

CANADIAN BRIDGE FEDERATION



CODE OF DISCIPLINARY REGULATIONS

May 2021

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Appendix A – WBF Sentencing Guidelines

Appendix B – Guidelines for Conducting Disciplinary Procedures.

DEFINITIONS

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| ACBL | American Contract Bridge League |
| Advocate | A person selected by a Charging Party or a Charged Party to represent their respective position before a Disciplinary Body. |
| Administrative Violation | Actions or behaviors not directly related to a bridge competition which harm the CBF as an organization, its personnel, or its members (See 5.3). |
| Attorney | A person who is licensed or has been licensed to practice law in any jurisdiction. |
| Automatic Probation | Probation automatically imposed (See 5.5). |
| Automatic Suspension | A Suspension automatically imposed (See 5.6). |
| BOD | CBF Board of Directors, the governing body of the CBF. |
| Bridge Organization | An independent organization that organizes bridge in a certain location or geographical area such as ACBL, WBF, or a NBO. |
| Cause | The reason(s), affecting and concerning the ability and fitness of a member of a Disciplinary Body to perform the duty imposed upon him, that are sufficient to warrant removal; it does not mean some arbitrary or capricious action. |
| CBC | Canadian Bridge Championship(s) |
| CBF | Canadian Bridge Federation |
| CBF AC | CBF Appeals Committee |
| CBF DC | CBF Disciplinary Committee |
| CBF CDR | This CBF Code of Disciplinary Regulations, as amended, supplemented or otherwise modified from time to time. |
| CBF Official | <ul style="list-style-type: none"><input type="checkbox"/> Members of the BOD<input type="checkbox"/> Full-time and part-time employees of the CBF<input type="checkbox"/> Members of any CBF committee, sub-committee or commission appointed by the CBF President or the BOD.<input type="checkbox"/> Members of any TDC<input type="checkbox"/> All Tournament Directors, Tournament Assistants, and Caddies hired to work at a CBF organized tournament. |
| CBF Regulations | The Code of Disciplinary Regulations, CBF Policies, Laws of Bridge, the CBF Bylaws, the General and Supplemental Conditions of Contest for CBF events, and any other rules and regulations of similar import. |

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| Charge | A matter brought to a Disciplinary Body based upon a Complaint that sets forth an offense (i.e., a particular kind of act or conduct set forth in Section 5 that produces liability to discipline) for which a Charged Party is alleged to be responsible. |
| Charged Party | A person against whom Charges have been brought. |
| Charging Party | The official who, acting upon a Complaint, brings Charges against a Charged Party. |
| Collusive Signaling | An agreement, whether implicit or explicit, made between two or more people, at least one of whom is a contestant, to exchange or pass information in any manner not expressly permitted by Law 73. |
| Collusive Cheating | 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. |
| 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 CBF) may be used to establish Comfortable Satisfaction. These factors go to the weight given to such evidence and not its admissibility.</p> |
| Complainant | A Recorder who brings a Complaint. |
| Complaint | A written accusation by the Recorder based on a reported Incident from a member, a non-member playing in a CBF organized tournament, or a CBF Official, alleging an act or conduct not in conformance with CBF standards, that requests that Charges be brought to an appropriate Disciplinary Body for a hearing. |
| Conduct Violation | Action or behavior related to a bridge competition which is not likely to have a material impact on its outcome (See 5.2). |
| DIC | Director-in-Charge |
| Disciplinary Bodies | Those bodies set forth in Section 3 which are authorized to hear cases involving the discipline of CBF members (or non-members of the CBF when participating in CBF organized events). |
| Disciplined Person | A person whom a Disciplinary Body has determined to be responsible for the Charge(s) brought against him or her and who shall be subjected to a discipline set forth in Section 4. |
| Disciplinary Violation | Improper actions against the CBF or CBF Officials, and violations of the CBF disciplinary process (See 5.4). |

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| Ethical Violations | Actions (other than those permitted by the Laws or other CBF Regulations) that are likely to have a material impact on the outcome of a bridge competition (See 5.1). |
| Expunged or 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. |
| Hearing report | A form report which provides a summary of the facts, the Disciplinary Body's findings and what discipline, if any, is to be or was imposed. |
| HoF | Canadian Bridge Hall of Fame |
| Incident | An occurrence of conduct or action by a person which may be the basis for a Player Memo or a Complaint. |
| 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. |
| NBO | A National Bridge Organization (as defined in the World Bridge Federation Bylaws) that is a member of the World Bridge Federation. |
| Negotiated Resolution | An agreement for resolution of a disciplinary proceeding between the Charging Party and the Charged Party presented to the Disciplinary Body for its approval (See 7.2.12). |
| NABF | North American Bridge Federation, the Zonal Conference of Zone 2 of the WBF. |
| 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. |
| President | The President of the Canadian Bridge Federation |
| 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 regarding demeanour and ethical behavior pursuant to CBF Regulations. |
| TDC | A CBC Tournament Disciplinary Committee |
| WBF | World Bridge Federation |
| Zonal Conference | Zones established by the WBF within each of the five continents that organize, manage and administer contract bridge activities within their geographical boundary. |

1. INTRODUCTION

The goal of the CBF Code of Disciplinary Regulations is twofold:

- a) To maintain the integrity of the CBF and its events, and
- b) To have a comprehensive Disciplinary Policy that clearly states the expected behaviour for all CBF Members and individuals who play in our Events, as well as the consequences and process for instances of CBF CDR contravention.

The following policy closely aligns with the **ACBL Code of Disciplinary Regulations**. In fact, most of the content is taken from this policy, usually verbatim. Revisions are primarily to reflect the reality of Canadian Bridge, CBF policies and infrastructure.

It is to be understood however, that disciplinary proceedings are different from court of law trials in that they do not involve personal liberty but rather the privileges of membership in the CBF and/or continued participation in CBF events. Disciplinary proceedings under these regulations do not establish the guilt of the accused in a legal sense, as understood in a court of law – rather they only establish a Charged Party's responsibility as affecting the CBF's judgment of his or her fitness for the privileges of membership or continued participation in CBF events. They are the internal administrative proceedings of a membership organization and the procedures listed herein are not to be expanded upon or added to in the conduct of proceedings.

Revisions to these procedures shall only be made by a committee of at least three members of the CBFDC or CBFAC, and must be passed by CBF BOD before taking effect.

2. CBF DISCIPLINARY AUTHORITY

The CBF has disciplinary authority over:

- a) Persons accused of violations under these CBF Code of Disciplinary Regulations.
- b) Incidents that involve persons participating in a CBF organized event or other activity, including any online event or activity.
- c) CBF members who have been found responsible and/or disciplined by any other Bridge Organization for an Ethical Violation.

3. CBF DISCIPLINARY BODIES

The following are the CBF disciplinary bodies and their jurisdiction.

All CBF Disciplinary Bodies should consist of well-respected members of the bridge-playing community with 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.

3.1 CBF Board of Directors

The CBF Board of Directors is the governing body of the CBF. It has jurisdiction over:

- a) Administrative Violations (see 5.3).
- b) Disciplined Person accused of violating their discipline.
- c) Persons that violate Automatic Probation.
- d) When otherwise expressly stated in these Disciplinary Regulations. CBF Disciplinary Committee

3.2 CBF Disciplinary Committee

The CBF DC is a five (5) member non-board committee established by the BOD. The BOD selects the committee's chairperson as well as other members of the committee (in consultation with the chairperson). Committee members serve three (3) year terms.

The CBF DC has jurisdiction over:

- a) Cases involving Charges against an individual of alleged Ethical Violations (see 5.1), when the Incident occurred in any event organized by the CBF (other than at the club level).
- b) Cases involving CBF members who have been found responsible and/or disciplined by any other Bridge Organization for an Ethical Violation, when referred by the President for re-sentencing purposes.
- c) Appeal of a decision of a CBC Tournament Disciplinary Committee.
- d) A decision from a CBC Tournament Disciplinary Committee that includes an additional discipline recommendation (see 7.3.13).
- e) Cases in which
 - i. Circumstances make it impractical or unfair for a matter to be handled by a TDC; or
 - ii. The issues involved are of paramount importance to the CBF.

The BOD will make the determination concerning whether either of these conditions apply. If answered in the affirmative, the BOD delegates its duties as Charging Party to the President to act on its behalf. Any dispute or case that results in a Charge shall be heard by the CBF Disciplinary Committee.
- f) Cases involving Charges brought against an individual as set out in 7.2.11.
- g) When otherwise expressly stated in these Disciplinary Regulations.

3.3 Tournament Disciplinary Committee

A TDC has jurisdiction over cases involving Charges brought against an individual in attendance at a CBC. It conducts a hearing and completes its deliberations at or immediately after a CBC (see 7.3).

A TDC has limited disciplinary powers and is only permitted to impose a discipline of up to one (1) year Suspension plus a one (1) year Probation.

Annually, the BOD selects the committee's chairperson as well as a number of members who are approved to serve on the current year's CBC TDC. Usually, the entire roster of BOD approved members will not hear a case, but rather a subset (three or five) who are selected by the chairperson from the BOD approved roster as a whole.

Members of a TDC must not be members of the CBF Disciplinary Committee. However, if circumstances necessitate that a member of the CBF DC serves on a TDC, such member should recuse themselves if the case is heard by the CBF DC (see 3.2 and 7.2.11).

3.4 CBF Appeals Committee

The CBF AC is a committee of the BOD which hears all disciplinary appeals on behalf of the BOD. It has jurisdiction over:

- a) Disciplinary Violations (see 5.4).
- b) Appeal of a decision of the CBF DC.
- c) Violation of an Automatic Probation that automatically converted to Automatic Suspension.
- d) A Negotiated Resolution when the body that would have heard the Charges absent such Negotiated Resolution was the CBF DC.
- e) All cases in which discipline imposed by a Disciplinary Body results in Expulsion or a Suspension of two (2) years or longer.
- f) When otherwise expressly stated in these Disciplinary Regulations.

4. OPTIONS FOR IMPOSING DISCIPLINE

4.1 Disciplines Imposed

This section sets forth the only discipline which may be imposed by a Disciplinary Body. However a Disciplinary Body may choose to combine such disciplines.

Discipline imposed shall be subject to CBF Regulations and other rules in effect at the time during which the Incident(s) occurred which led to the discipline (see 1.2).

All disciplines, other than a reprimand, shall be matters of public record on the CBF website, and be filed in the Disciplined Person's disciplinary record.

4.1.1 *Reprimand*

A determination that a person has committed an offense for which the appropriate discipline is a written statement of censure from the Disciplinary Body, which includes an explanation of the relevant disciplinary policy and a warning against further related violations.

Once a Charged Party has been found responsible of a violation under these Code of Disciplinary Regulations, a Reprimand is the minimum discipline that must be imposed.

4.1.2 *Probation*

A determination that a person has committed an offense warranting discipline such that the person must lose some of the privileges of membership and such that any further disciplinary violation, whether similar or different, may result in Suspension or Expulsion (see 4.4).

- a) If the member is disciplined for another offense during a discrete probationary period, then if the new discipline is:
 - i. Reprimand or Expulsion: no further discipline.
 - ii. Probation of more than one (1) year or a Suspension: the previous Probation becomes a Suspension for the remainder, or half, of the previous probationary period, whichever is longer. The new discipline shall be consecutive to, not concurrent with, the initial discipline (see 4.1.8.b and 5.5).
 - iii. Other discipline: 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 to, not concurrent with, the initial discipline (see 4.1.8.b and 5.5).

