursuant to the Workplace Harassment Policy set out in the ACBL Employee Handbook.

If it is determined that there is an issue of sexual harassment, ACBL shall take any action deemed necessary or appropriate or required by federal or state law. In addition, the matter must be forwarded to the National Recorder to proceed with filing charges under CDR § 303(A)(1). (See CDR § 505)

- (E) **Electronic Communication.** All communication related to a Disciplinary Proceeding will be exchanged electronically. If a Charged Party does not have an email address on their membership profile, ACBL Management must make attempts to contact the party using their contact information provided on their ACBL membership profile (phone and mail with tracking).
- (F) **Complaint.** A Recorder Complaint and the prima facie case requesting that Charges be filed must be submitted to the appropriate Charging Party. The Charging Party must independently make a determination whether to file Charges against the individual. The Charging Party in deciding to file Charges must agree that a prima facie case is valid, confirm that the ACBL has jurisdiction over the matter, and confirm that the allegation in the Complaint is a violation of the CDR.
- (G) **Charge Statement.** A Charging Statement specifying the alleged violation set out in CDR § 3 must be filed by the Charging Party and submitted to the appropriate Disciplinary Body and the Charged Party.
- (H) **Required Disclosure to the Charged Parties.** Documents used in the course of the investigation must be provided to the Charged Party at the time of notification of charges except for the player memo or the report of an Incident that led to the investigation.

- (I) **Negotiated Resolution.** A Negotiated Resolution is a written agreement between the Charging Party and the Charged Party. The agreement may include (i) discipline outside the parameters listed in CDR § 404; (ii) a requirement that the party entering into the Negotiated Resolution testify against another person; and/or (iii) a dismissal of all charges. The executed agreement between the parties must be submitted to the A&C for approval. (See CDR § 505)
- (1) The agreement must resolve all pending violations of the CDR against the party and include:
 - (i) the complete parameters of the discipline to be imposed;
 - (ii) the parties to the agreement waiving all rights to appeal, both administratively and through arbitration or the courts; and
 - (iii) a written admission from the Charged Party if the matter is not a dismissal.
 - (2) The Charging Party must provide the Charged Party a written offer to resolve the matter through a Negotiated Resolution simultaneously with the Notification of Charges. The offer must include the terms and the expiration of the current terms offered. The Charging Party has the right to amend the terms in the offer to settle prior to execution by the Charged Party.
- (J) **Notification of Charges.** ACBL Management must provide the Charged Party Notification of Charges upon receipt of a Charge Statement. The notification must include the Recorder Complaint, Charge Statement, Required Disclosure to the Charged Parties, terms of the Charging Party's offer to resolve the Charge through a Negotiated Resolution, and the Charged Party's rights set out in CDR § 6.
- (K) **Notice of Proceeding.** ACBL Management must provide the Charged Party and Charging Party with a Notice of Proceeding. The notice must contain the type of proceeding set out in CDR § 2 and the date of the proceeding. If the proceeding is a Panel Hearing, the notice must also include:
- (1) the time and connection details for accessing a virtual hearing, and
 - (2) disclosure of the names of the panelists and the right to challenge panelist for cause; and
 - (3) the schedule for disclosure of evidence and witnesses.
- (L) **Advisor.** Due to simplified procedures of disciplinary proceedings an advisor for a Disciplinary Panel is typically not needed. However, if a Disciplinary Panel Chair believes it requires guidance on the procedural matters stated in this CDR, an appointment of an advisor may be requested through ACBL. The advisor is chosen jointly between the Disciplinary Body Chair and ACBL and may not be an employee of the organization (current or former) and must remain neutral. The advisor may not participate in the determination of responsibility or the discipline to be imposed.
- (M) **Motions.** Once charges have been filed with a Disciplinary Body, they may not be

dismissed via a motion to dismiss or a motion for summary judgment without a disciplinary proceeding on the merits of the charges or through a Negotiated Resolution. The only issues that will be addressed by the Disciplinary Panel Chair prior to the proceeding are a request to postpone the proceeding, a request for an extension to submit evidence, and a request for an extension to provide a witness list.

