

HARRISBURG BRIDGE CLUB CODE OF DISCIPLINARY REGULATIONS

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CODE OF DISCIPLINARY REGULATIONS

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

CLUB DISCIPLINE

Club management should deal promptly and fairly with all cases of improper conduct that occur during any game in the club, including cases of unethical practices. The club manager may handle these situations personally or refer them to the CDE Committee to conduct a hearing and render judgment.

The club manager can handle many behavior problems by discussing them with the offenders. The CDE Committee may handle issues referred to it by issuing a warning, or declaring a period of probation. In extreme cases or cases of repeat offenses, the committee can bar a club member from the club game for a stipulated period of time, or permanently.

The CDE Committee may not bar any club member or members as a class, based upon the player's race, creed, religion, political affiliation, sexual orientation, national origin, and physical handicap or on his/her proficiency at bridge.

Unless a non club member is currently suspended or expelled from participation in ACBL sanctioned events, permission to play in any club event is at the sole discretion of the club management and ACBL has no jurisdiction. Therefore, except for a barring alleged to be for the above discriminatory reasons, these regulations do not apply.

Except as detailed in the previous paragraph, a club may bar a club member for whatever reason it deems proper and consistent with ACBL Rules and Regulations and the Laws of Duplicate Contract Bridge. An obnoxious or incompatible partnership may be barred as a pair, but each may be permitted to play with other partners.

To bar a club member, club management must notify the member in writing and send a copy of the notification to the ACBL Club Membership Department. The notification must include the member's name and player number and the reason for the barring. The club can bar members from its regularly scheduled club master point games, membership games, ACBL-wide games, club championships, charity and international fund club championships, and other special events specifically allocated to clubs as outlined above.

If the member feels that his/her barring does not comply with these regulations prohibiting barring players as a class, religious or political affiliations, race, creed, sexual orientation, national origin, physical disability or proficiency at bridge, he or she may appeal the barring to the unit disciplinary committee. Appeals from the unit disciplinary committee may be filed in accordance with and under the authority of the ACBL Code of Disciplinary Regulations. Until the appeal is lodged and heard, the player remains barred unless reinstated by the club unless a stay is granted by the Unit Disciplinary Chairperson.

A club may extend the barring of an ACBL member from Grand National teams, North American Pair events, STaCs, qualifying sessions of a progressive sectional, unit or district competitions, and/or unit-wide or district-wide championships held at the club. A member so barred may appeal the extension of the barring under the process described in the previous paragraph. In such cases, the written notice to the member barred must include the member's right to appeal the action to the Unit Disciplinary Committee in which the club is located within thirty days of the action taken by the club. Such written notice is required; otherwise the barring shall not be effective.

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INTRODUCTION

The CDE Committee hears complaints of conduct, decorum and ethics arising at the HBC.

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

I. ACTIONS, ADVOCATE AND PRESENTER

A. COMPLAINT

A complaint is a written document in which a club member alleges that another member or competitor has violated club or ACBL rules. It may be submitted to any club official or director. The complaint must then be given to the Club Manager or his/her designee.

B. CHARGES

The charging party is the Club Manager. In absence of the Club Manager, when the Club Manager has a conflict, the President shall act as the charging party. The charges must be written and submitted by the charging party to the chair of the CDE Committee. The person delegated to bring charges must not be the CDE Committee Chair, other member of the CDE Committee or the club's recorder.

C. ADVOCATE

While the complainant is usually responsible for prosecuting or supporting his or her complaint, an advocate may be selected by the complainant to prosecute the complaint. An advocate is the representative of the Complainant. As such, the advocate is not neutral or unbiased. The advocate is free to aggressively prosecute a complaint. The advocate selected to appear at the hearing shall not be an attorney (except club members acting as advisor and waiving all rights to act as an attorney representing any party aggrieved by the board's findings).

D. PRESENTER

A presenter is an individual who makes or assists with an impartial presentation of evidence to a disciplinary committee upon the appointment by the committee chair. A presenter may be the recorder, club director or other party. The presenter may act as an aide to the CDE committee to ensure a fair and complete presentation of the evidence for the committee to consider. It is suggested that consideration be given to selection of a presenter when a case is complex and neither party is represented by counsel. The presenter selected to appear at the hearing shall not be an attorney or club official.

II. PERIOD OF LIMITATIONS

A complaint concerning a single incident must be filed within 30 days of that incident. A complaint concerning a pattern of actions must be filed within five years of the earliest action referenced in the complaint. A complaint involving the conveying of information by unauthorized means, pursuant to Law 73.B.2, is not subject to any period of limitations.