- b) If the member is disciplined for another offense during an indeterminate, permanent or lifetime probationary period, then if the new discipline is:
 - i. Reprimand or Expulsion: no further discipline.
 - ii. Probation of more than one (1) year or a Suspension: the committee issuing the new discipline shall determine how much of the previous Probation shall become a period of Suspension. That Suspension must be for a minimum of one (1) year. The new discipline shall be consecutive to, not concurrent with, the initial discipline (see 4.1.8.b and 5.5).
 - iii. Other discipline: 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 to, not concurrent with, the initial discipline (see 4.1.8.b).

4.1.3 Suspended Sentence

A determination that a person has committed an offense warranting discipline such that a Suspension would normally be imposed, effective immediately, but based on mitigating circumstances the Suspension is being waived, conditioned on good behavior or compliance with conditions imposed by the committee for a specified period. When a Suspension is imposed and the execution of it has been waived, such Suspended Sentence shall be deemed to be Probation for the period discipline was originally imposed (see 4.1.2).

4.1.4 Suspension

A determination that a person has committed an offense warranting abrogation of all CBF rights and privileges, including membership, for a specified period (see also 4.1.8.b).

4.1.5 Expulsion

A determination that a person has committed an offense warranting permanent abrogation of all CBF rights and privileges, including membership (see also 4.1.8).

4.1.6 Exclusion from Events and Programs

A determination that a person has committed an offense warranting abrogation of the person's right to play in certain specified events or to participate in certain programs sponsored by the CBF and receive the benefits there from (see also 4.1.8).

4.1.7 Reduction or Forfeiture of Tournament Rank, or Disqualification

A determination that a person has committed an offense at a tournament warranting:

- a) Reduction of rank in a particular event;
- b) Disqualification in the particular event or the tournament in which the offense(s) occurred;
- c) Disqualification from yearly races or awards; or
- d) Any combination of the above.

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

When the determination has been made after the termination of the applicable correction period, a reduction in rank or disqualification shall not affect the standing of the other contestants in the event even though there may be no winner because of such action (see also b)4.1.8d).d).

4.1.8 Forfeiture of Titles for Unethical Behavior

- a) Any person participating in a CBF organized event convicted of premeditated or Collusive Cheating, or any person(s) who admits to such action or actions, shall forfeit all, titles and other CBF related awards (including ACBL masterpoints) theretofore earned by said participants through participation in all CBF events.

The partners and teammates of said participant(s) **may be required at the discretion of the DC, to** forfeit all titles and other CBF related awards (including ACBL masterpoints) theretofore earned while playing with said participant(s) during the seven (7) years preceding the date the Charges were brought through and including the date of the final decision of a Disciplinary Body.

- b) Any participant(s) in a CBF organized event suspended because of Ethical Violations, other than those set forth in 4.1.8.a), shall forfeit any titles won in the event in which the offense(s) occurred. Further:
 - iv. When a Suspension of up to one (1) year has been imposed, the committee may remove the titles or other CBF related awards (including ACBL masterpoints) theretofore earned within the twelve (12) calendar months preceding the date of the offense(s).
 - v. When a Suspension of more than one (1) year has been imposed, the committee must remove at a minimum all titles or other CBF related awards (including ACBL masterpoints) theretofore earned within the twelve (12) calendar months preceding the date of the offense(s). The committee may remove additional titles and/or other CBF related awards (including ACBL masterpoints) previously earned by said participants through participation in all CBF events as it deems appropriate.
- c) Teammates and partners of (a) participant(s) who suffer(s) penalties as provided in 4.1.7 and 4.1.8.b) shall forfeit any title(s) and ACBL masterpoints won in events in which the offense or offenses occurred.
- d) Titles forfeited as set out in 4.1.8.a-c shall remain vacant and there shall be no change in rankings for other contestants. Awards for other than first place forfeited as set out in 4.1.8.c) shall remain vacant and there shall be no change in rankings for other contestants.

4.1.9 Expungement

- a) No Disciplinary Body may order Expungement as a part of a discipline imposed.
- b) A discipline which has been imposed by a Disciplinary Body of original jurisdiction may be expunged from a Disciplined Person's record only by action of an appellate body for good cause when hearing an appeal filed in accordance with Section 8.
- c) The CBF AC may also hear a request to have a Disciplined Person's record Expunged, and order Expungement at the committee's sole discretion.

4.2 Suspension Pending Hearing

When Charges have been brought against a person, such Charged Party may play in a CBF organized event pending the hearing unless otherwise directed by the

- a) President;
- b) DIC of a CBC when a Charge is to be heard at that CBC by a TDC; or
- c) President when a TDC has recommended additional discipline as set out in 7.3.13.

When charges have been brought by another Bridge Organization, such person so charged may play in a CBF organized event pending hearing unless otherwise directed by the BOD.

However, if directed not to play, it is a “Suspension Pending Hearing.” Such Suspension Pending Hearing should be rarely issued – only in extreme cases or when a hearing is delayed due to the fault of the Charged Party. A Suspension Pending Hearing may not be appealed.

Requirements when Suspension Pending Hearing is In Effect

- 1) If a case is before a TDC, the hearing must commence no later than sixty (60) minutes after the conclusion of the final session the day after the Suspension Pending Hearing was imposed or no later than sixty (60) minutes after the conclusion of the final session of the tournament, whichever is earlier, unless the Charged Party causes a delay.

If the matter is not heard at the tournament due to the delay of the Charged Party, the Suspension Pending Hearing will remain in effect until the proper Disciplinary Body hears the matter or lifts the Suspension Pending Hearing. If the matter is not heard at the tournament for any other reason, the Suspension Pending Hearing must be lifted and the matter must be referred to the appropriate Disciplinary Body to be heard. (See 7.3.13)

- 2) If a case is before the CBF AC or CBF DC, the hearing must commence at the next ensuing BOD regular meeting, or CBC, or 60 days, whichever comes first, consistent with adequate notice, unless delay is caused by the Charged Party.

Suspension During Investigation

~~If a matter is referred to the BOD under 7.1.12 as involving sexual harassment of a CBF employee, the President may temporarily suspend the person against whom allegations have been made during the investigation and determination. However, the investigation must be completed and the determination made within sixty (60) days, unless the person against whom allegations have been made causes the delay, or the temporary Suspension Pending Hearing will be lifted after sixty (60) days.~~

4.3 Reciprocal Discipline Policy

- a) When a CBF member has been found responsible and/or disciplined by another Bridge Organization for an Ethical Violation, the President may refer the matter to the CBF DC for re-sentencing purposes, but only if the sentence imposed was less than that contained in the WBF suggested sentencing guidelines (see Appendix A).
- b) In all other cases, the CBF shall honor the discipline imposed by such other Bridge Organization, enforcing it in CBF events, unless the CBF member requests a hearing under CBF Regulations or other rules and provides substantial evidence that:
 - i. he or she was not accorded a fair process in the hearing held by the other Bridge Organization; and/or
 - ii. The penalty imposed was grossly inappropriate for the Ethical Violation proven.
- c) The initial decision as to whether substantial evidence was provided showing lack of a fair process and/or grossly inappropriate penalty shall be made by the BOD.
- d) If a new hearing is requested and granted, the penalty imposed by such other Bridge Organization will not be enforced by the CBF until and unless the findings and penalty that had been imposed are affirmed by the CBF DC. Notwithstanding the foregoing sentence, the CBF DC shall be entitled to impose its own discipline according to Code of Code of Disciplinary Regulations following such hearing. During such hearing, the CBF DC shall review the record of the hearing of the other Bridge Organization, to the extent one is available, but may also consider new evidence (even that from another Bridge Organization or from a non-CBF bridge tournament).
- e) Nothing in this section shall prohibit the CBF from initiating its own independent disciplinary process for Ethical Violations by such CBF member in CBF organized events.

4.4 Limits on Participation Following Discipline

A CBF member shall be deemed not in “good standing” when such member is currently:

- a) Expelled;
- b) Serving a term of Suspension;
- c) Serving indefinite Probation; or
- d) Serving a term of Probation following a Suspension of more than one (1) year.

A member who is not in good standing may not:

1. Serve in any elected or appointed CBF position;
2. Receive any subsidy or remuneration from the CBF;
3. Participate in Masterpoint races;
4. Publish an article in any CBF publication;
5. Vote in any election in which general membership is electorate;
6. Serve as a director in a CBF event; or
7. Participate in events where such participation is prohibited by Conditions of Contest.

While serving a Suspension of any kind or while expelled, a Disciplined Person may not participate in any CBF sponsored activity, including, but not limited to

- i. Acting as non-playing captain;
- ii. Being physically present in the playing area of a CBF tournament;
- iii. Participating personally, or through a corporation or other entity or agent, in bridge-related affairs of the CBF or of any CBF affiliated organization.

4.5 Hearing Report Required Before Discipline Imposed

A Hearing Report must be submitted to the President by the Disciplinary Body whether or not any discipline is imposed. Further, in order that a disciplinary action may be considered in imposing Automatic Probation or Automatic Suspension as set out in 5.5 and 5.6, a Hearing Report must be on file with the BOD.

4.6 Report of Hearing Results

The results of a Disciplinary Body hearing shall be reported to the parties and the BOD.

4.7 Effective Date

The effective date of imposition of discipline, if any, shall be the date noted in the Disciplinary Body’s Hearing Report.

5. GROUNDS FOR DISCIPLINE

5.1 Ethical Violations

The following actions constitute Ethical Violations:

- EV-1 Collusive Signaling: An agreement, whether implicit or explicit, made between two or more people, at least one of whom is a contestant, to exchange or pass information in any manner not expressly permitted by Law 73. This section includes agreements made by persons who are not partners or contestants, including, but not limited to kibitzers or teammates.
- EV-2 Collusive Cheating: 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.
- EV-3 Misuse of Hand Records or Other Information: 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, “self-kibitzing” in online games, or any other method or means used to obtain information about a deal.
- EV-4 Cold Decking: The intentional dealing of cards in a manner designed to place a particular card with a specific player or in a specific hand.
- EV-5 Marking Cards: 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 marking or crimping, or using methods to identify discrepancies in the playing cards including but not limited to edge-sorting.
- EV-6 Score Alteration: Any revision of a reported result, or the score assigned to that result, not expressly approved by the Director in Charge 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.
- EV-7 Submitting False Information to CBF: 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 a CBF Official or Disciplinary Body. False information submitted to the CBF for reasons unrelated to bridge competition are considered Administrative Violations.
- EV-8 Peeking: 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.
- EV-9 Private Score Snooping: 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.
- EV-10 Eavesdropping: 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.
- EV-11 Sharing Information: 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 Signaling (EV-1), as to any player involved, or Collusive Cheating (EV-2) As to anyone other than a player.