- (N) **Disclosure of Evidence and Witnesses.** The Disciplinary Panel Chair must set a schedule for the parties of the proceeding to submit available evidence and disclosure of witnesses. The Disciplinary Panel is not bound by rules of courts of law, whether of substantive law, evidence or procedure, and shall be liberal in receiving evidence. The receipt of evidence is not necessarily indicative of the weight or the credit which the panel may give it in their ultimate determination. Thus, hearsay evidence, unsworn written statements or relevant evidence from another ACBL jurisdiction or another bridge organization may be admitted and given such weight at the proceeding as the disciplinary panel deems appropriate.
- (O) **Pre-hearing Conferences.** The Disciplinary Panel Chair may schedule pre-hearing conferences with the parties to address procedural matters relevant to the disciplinary matter. The Panel Chair may deem appropriate to:
 - (1) Limit the number of witnesses to be heard at the Panel Hearing;
 - (2) Clarify and define the issues to be heard at the Panel Hearing;
 - (3) Determine the time allotted to each party for presentation during the Panel Hearing;
 - (4) Determine the use of opening and closing statements at the Panel Hearing;
 - (3) Consolidate proceedings where the parties or the issues are the same.
- (P) **Required Appearance at a Panel Hearing.** Either the Charging Party or the Charging Party's Advocate is required to appear in person or by Electronic Presence at a Panel Hearing. A Charged Party is not required to appear at their Panel Hearing and their failure to appear shall not be grounds for further discipline.
- (Q) **Challenging Disciplinary Panelists for Cause.** The Charged Party and Charging Party must be provided the names of the Disciplinary Panel who will decide the matter prior to the proceeding. There shall be no automatic challenges to the Disciplinary Panel. There may be challenges for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the panel must decide the validity of the challenge. A majority vote of such remaining panelists is required to remove a panel member for Cause.
- (R) **Finding of Responsibility.** The Disciplinary Panel must meet the standard of comfortable satisfaction to determine a finding of responsibility for an Ethical Violation. The Disciplinary Body Panel must meet the standard of preponderance of evidence to find a Charged Party responsible for all other violations of the CDR.
- (S) **Consideration of Prior Disciplinary Record.** A Charged Party's past ACBL

discipline or ~~an~~ Official Warning from the Office of National Recorder (which is a matter of record), should such exist, may not be considered during the proceeding in establishing responsibility. However, such past ACBL discipline may be relevant to the determination of the severity of the discipline to be imposed if the person is found responsible and who is then, accordingly, a Disciplined Person. A Disciplined Person's prior disciplinary record from another bridge organization may be considered only if subject to CDR § 405.

- (T) **Panel Report.** A Panel Report must be submitted to ACBL Management. When ACBL receives a Panel Report in which the Disciplinary Panel has imposed a discipline that contravenes or is inconsistent with this CDR, ACBL shall notify the Disciplinary Panel Chair in writing of such contravention or inconsistency. The Disciplinary Panel shall then reconvene on the matter of imposition of discipline only in order to revise the discipline imposed so that it complies with this CDR.
- (U) **Recordkeeping Required.** The Disciplinary Panel is required to submit the Panel Report, documentary evidence presented at the hearing, and a digital recording of any pre-hearing conferences and hearing to ACBL Management no later than thirty days after the proceeding. ACBL Management will make the formal notification to the parties and provide them with a copy of the record. Deliberations are not recorded. Pre-hearing conference recordings must be provided promptly to any party that is not present during the conference.
- (V) **Notice of Decision.** ACBL Management must provide the Charged Party and Charging Party with a Notice of Decision within ten (10) days of receipt of the Panel Report. The notice must contain the Disciplined Person's name, ACBL member number, District and Unit number, the discipline imposed, and the CDR violation. The notice must also be sent to the ACBL BOD; the Disciplined Person's District and Unit Secretary; the World Bridge Federation; the United States Bridge Federation; the American Bridge Association; and ACBL staff as determined by ACBL Management.
- (W) **Publication of a Disciplinary Panel's Decision.** All violations shall be published on the ACBL website and will remain published until the discipline ends. The publication must contain the Disciplined Person's name, ACBL member number, District and Unit number, the discipline imposed, and the section of the CDR violated. In addition to publication of the Notice of Decision set out in CDR 501(V):
 - (1) The Panel Report or IBA Award of a Disciplined Person that was found responsible for an Ethical Violation, among other Charges, if any, shall be published on the website.
 - (2) An expulsion for an Ethical Violation may be reported in the ACBL Bridge Bulletin at the discretion of ACBL Management.
- (X) **Finality of Proceedings.** A person who has been subjected to a disciplinary proceeding conducted under CDR § 5 shall not be subject to another Charge for the same matter arising out of the same operative facts unless specifically permitted in a dismissal through a Negotiated Resolution.

(Z) **Default Judgment.** If a Charged Party fails to timely respond to the Charges or affirmatively refuses to participate in the disciplinary proceeding, such failure or refusal will be deemed an admission of responsibility with respect to the Charges, and the Disciplinary Body will no longer be required to make a determination of responsibility with respect to those Charges. A Disciplinary Body authorized under this CDR will determine and impose the discipline for all default judgments.