III. THE COMMITTEE

A. SELECTION

The CDE Committee is the only club body authorized to hear disciplinary matters (Except for hearings under CDR 6). All members of the committee should be well-respected members of the club. The committee as a whole should represent the diverse makeup of the club. Serving on a disciplinary committee is a most difficult (and important) responsibility. For most cases, committee members need not be expert players. However, it is important that each member of the committee have a reputation for integrity, honesty and unimpeachable ethics to avoid any claim of a prejudiced decision. Generally, the chairperson should have considerable experience in disciplinary matters and be sensitive to the fairness considerations affecting the disciplinary process. An odd number (usually 5) is best to avoid the possibility of deadlock on any single issue.

Committee members should be representative of the diversity of the membership of the club. This will give the committee a broader base of experience, making a fair and impartial hearing more likely. No party should leave a hearing feeling disadvantaged because of the makeup of the committee. All parties should believe they had a fair hearing with a full opportunity to present their side of the issue.

B. BIAS

Every member of a committee selected to hear a particular matter must be completely unbiased as to the personalities and issues involved. Common sense should prevent most incorrect appointments. No committee member should be a regular partner, close friend, spouse, significant other or known enemy of any party, or have a business or financial association. Any committee member who has dealings with a party that might give even the appearance of impropriety should excuse him or herself from further service.

However, membership in, employment by or ownership of a particular organization or business or being part of an ethnic group, race or culture shall never constitute a bias *per se*. Committee members should conduct themselves appropriately and should never discuss the matter before the hearing outside of the hearing .

If a CDE Committee member feels unable to act impartially at a hearing, he or she should ask to be excused. If there is an appearance of possible partiality, the committee should either excuse the member from the hearing or discuss the matter

with the parties involved to determine if they object to the presence of that person on the committee. The committee as a whole is the sole determiner of the eligibility of committee members.

C. COMMENTS BY COMMITTEE MEMBERS

1. Prior to the Hearing, Committee members must not discuss any substantive matter pertaining to the case with anyone. This prohibition includes other members of the committee and parties to the case as well as "third" parties.
2. During the Hearing and Deliberations- At this time committee members may discuss the issue only with other committee members, staff to the committee and parties to the matter.
3. Post Hearing- Once the committee has made a decision which has been communicated to the parties and other notifications have been distributed, the committee members may relate the findings and discipline imposed. A committee member may not discuss the committee's deliberations.

IV. PREHEARING PROCEDURES

A. NOTIFICATION

The parties involved, including the complainant and charged member, must receive timely written notice of the date, time and place of the hearing, are furnished with written charges, and are advised of their right to be represented by counsel (who need not be an attorney), to produce evidence on their behalf and to be present during the entire hearing. Suggested forms are available at the ACBL web page at www.acbl.org. The chair of the committee hearing the matter must verify that appropriate notices have been sent.

B. DOCUMENTATION

Since discussions and considerations at hearings of appeals of disciplinary sanctions are based primarily on the facts determined by the committee imposing the sanction(s), it is extremely important that detailed records be kept of all proceedings and testimony given at disciplinary hearings. A recorded record is mandatory. A court reporter may be used. The chairperson should attempt to provide for the best record keeping permitted by circumstances. At the very least, one or more members of the committee should be charged with the task of keeping good written records. As stated above the final hearing report should be typed in order that it is legible in the event the decision is appealed.

C. PRE HEARING CONFERENCE

The committee or the committee chair may hold a pre-hearing conference to narrow or frame procedural questions that relate to the matter before it. At this conference the committee or the committee chair also may direct the disclosure of evidence, and permit the presentation of affidavits for use at the hearing. In cases in which numerous witnesses and affidavits are involved, the CDE committee is encouraged

to require an exchange of witness lists prior to the hearing. This disclosure or exchange does not require the party to present the witnesses at the hearing. In addition, when more than one party is charged in the same situation, or when one party is charged in several situations, the proceedings may be consolidated.

V. HEARING PROCEDURES

A. PRESENCE AT HEARING

The complainants and the people charged and/or their counsels (who may not be attorneys or members of the ACBL Board of Directors) are entitled to be present while all evidence is given. Other individuals may remain at the hearing only at the discretion of the chairperson.

B. CHAIRPERSON IN CHARGE

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

C. INTRODUCTIONS

Introductions are the first order of business. The committee chairperson should:

1. Give his or her full name and home city;
2. State that the chair will function as the presiding officer;
3. Request that all questions and comments be directed to the chair;
4. Have the other committee members introduce themselves;
5. Have the parties, including their advocates, introduce them.

D. CHAIRPERSON STATEMENTS TO COMMITTEE

The committee chairperson addresses the committee members as follows: "If there is any reason why you feel you should not serve on this committee, please recuse yourselves now." "If you believe you can serve and make an unbiased decision, but you know of conditions or circumstances that may be perceived as creating potential bias or perceived as such, please disclose those issues now."

