

CODE OF DISCIPLINARY CONDUCT

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Code of Disciplinary Regulations

American Bridge Association

The purpose of these rules, regulations and procedures is to provide a fair hearing to every member charged with violation of ABA rules or regulations.

Article 1: Disciplining Bodies

The five disciplining bodies of the Association are:

- 1.1 Clubs
- 1.2 Units
- 1.3 Sections
- 1.4 Appeals & Ethics Committee (National)
- 1.5 ABA Board of Directors

These bodies may establish appropriate disciplinary committees.

Article 2: Grounds for Discipline

- 2.1 Violating bridge proprieties or tournament regulations, i.e. - cheating.
- 2.2 Making accusations of unethical conduct at an ABA event, unless made in private to a tournament director or other ABA official.
- 2.3 Playing in any ABA game or tournament under suspension.
- 2.4 Betting on the results of any ABA game or tournament.
- 2.5 Acting or behaving in a manner unbecoming to the ABA at the time and site of an ABA event, including parking lots, elevators, restaurants, and hotels.
- 2.6 Failing to meet financial obligations at the hotel where an ABA tournament is being held during the stay of that tournament.
- 2.7 Failing to redeem any check, including appropriate fees, issued to an ABA affiliate, not honored by the issuing financial institution.
- 2.8 Initiating legal action against an ABA affiliate without exhausting administrative remedies.
- 2.9 Acting in an obnoxious and/or abusive manner toward any official or body of the ABA while in the exercise of duties.
- 2.10 Misappropriation of funds or property of any ABA affiliate.

Article 3: Disciplinary proceedings

Any of the five disciplinary bodies above shall see to it that a member charged shall:

- 3.1 Receive written notice of the date, time and place of the hearing.
- 3.2 Be furnished with written charges.
- 3.3 Be informed of the right to be represented by counsel.
- 3.4 Be informed of the right to produce evidence on his/her own behalf and to be present when any evidence is produced against him/her.
- 3.5 Be informed of the right to be present during the formal hearing.

Article 4: Jurisdiction

- 4.1 A club has jurisdiction over:
 - 4.1.1 Members of the Club
 - 4.1.2 Members of the ABA and persons participating in a tournament under the jurisdiction of the Club.
- 4.2 A Unit has jurisdiction over:
 - 4.2.1 Members of the Club
 - 4.2.2 Members of the Unit and those residing within the Unit's jurisdiction.
 - 4.2.3 Members of the ABA and persons participating in a tournament under the jurisdiction of the Unit.
- 4.3 A Section has jurisdiction over:
 - 4.3.1 Members residing within the Section for appellate purposes only, except where otherwise specified in these rules and regulations.
 - 4.3.2 Members of the ABA and persons participating in a tournament held under the jurisdiction of the Section.
- 4.4 The Board of Directors has jurisdiction over:
 - 4.4.1 Members of the ABA for appellate purposes only, except where otherwise specified in these rules and regulations.
 - 4.4.2 Members of the ABA and persons participating in a tournament held under the jurisdiction of the ABA Board of Directors.
- 4.5 The National Appeals & Ethics Committee has jurisdiction over persons in attendance at any tournament.

Article 5: Sanctions (Discipline)

The following are suggested sanctions, which may be imposed by appropriate disciplinary bodies:

- 5.1 **Exclusion:** A determination that a member has committed an offense warranting abrogation of a member's right to play in certain specified events.
- 5.2 **Reprimand:** A determination that a member has committed an offense warranting discipline. It becomes a matter of record, but no further sanction is imposed at the time. A reprimand automatically carries a probation of at least three (3) months. If the member is adjudged guilty of another offense during that period, he is then liable for further sanction for both offenses.
- 5.3 **Censure:** A determination that a member has committed a serious offense warranting discipline. It becomes a matter of record, but no further sanction is imposed at the time. Censure carries a probationary period of at least one year. If the member is adjudged guilty of another offense during that period, he is liable for further sanction for both offenses.
- 5.4 **Suspended Sentence with Probation:** A determination that a member has committed an offense warranting discipline. When the discipline is imposed and executive thereof suspended, such suspension shall include probation for at least six months longer than the discipline imposed. If a member is judged guilty of another offense during the period of probation, unless otherwise decreed, the original discipline shall be added to such discipline as may be imposed for the new offense.
- 5.5 **Suspension:** A determination that a member has committed an offense warranting abrogation of all membership rights and privileges for a specified period of time. A member, under suspension, may not play in any ABA sanctioned game or tournament.
- 5.6 **Expulsion:** A determination that a member has committed an offense warranting the permanent abrogation of all membership rights and privileges. The expelled member may not play thereafter in any ABA sanctioned game or tournament. An expelled member may be readmitted to membership only by the ABA Board of Directors. No application for

reinstatement may be considered before two years from the date of expulsion.