- EV-12 Soliciting Information: Obtaining or exchanging, by solicitation or otherwise, of information about a deal from a player who has already played the deal. If obtaining or exchanging of information is made by agreement, whether explicit or implicit, the action should be charged as Collusive Signaling” (EV-1), as to any player involved, or Collusive Cheating (EV-2) as to anyone other than a player.
- EV-13 Concealment of Partnership Agreement: 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.
- EV-14 Dumping: 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.
- EV-15 Entering Ineligible Event: Knowingly entering an event for which the player was ineligible.
- EV-16 Unsportsmanlike Psyching: Frivolous or overly frequent psyching.
- EV-17 Using Unauthorized Information: Using accidentally revealed UI.
- EV-18 Clocking: The attempt to identify a card based upon the location of where that card is pulled from a player’s hand.
- EV-19 Coffeehousing: 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.
- EV-20 Score Comparison: The deliberate provision of, or request for, information before the end of the session, about a board in play after both parties have played it.
- EV-21 Illegal Method: 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.
- EV-22 Contestant Influence: An attempt to influence an opponent to enter or withdraw from an event to improve one’s likelihood of success.
- EV-23 Failure to Correct Incorrect Score: 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.
- EV-24 Ethical violation not otherwise specified.

5.2 Conduct Violations

The following actions constitute Conduct Violations:

- CV-1 Accusations of unethical bridge conduct publicly made at a CBF organized event, not made privately to a tournament director or other tournament official.
- CV-2 Acts of abuse or violence.
- CV-3 Failure to notify a tournament official of a known score correction in a timely fashion.
- CV-4 Sexual harassment (not including allegations involving a CBF Official {See AV 1}).
- CV-5 Harass or intimidate another player.
- CV-6 Threat of abuse or violence.
- CV-7 Negligently submitting, or causing to be submitted, false information to a CBF Official or a Disciplinary Body.

- CV-8 Influencing or attempting to influence an entrant or entrants other than one's partner or teammates to withdraw from a CBF organized event.
- CV-9 Leaving a session prior to completion of play without good cause or the permission of the DIC.
- CV-10 Deliberately or negligently partnering or playing on a team with a person who is ineligible for that event.
- CV-11 Refusing to play against another player or team
- CV-12 Betting on the results of any CBF organized event.
- CV-13 A series of Zero Tolerance violations may be used to establish a pattern of conduct.
- CV-14 Non-ethical violation of Laws of Duplicate Bridge.
- CV-15 Non-ethical violation of CBF Regulations as a participant in a CBF organized event (excluding club games).
- CV-16 Publicly belittling partner.
- CV-17 Rudeness in conversation, gesture, or general behavior.
- CV-18 Inappropriate hygiene or appearance.
- CV-19 A conduct violation not otherwise specifically described.

5.3 Administrative Violations

The following actions constitute Administrative Violations:

- AV-1 Sexual harassment of a CBF Official.
- AV-2 Embezzlement or theft of monies or property belonging to the CBF.
- AV-3 Cyber-attacks or similar intentional electronic disruptions, or attempts at such electronic disruptions, of websites and/or electronic data systems of the CBF.
- AV-4 Attempts to acquire or alter information through unauthorized access to data stored electronically.
- AV-5 Unauthorized use of member data legitimately obtained.
- AV-6 Infringement of CBF copyrights, trademarks, or patents.
- AV-7 Violation of discipline previously imposed under these Code of Disciplinary Regulations.
- AV-8 Filing a civil action or arbitration against the CBF without exhausting available administrative remedies.
- AV-9 Vandalism or deliberate destruction of CBF property.
- AV-10 Failure to pay a debt owed to the CBF.
- AV-11 Failure to pay a debt owed to a CBF event venue or vendor contracting with the CBF.
- AV-12 Unauthorized disclosure of confidential information.
- AV-13 Failure to accurately submit CBF club reports in a timely manner (the person must be either the club owner and/or club manager).
- AV-14 Failure to appear before a disciplinary committee in violation of 7.2.5 or 7.3.3.

5.4 Disciplinary Violations

The following actions constitute Disciplinary Violations:

- DV-1 Improper Influence of Disciplinary Process: An attempt to influence, or actually influencing, a decision of a Disciplinary Body outside of the hearing process.
- DV-2 Harassment: Harassing or disparaging E-mails or letters sent (or telephone calls or social media posts made) to a CBF Official, or made publicly (including a social media post).

- DV-3 Improper Conduct toward the CBF, CBF Official or Disciplinary Body: Improper conduct toward the CBF, or any CBF Official or Disciplinary Body in performance of their CBF duties or functions, including excessively derisive, degrading, or insulting statements made about the CBF or a CBF Official.
- DV-4 Refusal to Cooperate: Refusing any reasonable request for cooperation by the Recorder pursuant to the proper conduct of the Recorder's duties.
- DV-5 Improper Disciplinary Action: 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.
- DV-6 Discussion of Disciplinary Hearing Outside of Process: Discussing or disseminating the content of a disciplinary hearing, other than information released to the public pursuant to the CBFCDR, outside the hearing room by a Disciplinary Body member with any party (whether a party to the hearing or not). However, members of the CBF DC may discuss cases with other CBF DC members after public release of a decision has taken place.

5.5 Multiple Offenses

A person upon whom discipline (other than a Reprimand) has been imposed twice in accordance with 4.1 within a twenty-four (24) month period shall be automatically placed on Probation for two (2) years ("Automatic Probation") by the BOD. Such automatic discipline imposed because of multiple offenses shall be consecutive to the imposition of the original discipline.

5.6 Violation of Automatic Probation

A violation of Automatic Probation is deemed to have occurred when a person who is then under Automatic Probation violates a CBF Regulation and is disciplined as a result of such violation, unless that new discipline is subsequently reversed by an appellate body and, in the event of any further hearing(s), no further discipline is imposed.

A violation of Automatic Probation shall result in automatic Suspension for one (1) year ("Automatic Suspension") by the BOD (which shall suspend any Probation until such Suspension has been served) plus such additional disciplines, up to and including Expulsion, as may be determined by the CBF AC. At the meeting of the CBF AC to determine such additional discipline, if any, the Disciplined Person is entitled to be present (a) in person, (b) through a qualified representative or (c) by telephone to discuss the case.

Such Automatic Suspension imposed because of violation of the Automatic Probation shall be consecutive to the imposition of the original discipline, except that any Probation must be served following all Suspensions (see also 7.1.15).

6. RECOMMENDED DISCIPLINE

6.1 Recommended Discipline for a Single Incident

Table I below represents the recommended discipline which is to be imposed by a Disciplinary Body after rendering a decision which finds a Charged Party responsible of a violation in accordance with Sections 5.1-5.4.

The recommended discipline is a guide for discipline to be imposed, but it is not mandatory. However, a Disciplinary Body that imposes a discipline which is outside the range recommended by these guidelines for the stated offenses must explain why it chose the discipline imposed in the Hearing Report. If a discipline outside of these disciplinary recommendations is imposed without explanation, the Hearing Report will be returned to the Disciplinary Body with a request for an explanation of their decision. A clear and cogent explication of the committee's thinking/reasoning is sufficient.

If a Disciplinary Body finds that there has been a violation that is not described in Sections 5.1-5.4, and for which there is no recommendation cited in Table I, the committee is free to impose on a responsible Charged Party whatever discipline it deems is appropriate from among the options described in Section 4.1. It may be helpful to consider offenses that are similar in nature or similar in degree to the Charges. The reasoning employed by the Disciplinary Body should be outlined in the Hearing Report.

Note: The disciplinary recommendations in this section are intended to apply to the typical case involving a single Incident and a Charged Party who has no previous disciplinary record. If this is not the case (i.e. there have been multiple offenses in the past or a pattern of conduct is evidenced), the Disciplinary Body must consider (but is not obligated to follow) recommendations in Section 6.2 before deciding on an appropriate discipline.

Table I – Recommended Discipline (Single Incident)

| Violation Code | Recommended Discipline |
|----------------|--|
| EV-1 and EV-2 | <ul style="list-style-type: none"> <input type="checkbox"/> No less than three (3) years Suspension to Expulsion and Probation of no less than two (2) years following the term of Suspension <input type="checkbox"/> Lifetime ban on representing Canada in international competitions <input type="checkbox"/> Lifetime ineligibility for induction into the HoF (removal from the HoF if the Disciplined Person is already a member of the HoF) <input type="checkbox"/> Lifetime ineligibility for the CBF Lifetime Achievement Award |
| EV-3 to EV-23 | <ul style="list-style-type: none"> <input type="checkbox"/> One (1) year Suspension and a one (1) year Probation following the term of Suspension <input type="checkbox"/> Lifetime ineligibility for induction into the HoF (removal from the HoF if the Disciplined Person is already a member) |
| EV-24 | The discipline imposed, if any, will be commensurate with the severity of the violation at the discretion of the CBF DC. |

| | |
|-----------------|--|
| CV-1 to CV-4 | Two (2) year Suspension and a one (1) year Probation following the term of Suspension. |
| CV-5 to CV-11 | One (1) year Suspension and/or one (1) year Probation. |
| CV-12 to CV-18 | Reprimand and/or one (1) year Probation. |
| CV-19 | The discipline imposed, if any, will be commensurate with the severity of the violation at the discretion of the panel. |
| AV-1 and AV-2 | No less than three (3) years Suspension to Expulsion, and Probation of no less than two (2) years following the term of Suspension. |
| AV-3 to AV-12 | One (1) year Suspension and a one (1) year Probation following the term of suspension. However, a person found responsible for an AV-10 or AV-11 violation will remain Suspended until, at a minimum, the debt is repaid or settled. |
| AV-13 and AV-14 | Reprimand, or up to 60 days Suspension with an appropriate term of Probation following the term of suspension. |
| DV-1 to DV-3 | One (1) year Suspension and a two (2) year Probation following the term of Suspension. |
| DV-4 to DV-6 | Reprimand. |

6.2 Recommended Discipline for Multiple Incidents or a Pattern of Conduct

There are four major reasons why the recommended discipline in Section 6.1 might not be appropriate.

- a) The single violation currently charged might be either so slight or so severe as to make the recommended discipline inappropriate.

In such a case the Disciplinary Body should apply its sound, unemotional judgment to determine the proper discipline (e.g. either the level of bridge experience or the mental intentions of the Disciplined Person might be a consideration). The Hearing Report should explain why the violation was considered atypical.

- b) The Disciplined Person might be convicted for several violations (such as a pattern of conduct).
When the Disciplined Person has been found responsible of several violations, such as a pattern of behavior, the Disciplinary Body should consider imposing a discipline as if each violation was a separate offense. The Disciplinary Body should note the separate violations and/or explain the pattern of behavior and its impact upon their decision.

- c) The Disciplined Person might have a previous disciplinary record.

When the Disciplined Person has a prior disciplinary record, the discipline imposed for the previous offense is not particularly important. However, the number of prior find of responsibility is important. The reason is that the Disciplined Person was already disciplined for the specific prior violation(s). In this current case, the Disciplinary Body should pay close attention to how the prior findings of responsibility reflect on the Disciplined Person's ability to behave according to CBF standards and explain on the Hearing Report form the reasons for its decision relative to the discipline applied for the prior offense or offenses.

- d) The recommended discipline would not have the usual impact upon a responsible Disciplined Person.

In such a case a Disciplinary Body may tailor the length or severity of the discipline in order that the discipline will have the desired impact.

Examples:

- Example #1 A person convicted of accidentally gaining access to unauthorized information and acting on it, has one prior finding of responsibility for bad hygiene for which he received a Reprimand.

Here the Disciplinary Body would probably disregard the prior finding in making its decision regarding the proper discipline to be imposed for the current Incident involving unauthorized information. They would only consider the significance of the current violation – the use of the unauthorized information.