The committee chairperson then addresses the parties to the appeal and the committee as follows: "If any member of this committee or party to the appeal has cause to believe that a committee member should not serve, you must raise the issue or issues now." (If there is any objection, see III B BIAS above)

E. PRESENTATION OF CASE

The chair should read the complaint. In the absence of a presenter, the chair will provide an opportunity for each side to present its case. The committee should hear the evidence, first in support of the complaint and then on behalf of those charged, followed by rebuttal by either side, as necessary.

F. WITNESSES

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

G. DELIBERATIONS

After hearing all testimony the committee considers the case in a closed session; these deliberations are privileged. The standard for determining guilt is that the complainant's case be supported by a preponderance of the evidence. A simple majority decision prevails.

H. DISCIPLINE

If the committee arrives at a decision of guilt, the committee shall then determine what discipline to impose. The CDR should be consulted, along with CDR Appendix B. The committee should examine the previous record of the guilty party before determining discipline. Aggravating or mitigating circumstances should also be considered.

VI. POST-HEARING PROCEDURES

A. NOTIFICATION OF DISCIPLINE

When the disciplinary body imposes sanctions to be effective immediately, it is mandatory that such disciplinary body shall immediately notify the disciplined party of the sanction in writing, stating its effective date. The disciplined party or parties and the complainant shall also be told of the right to appeal and the disciplined party's right to request a stay of discipline pending the outcome of an appeal.

B. REPORT TO ACBL

It is mandatory that suspensions or expulsions be reported to ACBL. The report must be sent within thirty (30) days from the conclusion of the presentation of evidence. If a discipline is being appealed to the HBC Board, such report shall not be sent until the HBC Board has acted on said appeal.

VII. EVIDENCE

To find a person guilty requires a simple majority of the committee. It shall be the burden of the complainant to prove by a preponderance of the evidence that the charged party has committed the CDR violation(s) upon which that party is charged. It is not necessary that the evidence be proved beyond a reasonable doubt. If a committee member finds that the evidence of guilt is more convincing than the

evidence opposed to it, then that committee member should find the charged person guilty.

VIII. PRINCIPLES OF EVIDENCE AT HEARINGS

A. EVIDENCE WHICH MAY BE USED AT A HEARING

1. HBC is a membership organization whose board sets its own rules. Committees are not courts of law, so the rules of evidence applicable to courts of law and other legal tribunals do not apply to committees.
2. Any relevant evidence, including hearsay, shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law. We may roughly define hearsay evidence as a statement made by another person offered for the truth of the statement.
3. While a committee should permit hearsay evidence, the weight given the hearsay evidence should be less than the weight given direct testimony. The reason is that it is not as reliable as direct testimony and there is no effective way to question it. This often means we have no way to be certain it is really true.
4. The committee should consider relevant any evidence that bears on an issue before it. If particular testimony makes any contested fact or factual inference more or less likely, then that particular testimony is relevant and the committee should hear it. A committee should not allow testimony that fails this test because hearing it is a waste of time and may be prejudicial.

B. BURDEN OF PROOF

The complainant has the responsibility to prove the issue by presenting a preponderance of the evidence. ***See definition of "preponderance of the evidence" in the CDR definitions section.***

C. TYPES OF EVIDENCE

1. When used to prove a proposition, direct evidence means that we require no inference to prove the proposition. Circumstantial evidence requires an inference to prove the same proposition. Neither type of evidence is necessarily more convincing. A committee member can discount direct evidence about an automobile going through the intersection while the light is green if the witness proves to have an uncertain memory. Committee members should evaluate all direct and circumstantial evidence to decide which evidence is more credible and entitled to more weight under the circumstances of that particular hearing.
2. Demonstrative evidence is an object or tangible item. Its probative value depends on its connection to the other evidence produced in the hearing.

D. CREDIBILITY AND WEIGHT

1. Credibility is the extent to which a witness is believable.
2. Witnesses usually testify to the truth, as they perceive it. If two people testify to the opposite, such as whether a traffic light was green or red, one must be wrong. However, both could firmly believe they are correct and the other wrong.
3. Weight is the degree to which credible evidence controls the ultimate decision of the committee. Weight is the importance assigned to the particular evidence.
4. Sometimes a party may present evidence that is irrelevant. At his or her discretion, the chairperson may limit irrelevant testimony.

IX. APPELLATE PROCEDURES

A. BASIS FOR HEARING

An appeal to the HBC Board should be based upon the record of the original hearing body. New evidence may be admitted, only by specific motion passed by the board.

B. PARTIES TO AN APPEAL

1. Complainant.
2. Person Disciplined.

C. AUTHORITY

The HBC Board may:

1. Affirm or reverse the previous decision.
2. Modify, reduce or increase the previous discipline.
3. Remand the matter to the CDE Committee.