- 5.7 Reduction of Forfeiture of Master Points or Tournament Rank:** A determination that a member has committed an offense at a tournament warranting forfeiture of a specified number of all the Master Points earned in that tournament, or in a particular event in which the offense occurred, or a reduction in rank in a particular event, (including disqualification, or both).
- 5.7.1 When the determination has been made before the termination of the tournament, resulting in a reduction in rank or disqualification, the standing of the other contestants in the event shall be adjusted to reflect such determination.
- 5.7.2 When the determination has been made after the termination of the tournament, a reduction in rank or disqualification shall not affect the standing of other contestants in the event even though there may be no winner because of such action.
- 5.8 The effective date of a sanction imposed on a member shall be that date named by the committee in its determination, or failing that, five (5) days after oral or three (3) days after written notification to the member.
- 5.9 The American Bridge Association's Board of Directors, or its designees, shall be advised of each sanction verbally with a written notification to follow. Such notice shall declare the date upon which the sanction became effective.

Article 6: Disciplinary Reports

All sanctions are a matter of record and must be reported to the Board of Directors, or its designee, by the disciplinary body imposing the sanction.

- 6.1 When a Committee imposes discipline, not intended to survive the tournament, the member has a no right of appeal or review. The Board of Directors shall be notified and shall keep a record of such action.
- 6.2 When a Committee action imposes discipline intended to extend beyond the end of the tournament, it shall be effective only under the following conditions:

- 6.2.1 The disciplined member shall have the right within ten (10) days after the imposition of the discipline to request a review of the Committee's decision by the appropriate disciplinary body of the sponsoring organization.
- 6.2.2 The Committee shall advise him of such a right.
- 6.2.3 In no event shall a suspension imposed exceed thirty (30) days, or probation exceed ninety (90) days.
- 6.3 When, in the opinion of the Committee, the charged member has committed an offense which may warrant a discipline exceeding thirty (30) days, it shall refer its records to:
 - 6.3.1 The disciplinary body having jurisdiction when the action occurs during a Regional Tournament/Game.
 - 6.3.2 The Sections having jurisdiction when the action occurs during a Sectional Tournament.
 - 6.3.3 The National Appeals & Ethics Committee when the action occurs during a National Tournament.
- 6.4 The review will generally be conducted on the record made at the initial hearing unless, in the opinion of the reviewing body, the record is insufficient. At any such review, the member disciplined will be given written notice of the date, time and place of the review and of the discipline imposed against him. He shall be informed of the right to be represented by counsel, and the right to appear before the reviewing body. If, in the opinion of the member disciplined, the record is insufficient, he may request that the record be appropriately expanded.
- 6.5 When the matter has been referred to a Section or the National Appeals & Ethics Committee under 6.3.1 or 6.3.2, it may in turn, at its sole discretion, refer the matter to the home Unit of the member charged.

Article 7: Suspension Pending Hearings

- 7.1 The right of a member, against whom charges are pending, to play in an ABA sanctioned event during such pendency shall not be affected unless otherwise directed by any of the following:
 - 7.1.1 A Unit having jurisdiction of the member or its designees.

- 7.1.2 The Section having jurisdiction of the member or its designees.
- 7.1.3 The Board of Directors of the ABA or its designees.
- 7.1.4 When the suspension is by the Unit or its designee, the hearing must commence within twenty (20) days, unless delay is caused by the member.
- 7.1.5 When the suspension is by the Section or its designee, the hearing must commence within sixty (60) days, unless delay is caused by the member.
- 7.1.6 When the suspension is by the National Board of Directors or its designee, the hearing must commence at the first ABA Board of Directors' meeting, unless delay is caused by the member.
- 7.2 Suspension by the ABA Board of Directors: The ABA Board of Directors shall have the right to prefer charges with a member's Unit, and to suspend members who commit any of the offenses listed under Article 2 pending such disciplinary proceedings.
- 7.3 The ABA Board of Directors shall report such action to the appropriate disciplinary body of the Association in accordance with procedures outlined I Article 3.
- 7.4 The Board of Directors may lift the suspension provided in 7.7.2 at its discretion.

Article 8: Appeal Procedure

Disciplined members or any party aggrieved may appeal rulings imposed by any disciplinary bodies in the following manner and cases:

- 8.1 To the Unit from Club rulings.
- 8.2 To the Section from Unit rulings.
As a matter of right, appellant may file his appeal with the Appeals & Ethic Committee of the Section of which the Unit is a part and/or its duly elected Vice President, Chair of the Board or designee.
- 8.3 To the ABA Board of Directors from Section rules:
 - 8.3.1 When the Section has exercised original jurisdiction.
 - 8.3.2 When the discipline is:
 - 8.3.2.1 A substantive question of law.
 - 8.3.2.2 A substantive question of fairness of the hearing.

- 8.3.2.3 A substantive abuse of power
- 8.3.2.4 A reversal or modification by a Section of a ruling of the Unit
- 8.4 Appeals will generally be considered on records, made in prior hearings, unless, in the opinion of the reviewing body, the record from the appeal is sufficient.