502. SPECIFIC PROCEDURES FOR CBCD Resolution

- (A) **CBCD Resolutions – Applicable Procedures.** The procedures outlined in § 502 apply whenever a player is identified as collusively cheating through a CBCD technique or tool approved by the ACBL Board of Directors. The following guidelines are applicable:
- (1) A player may be eligible for either an Official Warning or Fast Track Discipline (FTD) if they have never been previously disciplined for an Ethical Violation or received an Official Warning under the CDR., and if they meet the Masterpoint criteria. (See § 502 (B)-(C))
 - (2) Official Warnings are intended for less experienced players who do not hold, nor have held, substantial positions of influence or visibility within the ACBL. ACBL Management, with concurrence from A&C, will determine whether a player's role or involvement within the ACBL disqualifies them from receiving an Official Warning. (See § 502 (B))
 - (3) FTD is an official discipline that may be imposed by ACBL Management for an Ethical Violation through CBCD Resolution. Alternatively, ACBL Management, with concurrence from A&C, has the discretion to remove a player from FTD eligibility and resolve the charge through any disciplinary process or body authorized under the CDR. ~~IBA under § 503, a Negotiated Resolution, or an EDP if the player is a non member.~~ This may apply to, but is not limited to, players in high-level leadership or those with significant standing and respect within the ACBL. (See § 502 (C))
 - (4) A player's Masterpoint total at the time the cheating concluded, along with the specific criteria outlined in § 502(B)-(C) below, will determine their eligibility for an Official Warning or FTD. The cheating "end date" is established based on either the player's last recorded online session or the last date the player and their complicit partner played together online. ~~Any exception to the procedure for establishing the "end date" must be initiated by the National Recorder and approved by A&C Chair.~~ ~~Players have the right to challenge this end date through arbitration.~~
 - (5) A player charged with a second offense for a First Degree Ethical Violation (including the recognition of another bridge organization's finding under the reciprocal discipline policy in § 405(A)), will be referred to ~~ACBL Management~~ A&C for resolution unless the player initiates arbitration under § 502(D). If the Charged Party is found responsible for the second offense, the panel will impose Expulsion.

(6) ACBL Management must initiate Charges or resolve the Charge through an Official Warning within 60 days of receiving a CBCD report identifying a player as collusively cheating. ~~Any exception to this rule must first be approved by A&C Chair upon request from ACBL Management.~~

~~(6)(7) Any exceptions to the procedures in § 502 for establishing the “end date” must be initiated by the National Recorder and approved by A&C Chair.~~

(B) **Official Warning Eligibility.** A player may be eligible for an Official Warning if they meet the following criteria (see § 502(A)(2)):

- (1) Has a maximum of 500 Masterpoints® (including Eligibility Points) and is a non-Life Master;
- (2) Has zero Platinum Masterpoints®;
- (3) Has not been identified as collusively cheating with more than one partner;
- ~~(4) — Completes the Ethics Certificate Program and Fair Play Pledge (EC/FPP) within 30 days.~~

~~Failure to submit the EC/FPP within 30 days from the date of the notice will result in an automatic charge of an Ethical Violation and the imposition of FTD.~~

(C) **Fast Track Discipline Eligibility.** If FTD is imposed, the player will be disciplined according to their Masterpoint holding, as set out in §§ 502(C)(1)-(6) below, along with any disciplinary adjustment set out in §§ 502(C)(7)-(8). The player will be classified as a member "not in good standing" for the duration of their discipline. Following are the standard discipline levels and adjustments:

- (1) **Level One.** A player with fewer than 1,000 Masterpoints® (including Eligibility Points) will receive:
 - (i) a 6-month Suspension followed by a 4-year Probation,
 - (ii) a removal of 20% of their total Masterpoints®, and
 - (iii) a prohibition from partnering with any individual identified as complicit in the collusive cheating charge while playing in online ACBL sanctioned games for the entirety of the probationary period.
- (2) **Level Two.** A player with 1,000-2,499 Masterpoints® (including Eligibility Points) will receive:
 - (i) a 1-year Suspension followed by a 4-year Probation,
 - (ii) a removal of 20% of their total Masterpoints®, and
 - (iii) a prohibition from partnering with any individual identified as complicit in the collusive cheating charge while playing in online ACBL sanctioned games for the entirety of the probationary period.
- (3) **Level Three.** A player with 2,500-4,999 Masterpoints® (including Eligibility Points) will receive:
 - (i) a 2-year Suspension followed by a 4-year Probation,