- Example #2 A person convicted of accidentally gaining access to unauthorized information and acting on it, has, following three separate hearings in the past four years, received a Reprimand for bad hygiene, one (1) year Probation for rude behavior towards his partner, and one (1) year Suspension for a threat of violent behavior towards an opponent.

In this case, the prior disciplinary record indicates that this person has a history of violating CBF Regulations and that discipline has had negligible effect on moderating their behavior. Here, the Disciplinary Body is encouraged to impose a discipline above the maximum guideline recommended for the offense for which that Disciplined Person was most recently found responsible.

7. PROCEDURES FOR DISCIPLINARY BODIES OF ORIGINAL JURISDICTION

7.1 General Procedures for Conduct of Hearings by Disciplinary Bodies

7.1.1 Chairperson

The chairperson of the Disciplinary Body should be familiar with this Code of Disciplinary Regulations and its Guidelines for Conducting Disciplinary Proceedings (Appendix B).

7.1.2 Simple, Fair Hearing

The procedures before the committees 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. There shall be no motion practice other than a request for continuance or postponement if good cause is shown for such request. All issues other than a request for a continuance or postponement shall be decided at the hearing.

7.1.3 *Recordkeeping Required*

- a) Charges must be in writing, based upon the allegations in the Complaint, and submitted by the Charging Party to the chairperson of the appropriate Disciplinary Body with jurisdiction in the matter. Charges must direct that the Disciplinary Body hold a hearing. The Charges must set forth the specific sections of the Code of Disciplinary Regulations that allegedly have been violated by the facts and evidence presented in the Complaint. The Charges and accompanying Complaint are an integral part of the hearing record.
- b) A stenographic or recorded record of the hearing shall be kept. The Disciplinary Body shall also preserve a copy of all documentary evidence presented to it. If such a record (or a similar facsimile of it) or documentary evidence is not available, the appellate body may remand the issue to the original (or immediately preceding) Disciplinary Body to be reheard. Should a stenographic or recorded record of the hearing be requested, the cost, if any, 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). Only the parties to the hearing and the reviewing Disciplinary Body, and the Disciplinary Body who heard either the original matter or the intermediate appeal of the matter may have access to such record.

7.1.4 *Informal Rules*

The Disciplinary Body shall not be 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 committee may give it in their ultimate determination. Thus, hearsay evidence, un-sworn written statements or relevant evidence from another jurisdiction or another Bridge Organization may be admitted and given such weight at the hearing as the committee deems appropriate.

7.1.5 *Opening/Closing Statements*

The Disciplinary Body shall determine the use of opening and closing statements at the hearing and the submission of briefs and memoranda.

7.1.6 *Pre-hearing Matters*

Pre-hearing conferences with the parties may be held relative to the procedural questions relating to the matter before the Disciplinary Body if, in the committee's or its chairperson's judgment, it is so warranted. Notwithstanding the foregoing, once Charges have been brought, such Charges may not be dismissed on a motion to dismiss or a motion for summary judgment prior to a hearing on the merits of the Charges.

7.1.7 *Other Pre-hearing Matters*

Under such terms and conditions as the Disciplinary Body, in its discretion, shall deem proper it may (but shall not be required to):

- a) Direct pre-hearing disclosure of available evidence (or a summary of that evidence) and the identity of witnesses;
- b) Permit presentation of sworn or un-sworn written statements for use at the hearing;
- c) Limit the number of witnesses to be heard at the hearing;
- d) Clarify and define the issues to be heard at the hearing; and
- e) Consolidate proceedings where the parties or the issues are the same.

7.1.8 *Postponed Hearing*

The hearing may be postponed or adjourned from time to time for good cause shown upon the application of a party or upon the Disciplinary Body's own motion.

7.1.9 Challenging Committee Members for Cause

There shall be no automatic challenges to the members of any Disciplinary Body. There may be challenges for Cause, such as bias, upon good cause shown (not merely alleged). In such cases, the balance of the committee members shall decide the validity of the challenge. A majority vote of such remaining members is required to remove a member for Cause.

7.1.10 Discovery of Evidence

Other than as expressly provided in this Code of Disciplinary Regulations, the Charged Party shall not be entitled to pre-hearing discovery as might be provided in civil litigation. Production of documents is limited to reports and statements received or prepared for the investigation and prosecution of the Charges as well as any documents referred to in the Charges.

7.1.11 Advocate

The Charging Party and the Charged Party each have the right to appoint an Advocate who shall not be a member of the BOD to represent them before a Disciplinary Body at their own cost.

7.1.12 Sexual Harassment

If at any time during a disciplinary proceeding it becomes apparent that it may involve a person's sexual harassment of CBF employee, the proceeding shall be suspended and the matter shall be immediately forwarded, in writing, to the BOD which shall expeditiously investigate the matter referred, and

- a) if a determination is made that there is no issue of sexual harassment, the BOD shall return the matter to the Disciplinary Body for resumption of the proceedings; or
- b) if a determination is made that there is an issue of sexual harassment, the BOD shall take any action deemed necessary or appropriate or required by federal or provincial law.

A written notice of the decision(s) of the BOD and the reasons for that decision shall be provided to the accused person, the Disciplinary Committee chairperson and the CBF AC chairperson.

7.1.13 Hearing Report Required

A Disciplinary Body must send to the BOD a fully typed Hearing Report and a copy of its written decision, if any is produced in writing, within thirty (30) days from the conclusion of the presentation of evidence.

7.1.14 Notice of Decision

All formal written notifications of a Disciplinary Body's decision ("Notice of Decision") shall be made by the BOD upon receipt of the Disciplinary Body's Hearing Report. Unless the Disciplinary Body has imposed a discipline that begins immediately (see 7.1.15), the Disciplinary Body should not provide its decision to any Disciplined Person in writing (but may verbally inform the Charged Party). Rather, a decision and a Hearing Report should be provided to the BOD to enable the BOD to make the formal written notification. The effective date for a timely filed request for an appeal of the Disciplinary Body's decision shall be the date on which the BOD mails such decision to the parties to the hearing. For purposes of this 7.1.14, "mail" shall include email.

7.1.15 Imposition of Discipline

The effective date of imposition of discipline, if any, of a CBF Disciplinary Body's decision shall be the date noted in the Disciplinary Body's Hearing Report. If the discipline is to take effect immediately, the Disciplinary Body shall immediately notify the Disciplined Person of its decision in writing, provided, however, that the formal written notice to the parties as set forth in 7.1.14, including the date for appeal, shall also be made by the BOD. 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 by the BOD. When the discipline imposed includes both a period of suspension (and/or exclusion from certain events) and a period of Probation, the Suspension (and/or exclusion from certain events) is to be served first followed immediately by the Probation. For purposes of this 7.1.15, “mail” shall include email.

7.1.16 Contents of Notice of Decision

The formal Notice of Decision shall contain, in addition to the discipline imposed by the Disciplinary Body, if any, an explanation of what that discipline involves and a description of the offense by number and title by reference to Section 5 of this Code of Disciplinary Regulations.

7.1.17 Distribution of Notice of Decision

The formal Notice of Decision (other than a Reprimand) shall be sent to the Disciplined Person; the Charging Party; the Complainant; and the appropriate appellate body chairperson.

In the case of an Ethical Violation the formal Notice of Decision (other than a Reprimand) shall also be sent to the WBF; the appropriate NBO of the WBF; and the ACBL (if the Disciplined Person is an ACBL member).

7.1.18 Advisor for Committees of Original Jurisdiction

Due to the simplified procedures of these information hearings, an advisor for committees of original jurisdiction is not routinely required. If a committee of original jurisdiction feels that it needs assistance on procedural matters, it may ask to have an advisor provided to assist it. The advisor for the CBF Disciplinary Committee shall be chosen jointly by the committee’s chairperson committee and the President. The advisor shall not participate in the determination of responsibility or the discipline to be imposed.

7.2 Specific Procedures for the Conduct of CBF DC Hearings

7.2.1 Complaint

A Complaint requesting that Charges be brought to an appropriate Disciplinary Body must be made by the Recorder in writing, and submitted to the President in accordance with the following period of limitations:

- a) The Recorder may file a 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.
- b) A Complaint involving a pattern of conduct must be brought within five (5) years of the earliest instance referenced in the Complaint.
- c) Notwithstanding the previous limitations period above, a Complaint alleging an Ethical Violation (see 5.1) is not subject to a period of limitations.

Note that a Complaint is the only basis for an official Charge to the CBF DC. The CBF DC receives and acts on a Charge, not a Complaint.

7.2.2 Charges/Charging Party

An initial Charge, based upon a Complaint, must be brought expeditiously by the Charging Party (the President or a designee who may not be a person sitting on the CBF DC).

Based upon the specifications in the Complaint, the Charge(s) sets forth the violations (see Section 5) which subject the person so charged to discipline.

The Charging Party in deciding to bring a Charge must answer “yes” to each of the following three (3) questions:

- a) Is there prima facie evidence that the Complaint has some validity (i.e., that there was misconduct)?
- b) Does the CBF have jurisdiction?
- c) If the Charged Party is found responsible, would the Disciplinary Body be obligated to issue a discipline?

If the answer is “yes” to all three questions, Charges must be brought.

7.2.3 Charged Party’s Rights

A person charged with one of the grounds for discipline set forth in Section 5 shall be entitled to:

- a) Receive written notice of the date, time, and place of the hearing. Even if a person admits to a Charge, unless pursuant to a Negotiated Resolution (as set forth in 7.2.12), a hearing shall nevertheless be held to determine and impose appropriate discipline.
- b) Be furnished with a written statement of the Charges, the Complaint upon which the Charges are based (or a summary of the facts of such Complaint), and the name of the Complainant.
- c) Be represented at the hearing by another person who shall not be a member of the BOD.
- 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 imposition of discipline.
- f) Question persons testifying. The chairperson may restrict this right if abused.

7.2.4 Postponement of Hearing

All Disciplinary Bodies may allow reasonable postponements, adjournments or continuances consistent with the time available to the Disciplinary Body.

7.2.5 Required Appearance at Hearings

- a) Either the Charging Party and/or the Charging Party’s Advocate is required to appear in person, by telephone, or some similar mechanism, at the person’s expense.
- b) When a Disciplinary Body’s chairperson determines (upon request by either the Charging Party or the Charged Party) that a witness’ testimony is critical to a hearing, then such witness is required to appear in person, by telephone, or some similar mechanism, at the CBF’s expense or to provide a signed witness statement. Unless reasonable cause is provided to the Disciplinary Body’s chairperson, failure to appear at the hearing in person or by telephone or to provide a signed written or electronic statement shall be grounds for discipline. “Reasonable cause” shall be liberally construed.
- c) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

7.2.6 Consideration of Prior Discipline

A Charged Party’s past CBF discipline (which is a matter of record), should such exist, may not be considered during the hearing in establishing responsibility. However, such past CBF 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 also be considered (see also 6.2).

7.2.7 *Appeal Rights*

The Disciplined Person and/or the Charging Party may file a written request to appeal with the CBF AC. The Disciplined Person and the Charging Party must be informed of this right in writing in a timely manner along with notification of the name and address of the CBF AC chairperson. The Complainant, if any, shall be informed that it is the Charging Party who has the right to request an appeal (see Section 8).

7.2.8 *Consideration of Player Memos*

Unless an Incident reported on a Player Memo is included in the Complaint and/or the Charges, neither the Player Memo nor evidence regarding the Incident noted on the Player Memo may be considered by the Disciplinary Body in establishing responsibility. In determining the severity of the discipline imposed, a Player Memo dated within the past ten (10) years may be used. When evaluating the relevance of these Player Memos, the Disciplinary Body should pay special attention to the completeness of the Player Memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the Player Memo and the age of the Player Memo.