ACBL DISCIPLINARY SANCTION GUIDELINES

The following range of discipline for conduct and ethics violations is provided as a guide to a disciplinary committee not a mandate. This is not intended to be an exhaustive list of all possible infractions but rather to set forth examples. A committee may find that there has been a violation of the CDR for which there is no sanction guideline cited in this Appendix. In such cases, the committee is free to impose on a guilty defendant whatever punishment it deems is appropriate from options described in Appendix A, Section 3. However, a disciplinary committee, which imposes a sanction which is outside the range recommended by these guidelines, must explain why it chose the sanction imposed.

Part A of these guidelines is intended to apply to the typical case involving a single incident and a defendant who has no previous disciplinary record. If this is not the case, the committee must consider read Part B of these guidelines before deciding on an appropriate discipline.

Part A CONDUCT	
OFFENSE	RECOMMENDED DISCIPLINE
C1 Poor personal hygiene or dress	Reprimand and or up to 30 days Probation
C 2 Rudeness in conversation, gesture, or general behavior	Reprimand and or up to 30 days Probation and or up To 30 days Suspension.
C 3 Publicly belittle partner or opponent on bid or play	Reprimand and or up to 30 days Probation and or up to 30 days Suspension
C 4 Influence or attempt to influence an entrant to withdraw from an event to improve one's likelihood of winning more master points	Reprimand and or up to 90 days Probation and or up To 90 days Suspension
C 5 Harass or intimidate another player	Reprimand and or up to 120 days Probation and or up to 90 days Suspension
C 6 Harass or intimidate a club director or club official.	180 days Probation and or up to 180 days Suspension
C7 Deliberately fail to follow instructions given by a club director or official, including leaving a session without permission of the game director, egregious slow play or noncompliance with conditions of contest	90 days Probation and or up to 90 days Suspension

ETHICS	
OFFENSE	RECOMMENDED DISCIPLINE
E 1 Deliberately ask for or give information about a board in play after both parties have played it	Reprimand and or up to 60 days Probation.
E 2 Give information about a board in play to a player who has not yet played the board	30 days Suspension to 1 year Suspension * #
E 3 Unsportsmanlike, frivolous or frequent psyching	60 days Probation and or up to 30 days Suspension
E 4 Play a convention, system, or treatment knowing it is illegal	90 days probation and or up to 60 days Suspension *
E 5 Purposefully fail to disclose partnership agreements with intent to deceive	1 year Probation and or up to 1 year Suspension. *
E 6 Bid or play with the specific intent to achieve a poor result on that hand	90 days Probation to 90 days Suspension *
E7 Intentionally: a. change a score, b. submit a false result of a hand, round or match , c. change or submit any information that could result in awarding incorrect master points or d. enter an event for which you are not eligible	1 to 3 year Probation and or up to 2 years Suspension *
E 8 Accidentally gain access to information and then act on it	1 year Probation and or up to 180 days Suspension *
E 9 Hesitate with an intent to deceive; use intonations and mannerisms that may deceive opponents or help partner	1 year Probation and or up 1 year Suspension *
E 10 Deliberately try to see from where an opponent plays his/her cards	90 days Probation and or up to 90 days Suspension *
E11 Actively and deliberately try to see an opponent's cards	1 year Probation and or up to 1 year Suspension *
E 12 Actively seek advance information about a board in play	2 years Suspension to Expulsion * #
E 13 Prearrange a deal or part thereof including one card	2 years Suspension to Expulsion * #
E 14 Intentionally gain access to hand records for an event prior to the event and enter and play in the event and or give the hand records or copies to another person prior to that person entering and playing in the event.	Expulsion *
E 15 Prearranged partnership collusion by means of signaling to exchange information	Expulsion *
E 16 Playing in or being present in the playing area of a club event while serving a term of suspension	Extension of the suspension to twice the original term to Expulsion * #
E 17 Cheating and similar ethical violations not	90 days Suspension up to Expulsion *

specifically cited by other sections of this Appendix	#
E 18 Attempt to influence a decision of a disciplinary body outside of the hearing process(es)	Reprimand and or up to 2 years Probation and or up to 180 days Suspension.
E 19 Discussion of the content of a hearing, other than the committee decision, outside the hearing room by a CDE Committee member with any party (whether a party to the hearing or not)	Reprimand and or up to 2 years Probation and or up to 180 days Suspension
E 20 Discussion of the content of any action taken by the HBC Board, acting in executive session, outside of the executive session by any HBC Board member (whether a party to the executive session or not)	Reprimand and or up to 2 years Probation and or up to 180 days Suspension

If a committee imposes a suspension, it is encouraged to also impose an appropriate term of probation following the term of suspension.