- (ii) a removal of 20% of their total Masterpoints®, and
 - (iii) a prohibition from partnering with any individual identified as complicit in the collusive cheating charge while playing in online ACBL sanctioned games for the entirety of the probationary period.
 - (4) **Level Four.** A player with 5,000-9,999 Masterpoints® (including Eligibility Points) will receive:
 - (i) a 3-year Suspension followed by a 4-year Probation,
 - (ii) a removal of 30% of their total Masterpoints®, and
 - (iii) a prohibition from partnering with any individual identified as complicit in the collusive cheating charge while playing in online ACBL sanctioned games for the entirety of the probationary period.
 - (5) **Level Five.** A player with 10,000 Masterpoints® or more (including Eligibility Points) who is not a Grand Life Master will receive:
 - (i) a 4-year Suspension followed by a 5-year Probation,
 - (ii) a removal of 40% of their total Masterpoints®, and
 - (iii) a prohibition from partnering with any individual identified as complicit in the collusive cheating charge while playing in online ACBL sanctioned games for the entirety of the probationary period.
 - (6) **Level Six.** A player with 10,000 Masterpoints® or more (including Eligibility Points) who is a Grand Life Master will receive:
 - (i) a 5-year Suspension followed by a 5-year Probation,
 - (ii) a removal of 50% of their total Masterpoints®, and
 - (iii) a prohibition from partnering with any individual identified as complicit in the collusive cheating charge while playing in online ACBL sanctioned games for the entirety of the probationary period.
 - (7) **Automatic Reduction.** If a player submits the EC/FPP within 30 days of the initial notification from the ACBL, they qualify for a reduced discipline. A player disciplined under § 502(DC)(1)-(5) may have their discipline reduced by one-half (e.g., a Level One discipline will be reduced to a 3-month Suspension, followed by a 2-year Probation, and removal of 10% of the disciplined person's total Masterpoint® holding).
- For Level Six, the discipline will be reduced to a 36-month Suspension, followed by a 36-month Probation, and removal of 25% of the player's total Masterpoints.
- (8) **Automatic Disciplinary Adjustment for Multiple Partnerships.** If a player is identified as collusively cheating with more than one partner, an additional Suspension period will be automatically added to their prescribed discipline. The suspension durations are as follows:
 - (i) Level One and Level Two: An additional 3-month Suspension.
 - (ii) Level Three: An additional 4-month Suspension.

- (iii) Level Four and Level Five: An additional 6-month Suspension.
- (iv) Level Six: An additional 12-month Suspension.

(D) **Option to Initiate Arbitration.** Any player identified as collusively cheating under § 502 may elect to initiate arbitration before the IBA. The player is responsible for complying with IBA procedures for initiating the case, paying the filing fee, and complying with all other IBA policies and procedures. The player must provide ACBL Management with notice that they have initiated this action prior to the end of the 30-day period. The discipline outlined in the Notice of Charges will be imposed unless arbitration is initiated on a timely basis.

(E)- **Required Notice to the Player.** ACBL ~~Management~~ must provide the player with ~~the applicable~~ official written notice ~~that~~ in accordance with § 501(E).

(1) All notices must:

- (i) sSpecify the Ethical Violation and, ~~describes~~ the extent of the ethical lapse;
- (ii) ~~and~~ Outlines the basis for identifying the player as collusively cheating, ~~including~~ the prima facie case which led to the charge;
- (iii) Describe the discipline to be imposed and its effective date, if applicable;
- (iv) Inform the player that their future online play will be monitored, and that a second offense will result in Expulsion;
- (v) Inform the player of their right and responsibility to initiate arbitration before the IBA within 30 days of the date of the notice. ~~It must also comply with the following requirements:~~

(12) Additional Notice Requirements by Action Type.

- (i) Notice of Official Warning must include: ~~A~~ an admonishment that the player must immediately and permanently cease unethical behavior during bridge play.
 - ~~(i) Notification that failure to submit the EC/FPP within 30 days from the date of the notice will result in an automatic charge of an Ethical Violation and the imposition of FTD.~~
 - ~~(iii) The discipline that will be imposed and the effective date of such discipline, which will begin 30 days from the date of the notice unless the player submits the EC/FPP or initiates arbitration before the IBA.~~
 - ~~(iv) The player's right and responsibilities to initiate arbitration before the IBA within 30 days from the date of the notice if they choose not to submit the EC/FPP.~~
 - ~~(v) Notification that the player's future online play will be monitored for any further unethical behavior. In the event of a second offense, ACBL Management will impose Expulsion.~~
- (ii) Notice of Charges for Fast Track Discipline must include: ~~a~~ a description of the EC/FPP, the Automatic Reduction provisions, and the Automatic Disciplinary Adjustment for Multiple Partnerships provisions, if applicable.