7.2.9 *Hearing Report*

A typewritten Hearing Report shall be produced following all hearings, including a summary of the facts, the Disciplinary Body's findings and what discipline, if any, is to be or was imposed. The Hearing Report must be submitted to the President within thirty (30) days from the conclusion of the presentation of evidence. The President shall receive the written Hearing Report and is required to promptly provide a copy to the Disciplined Person and the Charging Party.

7.2.10 *Finality of Proceedings*

A person who has been subjected to a disciplinary proceeding conducted under this Section 7 shall not be subject to any further proceedings by any other Disciplinary Body for the same matter arising out of the same operative facts, except pursuant to an appeal and/or for additional disciplines as provided under 5.55.6, and 7.3.10 - 7.3.13.

7.2.11 *Discipline Outside Guidelines*

When the President receives a Hearing Report in which the Disciplinary Body has imposed a discipline that contravenes or is inconsistent with this Code of Disciplinary Regulations without any reasonable justification for it, the President shall notify the committee chairperson in writing of such contravention or inconsistency. The Disciplinary Body shall then reconvene on the matter of imposition of discipline only.

7.2.12 *Negotiated Resolution of a Charge*

- a) Hearing Procedure Inapplicable. General Procedures for Conduct of Hearings by Disciplinary Bodies of Original Jurisdiction in 7.1-7.3 do not apply unless otherwise noted in this section.
- b) Disciplinary Body. The Charging Party and the Charged Party must present a Negotiated Resolution to:
 1. The CBF AC if (i) the CBF DC would have heard the Charges absent such Negotiated Resolution, or (ii) if the charge was a EV-1, EV-2, EV-3, EV-4 or EV-5.
 2. The Disciplinary Body which would have heard the Charge absent such Negotiated Resolution (except for 7.2.12.b.1).
- c) Policy. The resolution must (i) dispose of all pending Charges against the Charged Party, and (ii) include the complete parameters of the discipline to be imposed, and (iii) include the Charging Party and the Charged Party waiving all its rights to appeal, both administratively

and through arbitration or the courts. This resolution may also include a requirement that the Charged Party testify against any other Charged Party, if any, and/or may consist of a dismissal of all charges. This resolution may include discipline outside the parameters listed in Section 4.

- d) Standard of Review. The Disciplinary Body reviewing the Negotiated Resolution may conduct its review by telephone or video conference call. The Disciplinary Body may (i) request written statements, (ii) review all related documents on file at the time of the Negotiated Resolution, and (iii) review the Charged Party's previous disciplinary record upon request.
- e) Standard of Acceptance. When deliberating on whether to accept the Negotiated Resolution, the Disciplinary Body must consider the benefit to the CBF of the certainty of conviction and the waiver of all appeal rights by the Charged Party and Charging Party.
- f) Rejection of Negotiated Resolution. If a Negotiated Resolution is rejected by the CBF AC, the Charges shall be heard by the CBF DC which would have heard the Charges absent such Negotiated Resolution. If a Negotiated Resolution is rejected by a Disciplinary Body, the same Body may hear the Charges.
- g) Disciplinary Bodies Right to Participate in Negotiation. The Disciplinary Body may provide a reason for rejection or a condition for acceptance. Each party will have the right to review the condition for acceptance and choose to accept or reject with ten (10) days of being notified.
- h) Challenging Committee Members for Cause. There shall be no automatic challenges to the members of any Disciplinary Body. There may be challenges for Cause (such as bias) upon good cause shown (not merely alleged). In such cases, the balance of the committee members shall decide the validity of the challenge. A majority vote of such remaining members is required to remove a member for Cause.
- i) Hearing Report Required. The Disciplinary Body must send to the President a fully typed Hearing Report and a copy of its written decision, if any is produced in writing, within thirty (30) days from the conclusion of the review.

7.3 Specific Procedures for Conduct of Hearings by a TDC

7.3.1 Expedited Hearing

Disciplinary procedures at CBC tournaments are intended to be expeditious. Matters that could be heard by a TDC involving tournament discipline shall be heard by a TDC, and the hearing shall be conducted at (or immediately after) the CBC tournament at which the Incident leading to discipline took place.

7.3.2 Complaint, Charges, and Charging Party

A Complaint (which may be in the form of a Player Memo) involving Incidents at a CBC must be made by a participant in the tournament, by the Recorder, or by the DIC or his designee, which designation must be in writing (see 7.3.4 when the subject of a Complaint or a Charged Party is no longer present at the tournament or when a Complaint is made following the conclusion of the tournament).

An initial Charge, based upon the Complaint, must be brought by the DIC (or his designee) to the TDC.

The DIC (or his designee) shall be the Charging Party even when the DIC (or his designee) or a tournament staff member is the Complainant. 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 TDC have jurisdiction?
- c) If the Charged Party is found responsible, would the TDC be obligated to issue a discipline?

If the answer is “yes” to all three questions, Charges must be brought.

7.3.3 Required Appearance at Hearings

- a) Either the Charging Party and/or the Charging Party’s Advocate is required to appear in person, by telephone, or some similar mechanism, at the person’s expense.
- b) When a TDC chairperson determines (upon request by either the Charging Party or the Charged Party) that a witness’ testimony is critical to a hearing, then that witness is required to appear or to provide a signed witness statement. Unless reasonable cause is provided to the TDC chairperson, failure to appear at the hearing in person or by telephone, or to provide a signed written or electronic statement, shall be grounds for discipline. “Reasonable cause” shall be liberally construed by the chairperson.
- c) A Charged Party is not required to appear at their hearing and their failure to appear shall not be grounds for further discipline.

7.3.4 Hearing Held Following a CBC

Circumstances may not permit a hearing to be held during a CBC in which case the following procedures will apply¹:

- a) A Complaint about a participant who is no longer present at the tournament will be reviewed by the DIC (or his designee) in accordance with the standards set forth in 7.3.2 to determine whether to bring Charges to the appropriate Disciplinary Body as provided in 7.3.4.b.
- b) Charges, with an attached Complaint, against a person who is no longer present at the tournament shall be sent, preferably via email, by the DIC (or his designee) within ten (10) days of the end of the tournament to the appropriate Disciplinary Body for a hearing (automatically delegating the responsibility as Charging Party to the President).
- c) A Complaint made following the end of the tournament must be submitted by the Complainant to the Recorder who must then make the decision in consultation with the President regarding whether Charges should be brought.

¹ Complaints, usually in the form of a Player Memo, for which the DIC lacks sufficient information (or lacks sufficient time to obtain sufficient information), may be sent to the Recorder.

7.3.5 Charged Party's Rights

A person charged with one of the grounds for discipline set forth in Section 5 shall be entitled to:

- a) Receive written notice of date, time and place of the hearing. Should a person admit to a Charge, a hearing shall nevertheless be held to determine and impose appropriate discipline.
- b) Be furnished with a written statement of the Charges, the Complaint upon which the Charges are based (or a summary of the facts of such Complaint), and the name of the Complainant.
- c) Be represented at the hearing by another person who shall not be a member of the BOD.
- d) Produce evidence and make statements on his/her behalf.
- e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and imposition of discipline.
- f) Question persons testifying. The chairperson may restrict this right if abused.

7.3.6 Stay of Discipline

Discipline imposed by a TDC for all or part of that tournament may not be stayed. However, any discipline that survives the tournament may be stayed in accordance with Section 9. If the decision of the TDC is subsequently reversed, discipline that had not been stayed in accordance with Section 9 shall be expunged.

7.3.7 Consideration of Prior Discipline

A Charged Party's past CBF discipline (which is a matter of record), should such exist, may not be considered during the hearing in establishing responsibility but may be relevant to the determination of the severity of the discipline to be imposed if the person is found responsible and who is, accordingly, a Disciplined Person.

7.3.8 Consideration of Player Memos

Unless an Incident reported on a Player Memo is included in the Complaint and/or the Charges, neither the Player Memo nor evidence regarding the Incident noted on the Player Memo may be considered by the TDC in establishing responsibility. In determining the severity of the discipline imposed, a Player Memo within the past ten (10) years may be used. When evaluating the relevance of these Player Memos, the TDC should pay special attention to the completeness of the Player Memo (for instance, whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the Player Memo and the age of the Player Memo.

7.3.9 Appeal Rights/Hearing Report

The Disciplined Person and/or the Charging Party may file a written request to appeal with the CBF AC. If present at the tournament at the conclusion of the hearing, the Disciplined Person and the Charging Party must be informed of this right in writing at the conclusion of the hearing along with notification of the name and address of the CBF AC chairperson.

A typewritten or legibly handwritten Hearing Report shall be made of all hearings, including a summary of the facts, the TDC's findings and what discipline, if any, is to be or was imposed. The Hearing Report must be submitted to the President within ten (10) days from the conclusion of the presentation of evidence. After receiving the Hearing Report, the President shall, in writing, promptly apprise the Disciplined Person and the Charging Party of the right to request an appeal if they have not been so informed. The Complainant, if any, shall be informed that it is the Charging Party who has the right to request an appeal.

7.3.10 Finality of Proceedings

A person who has been subjected to a disciplinary proceeding conducted by a TDC under this Section 7 shall not be subject to any further proceedings by any other Disciplinary Body for the same matter arising out of the same operative facts, except pursuant to appeal and/or for additional disciplines as provided under 5.5,5.6, and 7.3.13. A TDC has the same options for discipline as any other Disciplinary Body other than Expulsion. However, a Suspension or a Probation imposed by a TDC may not exceed one (1) year nor may a Probation following a Suspension exceed one (1) year.

7.3.11 Disallowed Discipline

If the discipline imposed by a TDC exceeds the permitted limits, it shall be valid only to the extent set forth in 7.3.

7.3.12 Continuation of Discipline after Tournament

Any discipline imposed by a TDC that survives the tournament shall commence immediately following that tournament.

7.3.13 Additional Discipline Recommended

When the TDC determines the Charged Party has committed an offense which may warrant a discipline exceeding the limits specified in 7.3.10, the TDC, after imposing either a Suspension of one (1) year, a Probation of one (1) year or both, shall within ten (10) days refer its Hearing Report to the CBF DC, via the President, with its recommendations for additional discipline and the reasons for it.

Appeal rights will be stayed until the CBF DC has reviewed the Hearing Report and rendered a decision regarding the application of additional discipline. The CBF DC may, but is not required to, access the record of the TDC hearing(s).

7.4 Not Applicable to BOD as Disciplinary Body

Sections 7.1 - 7.3 do not apply when the BOD is acting as a Disciplinary Body (see 3.1).

8. PROCEDURES FOR APPELLATE BODIES

8.1 Appeals to the CBF Appeals Committee

8.1.1 Right to Appeal a Disciplinary Body's Decision

The Disciplined Person and/or the Charging Party may file a written request to appeal with the chairperson of the CBF AC from a decision of the CBF Disciplinary Committee.

8.1.2 How to Appeal to the CBF AC

A written request for an appeal must be given to the CBF AC within thirty (30) days following the mailing of the official notice of the ruling. For an appeal to be granted by the CBF AC chairperson, and considered by the CBF AC, a written statement must accompany the request. The statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one of the following exists:

- a) The decision is not supported by the weight of the evidence presented at the hearing held by the lower level Disciplinary Body (i.e. not an appellate body except 7.3.13);
- b) Procedures employed were inconsistent with the Code of Disciplinary Regulations which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process.