Article 9: Stays of Execution of Discipline Pending an Appeal

- 9.1 The disciplined member does not have the right to have execution of a discipline held in abeyance by the mere filing of a notice of appeal.
- 9.2 A stay of execution pending in the disposition of any appeal may be granted under the following circumstances:
 - 9.2.1 When the appeal is to the Section, the Chair of the Sectional Appeals & Ethics Committee or such persons designated by the section may stay the execution. If the Chair of the Appeals & Ethics Committee, or a designee referred to in the previous sentence, is unavailable to make such a determination, the Section Vice President may grant such stay of execution.
 - 9.2.2 When the appeal is to the ABA Board of Director, the stay of execution may be granted by the Chair of the National Appeals & Ethics Committee and/or such person as may be designated by the ABA Board of Directors.

Article 10: Jurisdiction of Disciplinary Bodies

- 10.1 Clubs have only original jurisdiction, except when reviewing a tournament committee's decision.
- 10.2 Units have several jurisdictions:
 - 10.2.1 May have original jurisdiction.
 - 10.2.2 May review a tournament committee's decision.
 - 10.2.3 May review disputes between Clubs.
 - 10.2.4 May review alleged violations of Clubs referred to in 13.1 (see below).
- 10.3 Sections have only appellate jurisdiction except in:
 - 10.3.1 Disputes between Units within the Section.
 - 10.3.2 Cases involving alleged violations by Units referred to in 13.2 (see below).

- 10.3.3 Cases where there are no appropriate Unit disciplinary bodies.
- 10.3.4 When, in the opinion of the Unit or the Section, the matter cannot be fairly heard by the Unit.
- 10.4 The ABA Board of Directors has only appellate jurisdiction

Article 11: Appeals to the Sections

- 11.1 The notice of appeal of a ruling must be made in writing within thirty (30) days after the appellant has received the ruling notice.
- 11.2 Section shall establish regulations for the mechanics of prompt disposition of the appeal.
- 11.3 The ruling of the Section shall be in writing.

Article 12: Appeals to the ABA Board of Directors

- 12.1 Notice of appeal of a ruling must be made in writing within thirty (30) days after the appellant has received the ruling notice.
- 12.2 ABA Board of Directors shall establish regulations for the mechanics of prompt disposition of the appeal.
- 12.3 The ruling of the ABA Board of Directors shall be in writing.

Article 13: Disciplines Involving Units or Sections

- 13.1 When it is alleged that a Club has violated ABA, Section, Unit or its own by-laws or regulations, or has acted in an illegal manner, or has failed to act upon a complaint, a member or group of members may appeal directly to the Unit, Section Vice President, or in the absence thereof, to the ABA Board of Directors.
- 13.2 When it is alleged that a Unit has violated ABA, Section or its own by-laws or regulations, or has acted in an illegal manner, or has failed to act upon a complaint, a member or group of members may appeal directly to the Section Vice President, or in the absence thereof, to the ABA Board of Directors.
- 13.3 When it is alleged that a Section has violated its own by-laws or regulations, or has acted in an illegal manner, or has failed to act upon a complaint, a Unit, a member, or group or members may appeal directly to the ABA Board of Directors.
- 13.4 The procedures in these rules and regulations generally

relating to discipline, whenever applicable, shall apply to this paragraph.

Article 14: Procedural Principles for Hearings

- 14.3 In accordance with ABA By-Laws, Rules and Regulations, each party to the proceeding has the right to be represented by counsel at any time or during any part of the proceeding. A failure to exercise this right at one hearing is not a waiver of such right at future hearings.
- 14.4 The Committee shall be bound by legal rules of evidence and procedures, at its discretion, keeping in mind the rights of all parties involved.
- 14.5 The use of opening and closing statements and submission of briefs and memoranda shall be determined by the Committee.
- 14.6 Pre-hearing conferences may be held relative to the narrowing or framing of issues or procedural questions relating to the matter before the Committee, if in its judgment, it is so warranted.
- 14.7 Under such terms and conditions as the committee, in its discretion, shall deem proper, it may (but shall not be limited to):
 - 14.7.1 Order an additional investigation.
 - 14.7.2 Direct pre-hearing disclosure of evidence.
 - 14.7.3 Permit taking of deposition or presentation of affidavits for use at the hearing.
 - 14.7.4 Limit the number of witnesses to be heard.
 - 14.7.5 Clarify and define the issues to be heard.
 - 14.7.6 Consolidate proceedings where the parties or issues are the same.
- 14.8 The hearing may be adjourned by the Committee from time to time for good cause, upon the application of a party, or upon its own motion.

**Article 15: Procedural Principles on Appeals to Appellate Bodies
Appeals from Club, Unit, or Section Decisions**

An appellate body, in addition to the power to affirm or reverse, may modify, reduce, or increase the discipline under appeal.