~~(2)~~

~~(i) The discipline that will be imposed and the effective date of such discipline, which will begin 30 days from the date of the notice unless the player initiates arbitration before the IBA.~~

~~(ii) A description of the EC/FPP, the Automatic Reduction provisions, and the Automatic Disciplinary Adjustment for Multiple Partnerships provisions, if applicable.~~

~~(ii) The Charged Party's rights and responsibilities to initiate arbitration before the IBA within 30 days from the date of the notice;~~

~~(iii) Notification that the player's future online play will be monitored for any further unethical behavior. In the event of a second offense, ACBL Management will impose Expulsion.~~

~~(3)~~

~~(iii) Notice of Charges for Intent to Initiate Arbitration (see §§ 502(A)(3) and 503) must include: ACBL's offer to resolve the charge through a Negotiated Resolution within 30 days from the date of the notice.~~

~~(a) Notification that if ACBL does not receive acknowledgement of receipt of the charge within 30 days of the date of the notice, it will be referred to an ACBL Disciplinary Panel to conduct an Expedited Disciplinary Proceeding (EDP) as specified in CDR § 201(2).~~

~~(b) The player's right to opt for an EDP.~~

~~(c) ACBL's offer to resolve the charge through a Negotiated Resolution within 30 days from the date of the notice.~~

(F) **Responsibilities of ACBL Management.** When a player is disciplined or receives an Official Warning, ACBL Management must:

- (1) Monitor the player's future online play for unethical play;
- (2) Record the Official Warnings or discipline imposed to the player's ACBL Disciplinary Record;

Additionally, when discipline is imposed, ACBL Management must:

- (3) Provide a Notice of Decision and a Panel Report as set out in 501(T) and (V);
- (4) Publish the discipline as set out in CDR § 501(W). Official Warnings are exempt from publication.

503. SPECIFIC ACBL PROCEDURES FOR REMOVAL TO IBA

(A) **Applicable CDR procedures.** Procedures set out in CDR § 501(E)-(J) apply.

(B) **Notice of Intent to Initiate Arbitration.** ACBL must provide the Charged Party notice at least 30 days prior to filing a demand for arbitration that the ACBL intends to initiate arbitration. (See § 502(E) for notice requirements)

(C) **Filing Fee.** The filing fee shall be paid by the ACBL unless the Charged Party

initiates arbitration set out in CDR § 502(D).

(D) **Compliance.** The ACBL is required to comply with all policies and procedures of the IBA.

(E) **Advocate.** The ACBL shall select an Advocate(s) to represent it before the IBA panel.

~~(F) **Decision.** The ACBL agrees to be bound by the decision of the IBA and any related appeal rights, if any, provided by IBA rules, and that the IBA decision constitutes the final resolution of the matter.~~

~~(F)~~ **Recommendation of Discipline.** The ACBL Advocate shall recommend a specific discipline for a first offense within the range set out in CDR § 301, balancing the factors set out in CDR § 402, to the IBA panel (see also the consequences triggered by certain Suspensions and Expulsions under CDR § 404(E)). The ACBL Advocate must recommend that the player be expelled from the ACBL if the player has been previously found responsible for a First Degree Ethical Violation (including the recognition of another bridge organization's finding under the reciprocal discipline policy in § 405(A)).

504. CLUB BARRING REVIEW

(A) **Review of a Club Barring.** An ACBL member barred from an ACBL sanctioned club in accordance with the regulations in *Codification Chapter IV*, may request an EDP before an ACBL Disciplinary Panel if the barring was:

- (1) Due to one or more of the discriminatory reasons listed in Chapter IV of the ACBL Codification; or
- (2) An extended barring that has no basis in fact; and/or
- (3) An extended barring that resulted from improper club disciplinary procedures set out in Chapter IV of the Codification. (see § 504(B) below)).

(B) **Requirements for a Request for an EDP.** The written request for an EDP must be submitted to ACBL Management within thirty (30) days of receipt of the notification by the barred member. The request for an EDP must include the following:

- (1) The basis for the request set out in CDR § 504(A)(1)-(3); and
- (2) A written statement summarizing the facts that support the basis for the request; and
- (3) A copy of the written notification of the barring from the club.

ACBL Management will review the notification to confirm compliance with procedures in the Codification. If ACBL determines that the club did not follow the proper procedures to bar the member, the matter will be routed to the National

Recorder for disposition.