- c) Discipline imposed is inappropriate; and/or
- d) One or more person(s) on the hearing panel had a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

8.1.3 *CBF AC Appeals Process*

If the request for an appeal is granted, the CBF AC shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also 8.1.5 and 8.3.1).

8.1.4 *Decision in Writing*

Decisions of the CBF AC shall be in writing and shall be final. All decisions shall be reported to the BOD within thirty (30) days from the conclusion of the presentation of argument and, thereafter, to all parties.

8.1.5 *Automatic Review by the CBF AC*

- a) All disciplinary cases in which (i) a Suspension of two (2) years or longer is imposed; (ii) Expulsion is imposed; or (iii) a discipline for an Ethical Violation is imposed shall be automatically reviewed by the CBF AC within six (6) months of receipt of the decision or Hearing Report, whichever is earlier, by the BOD (an "Automatic Review"). On such Automatic Review, the CBF AC may increase or reduce discipline imposed as well as affirm, reverse or modify the disciplinary determination or remand the case for further proceedings. In conducting such Automatic Review, the CBF AC shall not conduct a new hearing but shall review the previous hearing to ensure that: (1) procedures were followed in accordance with the Code of Disciplinary Regulations; (2) the decision and discipline imposed was supported by the evidence; and (3) a fair hearing was conducted.
- b) At its first meeting subsequent to a BOD decision to impose discipline for alleged sexual harassment as set out in 7.1.12, the CBF AC shall make an Automatic Review of the discipline imposed by the BOD. Such Automatic Review shall be consistent with the procedures for appellate review, except that the accused person shall be entitled to present evidence and witnesses at the review hearing and the BOD shall be entitled to present evidence and witnesses in response thereto. Discovery shall be limited to reports prepared or received during the investigation or referred to in the decision by the BOD.

8.2 Appeals to the CBF Disciplinary Committee

8.2.1 *Right to Appeal a Disciplinary Body's Decision*

The Disciplined Person and/or the Charging Party may file a written request to appeal with the CBF DC chairperson from a decision of a TDC. However, if the CBF DC is automatically reviewing a TDC request for additional discipline as set out in 7.3.13, the request to appeal shall be made to the CBF AC.

8.2.2 *How to Appeal to the CBF DC*

A written request to appeal must be given to the CBF DC within thirty (30) days following the mailing of the official notice of the TDC decision being appealed. For a request for an appeal to be granted by the CBF DC chairperson, and considered by the CBF DC, a written statement must

accompany the appeal. The statement, with a summary of the reasons supporting their position, shall provide an allegation that at least one of the following exists:

- a) The decision is not supported by the weight of the evidence presented at the hearing held by the TDC;
- b) Procedures employed were inconsistent with the Code of Disciplinary Regulations which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary process;
- c) Discipline imposed is inappropriate; and/or
- d) One or more person(s) on the hearing panel had a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

The hearing shall be limited to the issues that have been raised in the appellant's statement.

8.2.3 CBF DC Appeals Process

If the request for an appeal is granted, the CBF DC shall hear and decide such appeals expeditiously. The committee shall be provided a copy of the written request for the appeal and all supporting documents submitted by the appellant; all information included in the record from any relevant Disciplinary Body that has heard the case; a summary of the past disciplinary record of the Charged Party and/or Disciplined Person; a summary of the procedural issues or administrative matters; and any other information upon instruction of the chairperson. (See also 8.3.1)

8.2.4 Decision in Writing

The decision regarding the appeals heard by the CBF DC (when meeting as an appellate body) shall be in writing and must be sent to the BOD within thirty (30) days from the conclusion of the presentation of argument.

8.3 Other Appellate Procedures for any Appellate Body

8.3.1 Standard of Review

In considering whether to grant or deny permission to appeal, the appellate body chairperson 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 chairperson should give more regard to an equitable resolution of the matter, grant those requests that are clearly within the spirit or reason behind the Code of Disciplinary Regulations rules being applied and resolve any reasonable doubts in favor of appellant.

8.3.2 Procedures When Permission to Appeal is Granted

- a) Standard of Appellate Body Review. Once permission to appeal has been granted, other than appeals as set out in 8.1.5, the appellate body's considerations shall address only the allegation(s) raised in the written statement that accompanied the request to ensure that:
 - i. the decision was supported by the weight of the evidence presented at the hearing;
 - ii. the procedures were followed in accordance with the Code of Disciplinary Regulations;
 - iii. the discipline imposed was supported by the evidence; and/or
 - iv. no person on the hearing panel had a bias which affected the decisions of the panel, when objection to such bias was raised at the hearing, as the case may be.

In general, appeals will be considered on the record made in prior hearings. Other than as provided in Section 9, no new evidence shall be allowed and the appellate body may not conduct a new hearing. A person's past disciplinary record, should one exist, may not be

- considered in review of the merits of the issues being appealed but may be considered as to the severity of the discipline under review.
- b) **Withdrawal of Appeal.** Once permission to appeal has been granted, appellant shall be allowed to withdraw its appeal by written notice to the chairperson of the appellate body, who shall promptly notify all parties that the appeal has been dismissed. In the case of an appeal to the CBF AC, if the CBF AC chairperson is not available to receive and process the request within forty-eight (48) hours, the President may act in his place. However, see 9.2 for restrictions on appellant's right to withdraw an appeal.

8.3.3 Status of Disciplinary Body Whose Decision is Appealed

A Disciplinary Body is not a party to any appeal taken from its action. Its position, analysis and reasoning should already be set forth in its Hearing Report. However, the appellate body in its sole discretion may permit persons other than the parties to the appeal to participate in the appeal by filing an argument in support or opposition to appellant's argument and/or by presenting an oral argument at the appellate hearing. At the discretion of the appellate body chairperson, they may be provided a copy of the written appeal and all supporting documents submitted by the appellant, any other information submitted in a timely manner to the appellate body by any party to the appeal and any other information upon the instruction of the appellate body chairperson.

During the deliberations of the appellate body, no additional persons may be present.

8.3.4 Appellate Body's Options

An appellate body may:

- a) Affirm or reverse the decision being appealed;
- b) Modify, reduce or increase the discipline being appealed; and/or
- c) Remand the matter to any Disciplinary Body which previously heard the matter.

8.3.5 Rights of Parties to the Appeal or Automatic Review

Each party to an appeal or Automatic Review under 8.1-8.3 shall be entitled to:

- a) Receive written notice of date, time and place of the appeals hearing.
- b) Be sent prior to the hearing a copy of the written appeal and all supporting documents submitted by the appellant, any other information submitted in a timely manner to the appellate body by any party to the appeal, all information included in the record from any previous Disciplinary Body that has heard the case, and any other information upon the instruction of the appellate body chairperson.
- c) Be represented at the hearing by another person who shall not be a member of the BOD.
- d) Make statements on his behalf.
- e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing. Presence at the hearing may be in person or via telephone, teleconference, or any other similar means where all participants may hear and/or see one another.
- f) Question persons testifying. The chairperson may restrict this right if abused.
- g) Be heard by a committee of at least three persons.

8.3.6 Advisor for Committees of Appellate Jurisdiction

Due to the simplified procedures of these informal proceedings, an advisor for committees of appellate jurisdiction is not routinely required. If a committee of appellate jurisdiction feels that it needs assistance on procedural matters, it may ask to have an advisor provided to assist it. The

advisor shall be chosen jointly by the chairperson of that committee and the President. The advisor selected shall not be an employee of the CBF (current or former) and shall be impartial. The advisor shall not participate in the determination of responsibility or the discipline to be imposed.

9. STAY OF EXECUTION OF DISCIPLINE PENDING APPEAL

9.1 No Automatic Stay of Discipline

The mere filing of a request for an appeal does not stay (i.e., postpone) execution of a discipline.

9.2 Procedure for Grant of Stay

A stay of execution of a discipline pending an appeal may be granted only on written request directed to the chairperson of the appellate body with jurisdiction over the appeal, which request will include the reasons for such request. Once the stay of execution of a discipline is granted, 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.

9.3 Standard for Grant of Stay

A stay of execution of a discipline may be granted only if the appellant makes a showing in her request that a reasonable likelihood exists that the decision will be reversed or that the discipline will be reduced.

9.4 Authority to Grant Stay

A stay of execution of a discipline pending the disposition of an appeal shall be considered by:

- a) The chairperson of the CBF AC, when the appeal is to the CBF AC; or
- b) The chairperson of the CBF DC, when the appeal is to the CBF DC.

10. OTHER DISCIPLINARY MATTERS

10.1 Resignation to Avoid Discipline

A member who resigns his/her membership in the CBF when disciplinary charges are pending for Ethical Violation(s) may not thereafter participate in any CBF organized game or other CBF activity, including but not limited to:

- a) Acting as non-playing captain,
- b) Kibitzing any game or event,
- c) Being physically present at the site of a tournament, or
- d) Participating in the corporate or business affairs of the CBF.

For purposes of publication, a member who resigns when disciplinary charges are pending for unethical activity shall be treated as though that member was convicted of the Ethical Violation(s) for which the member is charged, and received maximum discipline under Section 6.

10.2 Readmission of Resigned/Expelled Members

10.2.1 Timing of Request for Readmission Following Resignation

A member who resigns his membership in the CBF to avoid possible disciplinary action may be readmitted to membership only by action of the BOD. No application for readmission may be considered by the BOD before ten (10) years from the date of resignation and, thereafter, only once every three (3) years. The BOD may impose such conditions upon readmission as it deems

appropriate. In addition, there shall be no statute of limitations on the possible disciplinary action related to the resignation.

10.2.2 Conditions for Readmission Following Expulsion

- a) The BOD will not hear any request for readmission before 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 hearing on those Charges, he may apply for readmission after five (5) years.
- b) The CBF DC will be informed of a prospective Readmission Following Expulsion. The CBF DC may advise the BOD, may be represented at a Readmission hearing, and may give oral or written testimony.
- c) Any member readmitted under 10.2.2 shall be placed on Probation for a minimum of five (5) years.

10.2.3 No Readmission Following Second Resignation or Expulsion

Under no circumstances will the BOD hear a request for readmission regarding a second Expulsion or resignation to avoid possible disciplinary actions or combination thereof.

10.2.4 Collusive Cheating

Notwithstanding the preceding provisions of 10.2, the BOD will not hear any request for readmission of a member who was expelled for premeditated Collusive Cheating in a CBC, or who resigned his membership for the purpose of avoiding possible disciplinary actions concerning premeditated Collusive Cheating in such events, or combination of such expulsion or resignation. Such a former member may never be readmitted to membership in the CBF nor participate in any CBF organized events. Publication of Disciplinary Cases.

10.3 Publication of Disciplinary Cases

In disciplinary cases that result in a finding of responsibility (other than a Reprimand for a Conduct Violation which shall not be published), CBF policy is to publish only an individual's name, player number, the discipline imposed and the Code of Disciplinary Regulations violation code (Section 5) found to have been violated.

All disciplines will be published on the CBF website for the length of time of the discipline levied. Expulsions shall also be reported in the CBF Magazine.

10.4 Privileged Communications

Any communication that occurs during the meeting of a CBF 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.