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

Part B

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

1. When the defendant's single violation is either extremely slight or severe, the committee should apply its sound, unemotional judgment. For example, either the experience or mental intentions of the defendant might be a consideration.
2. When the recommended sanction guidelines would not have the usual impact upon a guilty defendant, a committee may tailor the length of the discipline in order that the discipline will have the desired impact.

When the defendant is convicted of several violations, such as a pattern of behavior, the committee should impose a sanction as if each violation was a separate offense. The Committee should note the separate violations and/or explain the pattern.

When the defendant has a prior record, the sanction imposed for the previous offense is not particularly important. The number of prior convictions is important. The reason is that the defendant was already sanctioned for the specific prior violation(s). The committee should pay close attention to how the prior conviction(s) reflects on the defendant's ability to behave according to club standards

Examples

1. A person convicted of accidentally gaining access to information and acting on it has one conviction for bad hygiene for which he or she received 30 days probation. Here the committee would probably disregard the prior conviction in making a decision to issue a sanction.
2. A person convicted of accidentally gaining access to information and acting on it has received 30 days probation for bad hygiene, 30 days probation for rude behavior, and 30 days suspension for a threat of violent behavior. In this case, the record indicates that this person has a history of violating club regulations and the committee should increase the discipline above the maximum for the offense for which the player was convicted.

APPENDIX A DISCIPLINE

1. Definitions

HBC	The Harrisburg Bridge Club
ACBL	The American Contract Bridge League.
Advocate	A person selected by the club to represent the club by prosecuting a complaint.
Aggravating Circumstances	Conditions present, office held or action taken by a party that increases the severity of penalty that needs to be imposed.
Attorney	A person who is licensed or has been licensed to practice law in any jurisdiction.
Board of Directors	The governing body of the HBC.
CDE Committee	The Conduct, Decorum and Ethics Committee of the Harrisburg Bridge Club
CDR	This Code of Disciplinary Regulations.
Charge	A matter brought to the CDE Committee by the HBC Club Manager, or his/her designee, after receiving a complaint.
Charged Person	Person accused of violating the CDR
Charging Party	The HBC Club Manager, or his/her designee, acting upon a complaint.
Club Event	For the CDR, regularly scheduled club masterpoint games, membership games, ACBL-wide games, club championships, charity, junior and international fund club championships, and other special events specifically allocated to clubs by the ACBL. Not included are: Grand National teams, North American Pair events, STaCs, qualifying sessions of a progressive sectional, unit or district competitions, and/or unit-wide or district-wide championships held at the club.
Club Official	Any officer, board member or committee chair of the HBC.
Complainant	A person bringing a complaint.
Complaint	A written accusation by an HBC member alleging conduct in violation of CDR 3 that requests that charges be made to the HBC CDE Committee.
Discrimination	Actions against an HBC member, or participant in a club sanctioned event, because of race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics covered by law.

Ethical Violations	<p>Infractions of the Laws of Duplicate Contract Bridge or the CDR that involve improper conduct consciously perpetrated. "Ethical violations," include but are not limited to:</p> <ol style="list-style-type: none"> 1. Any deliberate communication not allowed by the Laws of Duplicate Contract Bridge. 2. Obtaining unauthorized information from hand records of the current session prior to the conclusion of play or hand records of future sessions, except upon express instruction of the Director. 3. Purposely looking at the unplayed cards of another player (other than penalty cards) before play of the deal is concluded. 4. Purposely looking at another player's (other than partner's) private score or any score ticket or score slip, or a video screen, which displays or contains scoring information for or relating to a deal yet to be played by the offender during the session. 5. Deliberately behaving in a manner intended to disrupt, intimidate, or disconcert another player. 6. Concealing partnership agreements or deliberately providing incomplete, inaccurate, misleading, or inadequate explanations. 7. Deliberate violations of the Laws of Duplicate Contract Bridge and/or ACBL regulations which may produce improper or unfair advantages; no proof of intent to gain such unfair or improper advantage is necessary.
Expulsion	A determination that a person has committed an offense warranting permanent abrogation of all club rights and privileges, including membership.
Expungement	The removal of a discipline, after such discipline has been served, from a person's disciplinary record so that it is as though the discipline was never imposed.
Incident	An occurrence of conduct or actions by an HBC member, or non HBC member at an HBC event, which may be the basis for a complaint.
Law	A provision in the "Laws of Duplicate Contract Bridge" or the "Laws of Duplicate Bridge."
Member in Good Standing	<p>An HBC member shall be deemed to be in "good standing" when such member's dues, if dues are required, are current and such member is not currently:</p> <ol style="list-style-type: none"> 1. expelled, 2. serving a term of suspension, 3. serving indefinite probation, 4. serving a probation the initial term of which was twenty-four or more months or 5. serving a term of probation following a suspension, the