- (C) **Review Mandatory Under Certain Conditions.** Acceptance of the request for an EDP is mandatory if the barred member complied with the processes set out in CDR §§ 504(A)-(B). The parties to an EDP are the barred ACBL member and the Club Manager (or their designee).
- (D) **Notice of Proceeding.** ACBL Management must provide the parties with a Notice of Proceeding. The parties may submit evidence, including new evidence, to the Disciplinary Panel for consideration.
- (E) **Disciplinary Panel's Decision.** If the Disciplinary Panel concludes that the barred member's allegations were proven by a preponderance of the evidence, the Disciplinary Panel may take the following action if the allegation was that the barring was:
 - (1) an extended barring that had no basis in fact, the Disciplinary Panel may decide to permit the barred member to play in those Unit, District or ACBL sponsored games held at that club. The Disciplinary Panel cannot take action on a member barred from club sponsored games.
 - (2) due to one or more of the discriminatory reasons listed in Chapter 4 of the ACBL Codification, the Disciplinary Panel must alert the National Recorder. The National Recorder will make a determination of what action should be taken against the club pursuant to the Club Sanctioning Regulations set out in Codification, Chapter IV.
 - (3) that the barring resulted from improper club disciplinary procedures set out in Chapter IV of the Codification, the Disciplinary Panel must alert the National Recorder. The National Recorder will make a determination of what action should be taken against the club.

505. AUTOMATIC REVIEWS

- (A) **Discipline Imposed for Sexual Harassment.** At its first meeting subsequent to an ACBL Management decision to impose discipline for sexual harassment as set out in CDR § 501(D), the A&C shall conduct an Automatic Review. The A&C Chair has the discretion to conduct an EDP or Panel Hearing.
 - (1) ACBL Management must provide the parties with a Notice of Proceeding.
 - (2) The Disciplined Person and ACBL Management shall be entitled to present or submit written evidence and witnesses, depending on whether the proceeding is an EDP or Panel Hearing,
 - (3) If A&C finds errors of fact, procedural irregularities, or misapplication of rules, it may modify or reverse the decision and/or modify the discipline.

- (4) The A&C Chair must submit a Panel Report within 30 days after the date of the proceeding that provides a clear reason for any modification of the original body's decision and/or discipline.
- (B) **Negotiated Resolution Review.** ACBL Management must email the A&C Chair the executed Negotiated Resolution, Recorder Complaint, Charge Statement, Membership Profile, a summary of the factors considered as set out in CDR § 402, and the Charged Party's previous disciplinary record.

Within five days from receipt of submission, A&C must review and submit a Panel Report reflecting a decision. When reviewing the Negotiated Resolution, A&C must consider the benefit to the ACBL of the certainty of conviction and the waiver of right to appeal, both administratively and through arbitration or the courts when making its decision.

A&C may accept the resolution, reject the resolution or reject the resolution and provide a condition for acceptance. Each party will have the right to review the condition for acceptance and choose to accept or reject the condition within ten days of being notified. If the condition is rejected, the Charges shall be heard by the Disciplinary Panel with original jurisdiction over the matter.

- (C) **Expulsion.** A&C will conduct an EDP to automatically review disciplinary cases in which Expulsion was imposed by a different Disciplinary Body. This does not apply to an RPC.

A&C must submit a Panel Report within 30 days after the date of the proceeding that provides a clear reason for any modification of the original body's decision and/or discipline.

506. APPEAL OF A DISCIPLINARY PANEL'S DECISION.

- (A) **Request to Appeal.** A Disciplined Party or Charging Party has the right to request an appeal of a Disciplinary Panel's decision (excluding IBA, matters resolved by Negotiated Resolution, and a Disciplinary Panel's decision on a Club Barring) only if it is based on one or more of the following grounds:
- (1) Procedures employed by the Disciplinary Panel were inconsistent with the CDR which affected the substantial rights of the party; and/or
 - (2) Procedures employed by the Disciplinary Panel undermine confidence in the integrity or fairness of the disciplinary process; and/or
 - (3) One (1) or more person(s) on the panel had a bias which affected the decision of the panel, only when objection to such bias was raised during the proceeding.
- (B) **Requirements for a Request to Appeal.** The written request to appeal must be submitted to the A&C Chair within thirty (30) days from the date of the Notice of Decision. The request to appeal must include the following for the request to be considered:

- (1) The reason for the request set out in CDR § 506(A)(1)-(3); and
 - (2) A written statement summarizing the facts that support the reason for the request.
- (C) **Stay of Execution of Discipline Pending Appeal.** A written request for a stay of execution of discipline pending an appeal may be submitted simultaneously with the Request to Appeal to the A&C Chair within thirty (30) days from the date of the Notice of Decision. The request for a stay of execution must include the reason for such request.
- (D) **Standard of Review.** In considering whether to grant or deny permission to appeal, the A&C Chair shall consider only the allegation(s) in the written statement and the supporting reasons. The request for an appeal shall be liberally construed, meaning that the Chair should give more regard to an equitable resolution of the matter, grant those requests that are clearly within the spirit or reason behind the CDR rules being applied and resolve any reasonable doubts in favor of appellant.