For purposes of this Section 10.4 only, "privileged" shall mean that the communication may not be used as the basis for any Complaint under these Code of Disciplinary Regulations or other CBF Regulations.

For purposes of this Section 10.4 only, "CBF Body" includes the BOD, any CBF Foundation Board and any CBF committee or sub-committee appointed by the President, the BOD or any CBF Board member.

Appendix A



WORLD BRIDGE FEDERATION

Guidelines for those empowered to impose a sanction on an offender in accordance with the Disciplinary Rules of the Zonal Authority and/or the NBO

(Approved by the WBF Executive Council in Chennai on 1st October 2015)

The World Bridge Federation is desirous of encouraging Zonal Authorities and NBOs to adopt a consistent approach to the imposition of sanctions on those persons who are found to have breached its Disciplinary Code.

Cheating is considered to be the most serious offence that can occur within the sport of bridge. These guidelines are restricted to that nature of offence. Zonal Authorities and NBOs are likely to have their own structure for dealing with lesser behavioural offences.

The guidelines are intended to assist the Sentencer in determining the appropriate sanction for any person who admits or has been found guilty of cheating. It should be stressed that they are guidelines and not tramlines and **each** case must be dealt with on its own particular set of facts and circumstances.

Principles of Sentencing

The purpose of Disciplinary Codes:

- (1) To ensure an acceptable form of behaviour by all those who participate in the playing of Duplicate Bridge;
- (2) To ensure that all players play the game according to the Laws of Duplicate Bridge both in letter and spirit;

To ensure that all those players who participate in the playing of Duplicate Bridge do so in a fair manner and with integrity. **The legal framework within which the procedures have application:**

- (1) Zonal Authorities and NBOs will usually have, and are encouraged to implement, a Disciplinary Code that sets out the processes and procedures that will apply in dealing with misconduct.
- (2) There will usually be a relationship by which such Disciplinary Code will have application. This may arise contractually, by virtue of a membership agreement or by acknowledgement of being subject to the Disciplinary Code.

Sanctions

- (1) **Collusive cheating** – pre-arranged methods of arranging unauthorized information by a partnership:
 - 1st Offence: Life ban from playing with that partner and a 10 years suspension from participation in Zonal and/or National events.
 - 2nd Offence: Permanent ban from participation in Zonal and/or National events.
- (2) **Obtaining information relating to hands** – actively seeking information regarding hands not yet played:
 - 1st Offence – 1 year suspension from participation in Zonal and/or National events
 - 2nd Offence – 5 year suspension from participation in Zonal and/or National events
- (3) **Inadvertent cheating** – obtaining information regarding a hand not yet played and then acting on that information when the hand is played:
 - 1st Offence - warning
 - 2nd *Offence* – Suspension from participation in Zonal and/or National events for up to 2 years

APPENDIX B

GUIDELINES FOR CONDUCTING DISCIPLINARY PROCEDURES

I. INTRODUCTION

The purpose of this Appendix B, Guidelines for Conducting Disciplinary Proceedings (“Guidelines”), is to help the appropriate Disciplinary Body provide fair hearings for all CBF members (or non-members participating in a CBF organized event) charged with wrongdoing under the CBF Disciplinary Regulations. The Guidelines are suggested procedures, except for those that are specifically stated as mandatory (enumerated by use of “shall”, “must”, or “will” or words of similar meaning).

These Guidelines should be read in conjunction with the version of the CBFCDR that was in effect when the Incident(s) that allegedly will lead to discipline took place.

Capitalized terms used in these Guidelines without definition have the meanings assigned to them in the Definitions section of the CBFCDR. Unless the context clearly dictates otherwise, the singular includes the plural and the masculine includes the feminine and vice versa.

II. COMPLAINT, CHARGES, ADVOCATE

A. Complaint

The Recorder who files a Complaint is a Complainant. Before the Recorder contemplates filing a Complaint, he or she should be sure that a proper investigation was done, and it contains all the information known to her. The Complaint, then, is a written document in which the Recorder alleges that a member or competitor has violated CBF Regulations in some specific manner that is explained in the Complaint. The Complaint should contain allegations that establish a prima facie case of wrongdoing under the CBFCDR. It does not mean that Complainant must lay out the entire case; rather, facts sufficient to evidence wrongdoing in violation of the CBFCDR must be presented (before the Charged Party is given an opportunity to argue against them).

At a CBC tournament the Complaint must be submitted to the DIC, otherwise a Complaint must be submitted to the CBF President.

B. Charging Party and Charges

The DIC or the President, as the case may be, is referred to as the Charging Party. When the President, as the Charging Party, has a conflict, he or she should designate another BOD member to act as Charging Party. The Charging Party must not be the CBF Disciplinary Committee chairperson, any other member of the CBF Disciplinary Committee, or the Recorder.

Whether the Complaint is sufficient to support Charges is a decision that is made by the Charging Party. The Charging Party must review the Complaint (which may be in the form of a Player Memo) and decide whether, and in what respect, the CBFCDR is violated. If the Complainant has not recited sufficient allegations to establish a prima facie case, then an investigation must occur to discover and include sufficient facts and to set forth such a prima facie case. If no prima facie case can be established, or no Disciplinary Body has jurisdiction over the matter, then no Charges should be brought.

It is important to note that, unless the Complaint alleges cheating or an Ethical Violation, the CBF has no jurisdiction at a club, and no recourse regarding the behavior at a CBF sanctioned club game.

If the Charging Party decides to move forward, Charges must be written, based on the allegations in the Complaint, and submitted by the Charging Party to the chairperson of the appropriate

Disciplinary Body with jurisdiction in the matter (with a copy to the CBF Recorder at recorder@cbf.ca) containing a direction that the Disciplinary Body hold a hearing. The Charges must set forth the specific sections of the CBFCDR that allegedly have been violated by the facts and evidence presented in the Complaint. However, note that at this stage the Charging Party is not required to prove the entire case. If the Complaint contains credible assertions and/or evidence that on its face lay out a basis for the alleged violations of the CBFCDR, it should be deemed sufficient for presenting a prima facie case.

C. Advocate

An Advocate may be selected by the Charging Party and/or the Charged Party to represent them before a Disciplinary Body. The Advocate is not neutral or unbiased. The Advocate is free to aggressively prosecute or defend the Charges. The Advocate selected to appear at the hearing must not be a member of the CBF Board of Directors.

III. LIMITED PERIOD WITHIN WHICH TO FILE A COMPLAINT

A Complaint concerning a single Incident must be filed within one hundred eighty (180) days of the Incident. A 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 the Player Memo had been previously submitted to the Recorder within one hundred twenty (120) days of the Incident.

A Complaint concerning a pattern of actions must be filed within five (5) years of the earliest action referenced in that Complaint. In this situation, no consideration of the sixty-day rule is necessary.

A Complaint involving the conveying of information by unauthorized means, pursuant to Law 73.B.2, is not subject to any period of limitations.

IV. THE DISCIPLINARY BODY

A. Bias of Committee Members Should be Considered

Every member of a Disciplinary Body selected to hear a particular matter must be completely unbiased as to the personalities and issues involved. Common sense should prevent most incorrect appointments. To the extent possible, no committee member should be a regular partner, close friend, spouse, significant other or known enemy of any Charged Party or have a business or financial association with any Charged Party. Any committee member who has any dealings with a Charged Party (or Charging Party) that might give even the appearance of impropriety should excuse himself or herself from further service. However, membership in, employment by or ownership interest in 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 Disciplinary Body outside of the hearing room. Discussion or dissemination of the contents of a disciplinary hearing, other than information released to the public pursuant to CBF Regulations, in and of itself may subject a Disciplinary Body member to discipline (see 5.4).

If a member of a Disciplinary Body feels unable to act impartially at a hearing, he or she should recuse themselves (i.e. ask to be excused from the committee). If there is an appearance of possible partiality or bias, 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 Disciplinary Body as a whole is the sole determiner of the eligibility of committee members.

A Recorder must not participate in any case in which the facts may present a conflict of interest. A Recorder should not, during their tenure as Recorder, serve as a member of any Disciplinary Body. If the Recorder is already a member of such Disciplinary Body when named as Recorder, he or she must assume inactive status on the committee or resign from it.

B. Comments Regarding Hearing by Members of a Disciplinary Body

1) Comments Made 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) Comments Made During the Hearing, Including During Deliberations

Now, committee members may discuss the matter only with other committee members, staff to the committee and the parties to the matter. Deliberations, however, may only be discussed among committee members.

3) Comments Made Post-Hearing

Once the committee has rendered a decision which has been communicated to the parties and other notifications have been distributed pursuant to the CBFCDR, the committee members may relate the finding of responsibility or not responsible and the discipline imposed only to the extent such information is released publicly by other means. A committee member may not discuss anything related to the committee's deliberations. This restriction precludes, among other things, conversations with other members of the Disciplinary Body who did not hear the matter as well as posting on website blogs. Failure to follow these restrictions may lead to Charges against the member of the Disciplinary Body.

V. PRE-HEARING PROCEDURES

A. Notification of Parties is Required

The parties involved, including the Charging Party and Charged Party, must receive timely written notice of the date, time and place of the hearing, be furnished with written Charges, and be advised of their right to be represented. If time permits, in most cases thirty-day's prior notice is recommended (at least one day's notice at a tournament). The representative selected to appear at the hearing may not be a member of the CBF Board of Directors.

The chairperson of the Disciplinary Body hearing the matter must verify that appropriate notices have been sent. That chairperson is ultimately responsible for ensuring that the proper notices have been sent. Notice sent by email must include a request to confirm receipt of the notice by return email. If no confirmation is received within seven (7) days of the notice, a written notice must be sent via first class mail to the address the CBF has on file.

B. Documentation of the Hearing is Required

Since the discussions and considerations at hearings of appeals of discipline are based primarily on the facts determined by the Disciplinary Body initially imposing the discipline, it is extremely important that detailed records be kept of all proceedings and testimony given at disciplinary hearings. A recorded record is mandatory. The chairperson should attempt to provide for the best record keeping permitted by the circumstances. At the very least, one or more members of the Disciplinary Body should be charged with the task of keeping good written records. Documentary evidence should also be preserved. The chairperson should ensure that any such records are sent to the CBF office, along with a typed Hearing Report, for safekeeping in the event of future need. As stated above, the final Hearing Report should be typed in order that it is legible in the event the decision is later appealed.

C. Pre-Hearing Conferences are Allowed

The Disciplinary Body or its chairperson may hold a pre-hearing conference with the parties to narrow or frame procedural questions (e.g., questions about the procedure that the committee will follow or the way that the committee will proceed to carry out the business of the hearing) that relate to the matter before it. This pre-hearing conference is not a mini-disciplinary hearing. At this conference, the Disciplinary Body or its chairperson also may direct the disclosure of available evidence and permit the presentation of affidavits or written statements for use at the hearing. In cases in which numerous witnesses and affidavits or statements are involved, disciplinary committees are encouraged to require an exchange of witness lists, witness statements, a summary of expert witness testimony and/or affidavits 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.

D. Interpreters and Persons with Disabilities

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

VI. HEARING PROCEDURES

A. Required Presence at the Hearing

The Charging Party, the Charged Party and/or their respective representatives, subject to the restrictions of Section V.A. above, are entitled to be present while all evidence is given. Other individuals may be present inside the hearing room only at the discretion of the chairperson. The chairperson should consider permitting witnesses to be present only when they are giving testimony.

