

KINGSTON DUPLICATE BRIDGE CLUB INC.
BY-LAW NO. 3
HANDLING OF COMPLAINTS

1. Any complaint about the conduct of a member during a game should be addressed to the Director.
2. The duties and powers of the Director are set out in Law 81 of the ACBL Laws of Duplicate Bridge.
3. According to Law 90, the Director, in addition to implementing the rectification that the laws require may also assess procedural penalties.
4. According to Law 91 the Director in performing his duty to maintain order and discipline is also empowered to assess discipline penalties in points or to suspend a contestant for the current session or any part thereof. The Director's decision under this clause is final and may not be overruled by any appeals committee.
5. While most complaints should primarily be addressed to the Director, members may make a formal complaint about another person's behaviour or ethics. This complaint shall be in writing and be addressed to the Recorder.
6. The Recorder shall be appointed annually by the Executive.
7. A Director may refer a complaint to the Recorder for further action.
8. The Recorder shall investigate the complaint by speaking, as necessary with the subject and any witnesses.
9. After investigation, the Recorder may choose amongst three courses of action:
 - a) The Recorder may decide that the complaint is without merit.
 - b) The Recorder may decide that the appropriate course of action is to educate the subject of the complaint about the proper rules of conduct.
 - c) The Recorder may decide that the complaint rises to the level of a complaint upon which a charge should be based using the criteria in section 5.2.2 of the ACBL Code of Discipline Regulations.
10. In the cases where the Recorder decides that the complaint is without merit no further action shall be taken and the Recorder's decision is not subject to appeal.
11. In the case where the Recorder decides that the appropriate course of action is to educate the subject of the complaint about the proper rules of conduct, the Recorder shall so instruct the subject and no further action shall be taken.

12. A decision by the Recorder to educate the subject of the complaint may be appealed by the subject to the Conduct and Ethics Committee which may either affirm the Recorder's decision or dismiss the complaint.
13. If the Recorder decides that the complaint rises to the level of a complaint upon which a charge should be based using the criteria in section 5.2.2 of the ACBL Code of Discipline Regulations then the written complaint shall be submitted to the Conduct and Ethics Committee.
14. The Recorder and the Conduct and Ethics Committee shall make their best efforts to maintain the confidentiality of the complaints process subject to their need to investigate the complaint and communicate their findings to the appropriate parties (which include the complainant, the person subject to the complaint, and any person, such as the club manager and directors, who is charged with implementing the Conduct and Ethics Committee's decision)
15. The Recorder shall be responsible for presenting the complaint to the Conduct and Ethics Committee.
16. The person who is the subject of a complaint may challenge the participation of any member of the Conduct and Ethics Committee on the basis of bias or an apparent or actual conflict of interest. The chair of the Committee shall rule on the challenge.
17. The Conduct and Ethics Committee shall schedule a hearing and conduct the hearing in accordance with the rules of natural justice (e.g. notify all participants of the time and location of the hearings, allow the participants to be heard and allow participants to submit evidence either in writing or by witnesses and provide the participants with a written decision with reasons) and in accordance with the ACBL Code of Discipline Regulations.
18. The Committee may dismiss the complaint or find the complaint requires an appropriate course of action including educating the subject of the complaint about the proper rules of conduct, warning the subject of the complaint that his or her action were improper or barring the player from participation in future games.
19. If the Committee decides that the appropriate course of action is that the subject of the complaint shall be warned that his or her actions were improper, then the warning shall be made by the Committee in writing and kept by the Chair of the Committee for three years. The written warning may be used in considering the appropriate response to subsequent complaints about the conduct of the subject, but shall not be referred to or used to establish the accuracy of the subsequent complaint.

20. At the request of any member, the Conduct and Ethics Committee may also suspend or ban anyone from participating in the activities of the Club and prohibit them from being on the Club's premises where that person's activities seriously threatens or affects the safety or enjoyment of any other member. In appropriate circumstances, the Committee may immediately suspend a member, but should reconsider its decision after the suspended member has been given a chance to reply to the allegations made against him or her.
21. The Conduct and Ethics Committee shall report any decision to bar a player from participation in club games to ACBL National Headquarters. The report must include the name and player number of the barred player and the reason for barring.

ACBL Code of Discipline Regulations

s.5.2.2....The charging party in deciding to bring a charge must answer "yes" to the following three questions:

(A) Is the prima facie evidence that the complaint has some validity (that there was misconduct)? *Basically, would a reasonable person conclude that there is some truth to the complaint?*

(b) Does ACBL have jurisdiction?

Did the complaint occur at an ACBL sanctioned game or ACBL function? *If someone complains that his or her spouse called him or her vulgar names in the privacy of their home, this is not ACBL's jurisdiction even if a terrible play was the impetus.*

(C) If found responsible (*guilty*) would the Discipline Committee be obliged to issue a discipline?

A person yelled "damn" after being inadvertently conked on the head with a soda bottle being carried by another player passing the table. It is highly unlikely that a disciplinary committee would feel obliged to discipline the person.

Adopted by the Board of Directors on July 14, 2015 and approved at the annual meeting on September 19, 2015.

Marvin G. Baer

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