A stay of execution of a discipline may be granted only if the Disciplined Person makes a showing in their request that a reasonable likelihood exists that the decision will be reversed or that the discipline will be reduced. If the A&C Chair grants the stay of execution of a discipline, neither the appeal nor the request for the stay may be withdrawn. The foregoing does not affect the power of the grantor later to modify or vacate (i.e., cancel) the stay.

- (E) **Appeals and Charges Committee Process.** If the request for an appeal is granted, the A&C Chair has the discretion to conduct an EDP or Panel Hearing within thirty (30) days.
- (1) ACBL Management must provide A&C and the parties a copy of the written request to appeal, and a copy of the official record from the original Disciplinary Panel's proceeding.
 - (2) If A&C finds that the party's allegation under CDR 506(A)(1)-(3) was proven, it may affirm or reverse the decision or modify the discipline or remand the decision to the disciplinary panel.
 - (3) The A&C Chair must submit a Panel Report within 30 days after the date of the proceeding that provides a clear reason for any modification of the original body's decision and/or discipline.

6. CHARGED PARTY'S RIGHTS

601. CHARGED PARTY'S RIGHTS FOR EDP (ORIGINAL JURISDICTION), PANEL HEARING AND NABC PROCEEDING

- (A) **Notification of Charges.** Receive the Recorder Complaint, Charge Statement, Required Disclosure to the Charged Parties, and terms of the Charging Party's offer to resolve the Charge through a Negotiated Resolution.
- (B) **Notice of Proceeding.** Receive notice of the type of Disciplinary Proceeding under CDR § 2. If the proceeding is a Panel Hearing, the notice must include the date, time, and connection details for accessing the virtual hearing.
- (C) **Representation.** Appoint an Advocate to represent them at their own cost. This Advocate may not be a member of the ACBL BOD. Notification of an Advocate must be submitted electronically and include the Advocate's name and email address. Advocates will be provided all communication related to the disciplinary matter after such notice of representation is received by the Charged Parties.
- (D) **Negotiated Resolution.** Accept the terms of a Negotiated Resolution or negotiate such terms. (See CDR §§ 501(I))
- (E) **Request a Postponement of a Panel Hearing.** The request must be submitted in writing and include the reason for such request. The Disciplinary Panel Chair has the discretion to grant or deny such request.
- (F) **Evidence.** Receive the Charging Party's evidence and submit written evidence on the Charged Party's own behalf. Written evidence must be submitted prior to the proceeding in accordance with the schedule set by the Disciplinary Panel Chair in the Notice of Proceeding.
- (G) **Witnesses.** Receive the Charging Party's witness list, if any, and submit a witness list of their own. Written evidence must be submitted prior to the proceeding in accordance with the schedule set by the Disciplinary Panel Chair in the Notice of Proceeding. The witness list must include the identity of witnesses and a summary of their testimony prior to the proceeding. Witness testimony is not permitted in an EDP; however, submission of witness statements is acceptable. Parties may question individuals testifying during a Panel Hearing. The Disciplinary Panel Chair may restrict this right if abused.
- (H) **Electronic Presence.** Attend the Panel Hearing by Electronic Presence. The Charged Party and/or their Advocates may attend the Panel Hearing (not including the panel's deliberation) and make statements on their own behalf in accordance with the schedule set by the Disciplinary Panel Chair. The Charging Party and/or the Charging Party's Advocate is required to appear. A Charged Party is not required to appear at their Panel Hearing and their failure to appear shall not be grounds for further discipline.

- (I) **Disclosure of Panelists.** Receive the names of the panelist who will decide the matter. The Charged Party has the right to challenge panelists for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the Disciplinary Panel shall decide the validity of the challenge.
- (J) **Digital Recording.** Receive a copy of the digital recording of the Panel Hearing upon request.
- (K) **Disciplinary Panel's Decision.** Receive the Panel Report and Notice of Decision.