An advisor may be present to advise the committee solely to ensure that proper procedure is followed and that the provisions of the CBFCDR are properly applied.

B. Chairperson is in Charge of the Hearing

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

C. Introductions are the First Order of Business

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

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

D. Chairperson Statements to Disciplinary Body

The Disciplinary Body 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.” –or–
- “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.”

In the case of an appellate body only, the chairperson addresses the parties to the appeal and the committee members as follows: “If any member of this committee or party to the appeal has cause to believe that a committee member should not serve, you must raise the issue or issues now.”

If there is any objection, see Section AIV.B. above.

E. Presentation of the Case

The Disciplinary Body chairperson should read the Charges (if the Charges are voluminous, they may be summarized).

In general, the chairperson will provide an opportunity for each side to present its case, beginning with a very short opening statement. The Disciplinary Body should then hear the evidence, first by the Charging Party in support of the Charges and then on behalf of the Charged Party, followed in each case by questioning by the other side (see VIF). If the Disciplinary Body deems it necessary or appropriate, the chairperson may allow very short closing statements. Each side should have equal allocation of time in total.

F. Witnesses

Following opening statements, witnesses may be questioned by the party (or a representative) who calls them, by the other party (or a representative), as well as by the members of the Disciplinary Body. At his or her discretion (which is encouraged), the chairperson may sequester one or more witnesses (e.g., allow them to attend the hearing only while giving their testimony and caution them against discussing the case until the hearing is completed).

G. Deliberations

After hearing all the testimony and arguments, the Disciplinary Body retires to consider the case in a closed session; these deliberations are privileged. The standard for determining responsibility (see VIIA) is that the Charging Party’s case has been supported by a “Preponderance of the Evidence”.

However, any allegation that the Charged Party has committed an Ethical Violation must be proved by Comfortable Satisfaction. A simple majority decision prevails.

Each Charge (and its corresponding burden of proof) should be considered separately.

H. Discipline Imposed Following a Finding of Responsibility

If the Disciplinary Body arrives at a decision of responsibility to the Charge, the committee shall then determine what discipline to impose. It is important that the Disciplinary Body not consider the disciplinary guidelines in Section 6 before they have determined whether the Charged Party is responsible or not responsible of the Charge. The discipline to be imposed should have no bearing on their finding of “responsible” or “not responsible” of the Charge.

Once a Disciplinary Body has reached a decision of responsible or not responsible to each separate Charge, the CBFCDR should be consulted, particularly the Disciplinary Recommendations found in Section 6. It is only now that the Disciplinary Body should examine and consider the previous disciplinary record of the Charged Party – immediately before determining discipline.

A sealed envelope with the disciplinary history of each Charged Party will be automatically provided to all Disciplinary Body chairpersons upon receipt of the Charges at the CBF office. The sealed

envelope should be available at the hearing and only opened once a finding of responsibility has been reached. If a finding of not responsible is reached, the sealed envelope should be either (i) returned to the CBF office or (ii) immediately securely destroyed without its contents being reviewed.

I. Referral by a Tournament Disciplinary Committee

Before a Tournament Disciplinary Committee at a CBC can refer a matter to the CBF Disciplinary Committee for further discipline (when it feels such additional discipline is warranted), the referring committee must impose the maximum discipline permitted by a Tournament Disciplinary Committee (one (1) year Suspension and a one (1) year Probation).

VII. EVIDENCE

A. Burden of Proof

Each Charge (and its corresponding burden of proof) should be considered separately. To find a person responsible of a Charge requires a simple majority vote by the Disciplinary Body.

For any allegation involving a Conduct Violation, it shall be the burden of the Charging Party to prove by a “Preponderance of the Evidence” that the Charged Party has committed the CBFCDR violation(s) with which that party is charged (see the definition of “Preponderance of the Evidence” in the CBFCDR Definitions section). It is not necessary that the evidence prove the Charge “beyond a reasonable doubt”. If a committee member finds that the evidence of responsibility is more convincing than the evidence opposed to it, then that member of the Disciplinary Body should find the Charged Party responsible.

Any allegation that the Charged Party has committed an Ethical Violation must be proved by Comfortable Satisfaction (see the definition of “Comfortable Satisfaction” in the CBFCDR Definitions section).

B. Principles of Evidence to be Applied at Hearings

The CBF is a membership organization whose governing body sets its own rules. Disciplinary Bodies are not courts of law so the rules of evidence applicable to courts of law and other legal tribunals do not apply to a Disciplinary Body.

Any relevant evidence, including hearsay evidence, must be admitted if it is the sort of evidence upon which responsible persons are accustomed to relying 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. For example, a tournament director testifies that Player X informed her that Player X saw Charged Party deal to his partner from the bottom of the deck. This is “hearsay evidence” because the director is testifying about what a third party told her was true. The director has no first-hand knowledge of what Charged Party actually did. It is, however, relevant to the question of whether Charged Party actually dealt from the bottom of the deck.

While a Disciplinary Body may permit hearsay evidence, the weight given the hearsay evidence should be less than the weight given direct testimony made based on first-hand experience. The reason is that hearsay is not as reliable as direct testimony and there is no effective way to question it. This means we often have no way to be certain the hearsay evidence is true.

Direct testimony, using the example immediately above, would be the testimony of Player X himself who could reveal “I saw Charged Party deal to his partner from the bottom of the deck.” The witness is testifying to what that witness actually observed. Player X may be further questioned regarding when, how and what he actually saw. The Disciplinary Body 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.

However, a Disciplinary Body should not allow testimony that fails this test of relevancy because hearing it is a waste of time and may be prejudicial to the ultimate decision (e.g., it exerts undue influence on what the committee member believes is true).

C. Types of Evidence that may be Considered

When used to prove a proposition, direct evidence means that we require no inference to prove the proposition is true. Circumstantial evidence requires an inference to prove the truth of the same proposition. Neither type of evidence is necessarily more convincing than the other.

A Disciplinary Body member may discount direct evidence when, for instance, a witness testifies that the automobile went through the intersection while the light was green if the witness proves to have an uncertain memory or poor eyesight. Committee members should evaluate all direct and circumstantial evidence to decide which evidence is more credible and entitled to more weight under the circumstances of that particular hearing.

Demonstrative evidence is an object or tangible item such as a deck of cards, a hand record, a recording, a statistical regression analysis or a viewgraph. Its value when determining whether the Charge is valid depends on its connection to the other evidence produced in the hearing.

D. Credibility and Weight of the Evidence

Credibility is the extent to which the testimony of a witness is believable.

Witnesses usually testify to the truth as they perceive it. If two people testify to opposite facts, such as whether a traffic light was green or red when the automobile drove through the intersection, one must be wrong. However, both witnesses could firmly believe they are correct and that the other person is wrong. It is up to the individual members of the Disciplinary Body to determine whom they believe is more credible.

Weight is the degree to which credible evidence controls the ultimate decision of the members of the Disciplinary Body. Weight is the importance assigned to the particular evidence.

Sometimes a party may present evidence that is irrelevant to the issues being considered at the hearing. With limited time at the Disciplinary Body's disposal, at his or her discretion, the chairperson may limit the admission onto the record of irrelevant testimony.

VIII. POST-HEARING PROCEDURES

A. Notification of Discipline

When the Disciplinary Body imposes discipline(s) to be effective immediately, it is mandatory that such Disciplinary Body immediately notify the Charged Party of the discipline in writing, stating its immediate effective date (a "written decision"). The Charged Party and the Charging Party must also be told of their right to appeal and the Charged Party's right to request a stay of discipline pending the outcome of an appeal. Usually, however, the Charged Party will be informed that the committee's decision will be forthcoming in a matter of days. If that is the case, the official Notice of Decision and the official notice of appeal and stay rights will be sent by the BOD after the hearing documents are received from the Disciplinary Body chairperson.

The thirty-day period during which an appeal may be filed will start from the date on which the official Notice of Decision is mailed by the CBF Executive Assistant (even if the Charged Party and/or Charging Party is notified verbally or in writing from some other person of the committee's decision prior to the mailing date).

B. Hearing Report Submitted to the CBF

At the same time, it is mandatory that the Disciplinary Body send to the CBF office:

- i. A fully typed Hearing Report; and
- ii. A copy of the written decision, if any, sent to the Charged Party. The Hearing Report must be sent to the CBF office within thirty (30) days from the conclusion of the hearing.

IX. APPELLATE PROCEDURES

A. Basis for the Hearing

The appellate hearing will usually be based upon the record of the original hearing body. New evidence may not be admitted. Therefore, the appellate body should be especially careful when receiving arguments to ensure that “new” material, if submitted, is not considered.

The appellate body should direct their attention only to the issues that have been raised by the appellant in their appeal. The appellee should only rebut the arguments raised by the appellant – anything else is irrelevant.

However, if the appellate body is conducting an Automatic Review, it should consider the entire record to ensure that a fair hearing was conducted.

B. Parties to an Appeal

The Charging Party and the Charged Party are the parties to an appeal. The lower level Disciplinary Body is not a party to the appeal because their reasoning and analysis should be set forth in their Hearing Report which already is part of the official record. However, at the discretion of the appellate body, the lower level Disciplinary Body may be allowed to present written and/or oral argument addressing the argument(s) raised by appellant.

C. Authority of Appellate Body to Accept/Deny Appeal

The appellate body must first consider the appellant’s request to allow the appellant to appeal the decision of the initial Disciplinary Body. That decision is not an automatic “yes”. The appellate body chairperson should consider the written statement(s) that the appellant has made and make a reasoned decision whether that is a valid basis for an appeal under the CBFCDR. If the chairperson allows the appeal to be heard, then an appellant will be allowed to appear before the appellate body to make their argument(s) in support of their appeal.

D. Appellate Hearing Procedures

The appellant, the appellee and/or their respective representatives are entitled to be present at the hearing. An advisor may be present to advise the appellate body solely to ensure proper procedure is followed and that the provisions of the CBFCDR are properly applied. Other individuals may be present inside the hearing room only at the discretion of the chairperson.

After calling the hearing to order, the appellate body chairperson should clarify to all parties that the chairperson is in charge and that no one is to speak unless recognized by the chairperson. After introducing all individuals present to each other and inquiring as to any voluntary recusals or challenges to appellate body members for Cause, the chairperson explains how the hearing will proceed (see Appendix B - VI.D above).

The appellate body should then hear the oral arguments, first by the appellant (the party appealing) and then the appellee (the opposite party), followed by rebuttal by either side, as necessary and as time allows. If the appellate body deems it necessary or appropriate, the chairperson may allow the parties to reserve time for short closing statements. Each side should have an equal allocation of time in total.

E. Deliberations

After hearing the oral arguments on appeal, an appellate body may affirm or reverse the previous decision, modify, reduce or increase the previous discipline imposed, or remand the matter to any Disciplinary Body that previously heard the matter. Only the committee members may be present during deliberations.

Other than as set out in Section 9 of the CBFCDR, an appellate body may not hear a case de novo. To have a case reheard in its entirety, it must be remanded to a lower level Disciplinary Body. If a case is remanded, the appellate body should be very careful to detail with some specificity the errors or failure to follow proper procedure by the lower level Disciplinary Body so that they may be corrected.

The appellate body submits its decision in writing in the form of a Hearing Report which must be submitted to the BOD within thirty (30) days from the conclusion of deliberations. The President will disseminate the Hearing Report as set forth in the CBFCDR.