	initial term of which was in excess of ninety days. A member who is not in good standing as defined herein shall not be entitled to serve in any elected or appointed position in HBC.
Mitigating Circumstances	Conditions present or actions by other party or parties that warrant partial, or total, mitigation for punishable actions.
Month	For the purposes of the CDR, a month is equal to thirty (30) days.
Preponderance of the Evidence	Evidence that is more convincing than the evidence opposed to it.
Presenter	A person selected by the Chair of the CDE Committee to make or assist with an impartial and neutral presentation of evidence to the CDE Committee.
President	The President of the HBC.
Prima Facie	Evidence that is sufficient to establish a fact in question until rebutted.
Reprimand	A written determination that a person has committed an offense warranting discipline for which the appropriate sanction is a statement of censure, an explanation of the relevant disciplinary policy and a warning against further related violations.
Suspended Sentence	A determination that a person has committed an offense warranting discipline such that a suspension would normally be imposed effective immediately, but based on mitigating circumstances the suspension is being waived, conditioned on good behavior or compliance with conditions imposed by the committee for a specified period of time. When the discipline is imposed and the execution thereof suspended, such suspension shall be deemed to be probation.
Suspension	A determination that a person has committed an offense warranting abrogation of right to play in any club event for a specified period.

2. Grounds for Discipline

2.1 Violation of the Laws of Duplicate Contract Bridge.

2.2 Violation of ACBL regulations. Administrative regulations such as rules pertaining to sanctioned games at clubs are exempted.

2.3 Leaving a session prior to completion of play without either good cause or the permission of the tournament or game director. This does not include persons leaving a game prior to commencing play on the first board of the event.

2.4 Accusations of unethical bridge conduct at a club event, not made privately to a tournament director or other tournament official. Private and confidential conversations are not within the club's jurisdiction even if they take place at the club.

2.5 Betting on the results of any club event.

- 2.6 Actions or behavior unbecoming a person participating in a club event; or a person attending (at the time and site of) a club event or a unit or district activity.
 - 2.6.1 The “club” includes, but is not limited to, parking lot, snack area, teaching room or any other area in or on the grounds of HBC.
 - 2.6.2 A private and confidential conversation is not within the club’s jurisdiction even if it takes place at the club.
 - 2.6.3 E-mails or letters sent to or by a club official may constitute a violation of 2.6.
 - 2.6.4 E-mails or letters sent between private individuals shall not constitute a violation of 2.6
- 2.7 Non-payment of a valid bill owed to the club steward
- 2.8 Filing formal legal action against the club, without first exhausting ACBL administrative or other internal remedies.
- 2.9 Improper conduct toward any director or club official in performance of their club duties or functions.
- 2.10 Knowingly submitting false information to a director or club official.
- 2.11 Failure to appear before CDE Committee when required under by CDR 4.2.10.
- 2.12 Filing a complaint against another with no reasonable basis or appealing the decision of the CDE Committee or the HBC Board with no reasonable basis. (The rejection of a complaint is not equivalent to a finding that there was not a reasonable basis.)
- 2.13 Misappropriate Club Funds.
- 2.14 Cheating and similar ethical violations.
- 2.15 Attempt to influence a decision of the CDE Committee, or the HBC Board, outside of the hearing process(es).
- 2.16 Discussion of the content of the hearing, other than the final decision, outside the hearing room by a body member with any party (whether a party to the hearing or not).
- 2.17 Discussion of the content of any HBC Board executive session, other than the final decision, outside the executive session by a club official with any party (whether a party to the session or not).

3. Discipline

3.1 The subsections in this CDR 3 set forth the only discipline which may be imposed by the CDE Committee. The CDE Committee may choose to combine such disciplines. All disciplines shall be matters of public review and shall be filed in the person's disciplinary record. Discipline imposed shall be subject to ACBL rules and regulations in effect at the time during which incident(s) occurred which led to the discipline.