602. PARTIES' RIGHTS FOR A CLUB BARRING REVIEW

- (A) **Type of Proceeding.** Receive notice of the type of Disciplinary Proceeding set out in CDR § 2.
- (B) **Representation.** Appoint an Advocate to represent them at their own cost. This Advocate may not be a member of the ACBL BOD. Notification of an Advocate must be submitted electronically and include the Advocate's name and email address. Advocates will be provided all communication related to the disciplinary matter after such notice of representation is received by the parties.
- (C) **Request for Review.** Receive a copy of the request for an EDP submitted by the barred member, the written statement with a summary of the facts that support the reason for the request, and a copy of the notification of barring from the club.
- (D) **Evidence.** Receive the evidence submitted by the other party and submit written evidence on the parties' own behalf. Written evidence must be submitted prior to the proceeding in accordance with the schedule set by the Disciplinary Panel Chair.
- (E) **Disclosure of Panelists.** Receive the names of the panelist who will decide the matter. The parties have the right to challenge panelists for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the Disciplinary Panel shall decide the validity of the challenge.
- (E) **Disciplinary Panel's Decision.** Receive the Panel Report and Notice of Decision.

603. CHARGED PARTY'S RIGHTS FOR AN AUTOMATIC REVIEW OF DISCIPLINE IMPOSED FOR SEXUAL HARASSMENT

- (A) **Notice of Proceeding.** Receive notice of the type of Disciplinary Proceeding set out in CDR § 2. If the proceeding is a Panel Hearing, the notice must include the date, time, and connection details for accessing the virtual hearing.
- (B) **Representation.** Appoint an Advocate to represent them at their own cost. This Advocate may not be a member of the ACBL BOD. Notification of an Advocate must be submitted electronically and include the Advocate's name and email address. Advocates will be provided all communication related to the disciplinary matter after such notice of representation is received by the Charged Parties.

- (C) **Evidence.** Receive the Charging Party's evidence and submit written evidence on the Charged Party's own behalf. Written evidence must be submitted prior to the proceeding in accordance with the schedule set by the Disciplinary Panel Chair in the Notice of Proceeding.
- (E) **Request a Postponement of a Panel Hearing.** The request must be submitted in writing and include the reason for such request. The Disciplinary Panel Chair has the discretion to grant or deny such request.
- (F) **Electronic Presence.** Attend the Panel Hearing by Electronic Presence. The Charged Party and/or their Advocates may attend the Panel Hearing (not including the panel's deliberation) and make statements on their own behalf in accordance with the schedule set by the Disciplinary Panel Chair. The Charging Party and/or the Charging Party's Advocate is required to appear. A Charged Party is not required to appear at their Panel Hearing and their failure to appear shall not be grounds for further discipline.
- (I) **Disclosure of Panelists.** Receive the names of the panelist who will decide the matter. The Charged Party has the right to challenge panelists for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the Disciplinary Panel members shall decide the validity of the challenge.
- (J) **Digital Recording.** Receive a copy of the digital recording of the Panel Hearing upon request.
- (K) **Disciplinary Panel's Decision.** Receive the Panel Report and Notice of Decision.

604. CHARGED PARTY'S RIGHTS FOR COMPUTER-BASED CHEATING DETECTION PROCEEDING

- (A) **Type of Proceeding.** Receive notice of the type of Disciplinary Proceeding set out in CDR § 2.
- (B) **Prima Facie Case.** Receive the prima facie case that led to the Charge.
- (C) **Violation/Discipline.** Receive notice of the violation, the basis for the finding and the terms of the imposed discipline.
- (D) **Right to Initiate Arbitration.** Initiate arbitration before the IBA in accordance with the IBA procedures. The Charged Party is responsible for the filing fee if they initiate arbitration.
- (E) **Disciplinary Panel's Decision.** Receive the Notice of Decision.

605. CHARGED PARTY'S RIGHTS WHEN PROVIDED NOTICE OF ACBL'S INTENT TO FILE DEMAND FOR ARBITRATION

- (A) **Notification of Charges.** Receive the Recorder Complaint, Charge Statement,

Required Disclosure to the Charged Parties, and terms of the Charging Party's offer to resolve the Charge through a Negotiated Resolution.

- (B) **Representation.** Appoint an Advocate to represent them at their own cost. This Advocate may not be a member of the ACBL BOD. Notification of an Advocate must be submitted electronically and include the Advocate's name and email address. Advocates will be provided all communication related to the disciplinary matter after such notice of representation is received by the Charged Parties.
- (C) **Negotiated Resolution.** Accept the terms of a Negotiated Resolution or negotiate such terms. (See CDR §§ 501(I))

606. CHARGED PARTY'S RIGHTS FOR AN APPEAL PROCEEDING

- (A) **Record.** Receive a copy of the official record from the original Disciplinary Panel's proceeding that is provided to A&C for review.
- (B) **Disciplinary Panel's Decision.** Receive the Panel Report and Notice of Decision.