- 3.1.1 *Reprimand.* A written determination that a person has committed an offense warranting discipline for which the appropriate sanction is a statement of censure, an explanation of the relevant disciplinary policy and a warning against further related violations.
- 3.1.2 *Reprimand Probation.* A determination that a person has committed an offense warranting discipline such that the person must lose some of the privileges of membership and such that any further disciplinary violation, whether similar or different, may result in suspension or expulsion.
 - a. If the member is disciplined for another offense during a discrete probationary period, then if the new discipline is:
 - (1) Expulsion, no further discipline.
 - (2) Probation in excess of 90 days or suspension, the previous probation becomes suspension for the remainder or half of the probation period, whichever is the greater. The new discipline shall be consecutive, not concurrent.
 - (3) Other, the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension.
 - b. If the member is disciplined for another offense during an indeterminate, permanent or lifetime probationary period, then: if the new discipline is:
 - (1) Expulsion, no further discipline.
 - (2) Probation in excess of 90 days or suspension, the committee issuing the new discipline shall determine how much of the previous probation shall become a period of suspension. The suspension must be a minimum of one year. The new discipline shall be consecutive, not concurrent.
 - (3) Other, the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension. The new discipline shall be consecutive, not concurrent.
- 3.1.3 *Suspended Sentence.* A determination that a person has committed an offense warranting discipline such that a suspension would normally be imposed effective immediately, but based on mitigating circumstances the suspension is being waived, conditioned on good behavior or compliance with conditions imposed by the committee for a specified period of time. When the discipline is imposed and the execution thereof suspended, such suspension shall be deemed to be probation.

- 3.1.4 *Suspension.* A determination that a person has committed an offense warranting abrogation of all ACBL rights and privileges including membership for a specified period.
- 3.1.5 *Expungement.* A discipline which has been issued by the CDE Committee may be expunged from a person's record only by action of the HBC Board for good cause when hearing an appeal.
- 3.1.6 Future offences should be dealt bring increasing levels of penalty, given a level of offence was similar or greater than prior offences
- 3.1.7 Mitigating/Aggravating Circumstances shall always be considered when determining type and length of penalty.

APPENDIX B PROCEDURES

1. Procedures for HBC Conduct, Decorum and Ethics Committee

1.1 Procedural Principles for Conduct of Hearings by the CDE Committee.

- 1.1.1 The Chairperson of the CDE Committee should be familiar with the CDR
- 1.1.2 The procedures before the CDE Committee are intended to promote a hearing that is fair and expeditious under the circumstances prevailing and as simple and informal as circumstances permit, keeping in mind at all times the rights of the parties.
- 1.1.3 A detailed recorded record shall be kept. Should a stenographic record be requested, the cost shall be borne by the party requesting the record (who must also provide, if requested, a free copy to the other party and the committee).
- 1.1.4 The CDE Committee shall not be bound by legal rules, whether of substantive law, evidence or procedure, and shall be liberal in receiving evidence. The receipt of evidence is not necessarily indicative of the weight or the credit which the Committee may give it in their ultimate determination; thus, hearsay evidence and written statements may be admitted and given such weight as the Committee deems appropriate.
- 1.1.5 The CDE Committee shall determine the use of opening and closing statements and submission of briefs and memoranda.
- 1.1.6 Pre-hearing conferences, by charging and charged party, may be held relative to the narrowing or framing of issues or procedural questions relating to the matter before the Committee, if, in the Committee's or its Chair's judgment it is so warranted.
- 1.1.7 Under such terms and conditions as the CDE Committee, in its discretion, shall deem proper it may (but shall not be required to):
 - (a) Direct pre-hearing disclosure of evidence and witnesses;
 - (b) Permit presentation of written statements for use at the hearing;
 - (c) Limit the number of witnesses to be heard;
 - (d) Clarify and define the issues to be heard; and
 - (e) Consolidate proceedings where the parties or the issues are the same.

- 1.1.8 The hearing may be adjourned from time to time for good cause shown, upon the application of a party or upon its own motion.
- 1.1.9 There shall be no automatic challenges to committee members. There may be challenges for cause, such as bias. In such cases the balance of the committee shall decide the validity of the challenge.
- 1.1.10 Other than as provided in the CDR, the party accused shall not be entitled to prehearing discovery as might be provided in civil litigation.
- 1.1.11 The effective date of imposition of discipline, if any, of the CDE Committees decision shall be the date noted in the CDE Committee's written decision. If the discipline is to take effect immediately, the disciplinary body shall immediately notify the disciplined party in writing. If no effective date is so specified, the effective date of imposition of discipline shall be five (5) days from the date of the mailing of the decision.
- 1.1.12 Excluding aggravating circumstances or extreme offence, penalty should be stayed upon appeal by any party to the HBC Board.

1.2 Disciplinary Procedures the CDE Committee.

- 1.2.1 A complaint is the only basis for an official charge to the CDE Committee. The CDE Committee receives and acts on a charge or charges, not a complaint or complaints.
- 1.2.2 A disciplinary complaint based upon a single incident must be filed with the HBC Club Manager, or his/her designee. The Club Manager, or his/her designee, shall review the complaint to determine if it violates any of the Grounds for Discipline (CDE 2). If such a determination is made, the charges (Section(s) of CDR 2 violated) shall be filed with the CDE Committee.
- 1.2.3 A complaint involving a single incident of conduct must be brought within thirty (30) days of discovery of the incident. The subject of the complaint shall be given a copy of the original complaint. Irrespective of the foregoing period of limitations, the subject of a complaint is permitted to file a cross-complaint related to the original incident against the complainant within fifteen (15) days of written notification that there has been a charge filed against him or her.
- 1.2.4 Charges filed with the CDE Committee shall be reviewed by the Chair to determine whether it rises to the level needing a hearing, or whether discussion with the charged person, the complainant or both may suffice.
- 1.2.5 A complaint involving a pattern of conduct must be brought within five (5) years of the earliest instance referenced in the complaint.

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

1.2.7 An initial charge based upon a complaint must be brought expeditiously by the Club Manager. The charging party in deciding to bring a charge must answer "yes" to the following three (3) questions:

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

1.2.8 A person charged with a violation of CDR APPENDIX A2 shall be entitled to:

- (a) Receive written notice of the date, time, and place of hearing. Should a person admit to a charge, a hearing shall be held in order to determine and impose appropriate discipline.
- (b) Be furnished with a written statement of the charge(s), the complaint upon which the charges are based or a summary of the facts of said complaint, and the name of the complainant(s).
- (c) Be represented at the hearing by another person who shall not be an attorney (except club members acting as advisor and waiving all rights to act as an attorney representing any party aggrieved by the board's findings). The person charged may be represented by an attorney outside the hearing room.
- (d) Produce evidence and make statements on his/her own behalf.
- (e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
- (f) Question persons testifying through the Chair at the Chair's discretion.

1.2.9 All disciplinary bodies may allow reasonable adjournments or continuances consistent with the time available to the disciplinary body.

1.2.10 Required Appearance at Hearings

- (a) All complainants and/or the complainants' advocate are required to appear in person or by telephone. Failure to appear may be grounds for discipline.
- (b) When a committee chairperson determines (upon request by either the complainant or the charged person or persons) that a witness' testimony is critical to a hearing, then such a

witness is required to appear or provide a signed statement. Failure to appear at the hearing in person, by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause is provided to the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.

1.2.11 Charged persons are not required to appear and their failure to appear shall not be grounds for further discipline.

1.2.12 A person's past club discipline which is a matter of record, should such exist, may not be considered in establishing guilt but may be relevant to the discipline to be imposed if the person is found guilty.

1.2.13 The disciplined person or complainant may file an appeal with the HBC Board. The disciplined person and the complainant are to be informed by the CDE Committee of this right in writing and in a timely manner.

1.2.14 A person who has been subjected to a disciplinary proceeding conducted under CDR APPENDIX B1 shall not be subject to any further proceedings. Once filed with the CDE Committee or Chair, if the committee fails to take action, appeal to the HBC Board by the Club Manager, or his/her designee, or complainant shall be the only remedy.

2. Appeal Procedures

2.1 Appeals from the CDE Committees findings or level of punishment may be filed with the HBC Board.

2.2 Written notice of appeal must be made within thirty (30) days following the mailing of the written notice of the ruling being appealed.

2.3 The HBC Board shall hear and decide appeals expeditiously.

2.4 Appeals will be considered on the record made in prior hearings. New evidence may be admitted only by specific motion passed by the board. A person's past disciplinary record, should one exist, may not be considered in review of the merits of the decision being appealed, but may be considered as to the severity of the sentence under review.

2.5 The CDE Committee is a party to any appeal taken from its action. The HBC Board may permit persons other than the parties to the appeal to participate in the appeal. During the deliberations of the HBC Board no additional persons other than Club Counsel may be present.

- 2.6 The HBC Board may: (i) affirm or reverse the decision; (ii) modify, reduce or increase the discipline being appealed; and (iii) remand the matter to any committee which previously heard the matter. The HBC Board should not conduct a new hearing.
- 2.7 Each party to an appeal or review under this CDR APPENDIX B2 shall be entitled to:
- 2.7.1 Receive written notice of date, time and place of the appeals hearing.
 - 2.7.2 Be represented at the hearing by another person who shall not be an attorney (except club members acting as advisor and waiving all rights to act as an attorney representing any party aggrieved by the board's findings). The person charged may be represented by an attorney outside the hearing room.
 - 2.7.3 Make statements on his or her behalf.
 - 2.7.4. Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
 - 2.7.5 Question persons testifying through the Chair, at the Chair's discretion.

3. HBC Board of Directors

- 3.1 Decisions of the HBC Board of Governors are final and non appealable, except for appeals to the Unit 168 for discrimination or imposition of extended suspensions.
- 3.2 In cases involving extreme offence, club officials or repeat offenders, the HBC Board of Governors may choose to hear a case de novo, or assign it to the Executive Committee for hearing. All parties in such cases are subject to board action.
- 3.3 Only the HBC Board has the authority to impose the extended barring permitted by CDR 1.