



DISCIPLINARY CHAIR CHECKLIST

SECTION ONE

YES ___ NO ___ Did you receive a Charge Letter with an attached Complaint from the Charging Party of the organization you represent? If your organization has not appointed a Charging Party, the Unit President or District President is designated as the Charging Party.

YES: Continue NO: Do not proceed. You are unable to do anything until you receive a written Charge Letter with a Complaint attached.

YES ___ NO ___ Do you chair a standing disciplinary committee?

YES: Continue. NO: Skip the remainder of this section and proceed to Section Two.

___ Contact your standing disciplinary committee members to notify them of the hearing. Schedule a date and time to hear the matter. SKIP SECTION TWO.

SECTION TWO (Skip this section if your organization has a standing disciplinary committee)

___ Choose committee members to hear the case. CDR Appendix A, III. Selection guidelines are summarized below:

- a) Members should be well-respected members of the bridge-playing community.
- b) Committee as a whole should be a diverse.
- c) An odd number (usually 5, minimum 3) is best to avoid the possibility of deadlock on a single issue.
- d) Members must be unbiased (not regular partner/close friend/spouse/significant other/known enemy of Charged Party/Charging Party).
- e) Members must not be the organization's Recorder or Charging Party.

SECTION THREE – Pre-Hearing Matters

___ Prepare a [Notice of Hearing to Parties](#). CDR 5.2.3

___ Prepare a [Notice of Hearing to Witness](#) only if a Charged Party or Charging Party has requested that the witness appear and you find that the witness' testimony is critical to the hearing. CDR 5.2.5 (b)

___ **Email (or mail) the Notice of Hearing to Parties and Notice of Hearing to Witness to the proper parties as noted on the form. If notification is by email, request an acknowledgement of receipt. Certified mail is recommended when the Charged Party is uncooperative or has not acknowledged receipt of the email.**

___ Send a request to Recorder@acbl.org for the Charged Party's prior disciplinary record and player memos from the last 10 years to be provided in a sealed envelope before the hearing. This envelope should not be opened *unless* the committee finds that the Charged Party is guilty of violating the CDR. If it is not used, return unopened envelope to headquarters or destroy it without opening it. CDR 5.2.7 and CDR 5.2.9

___ Given the time allotted for the entire hearing, determine how much time each side will be given (which must be the same for each side). Determine the use of opening and closing statements at the hearing in consultation with each side and notify the parties of such. For example, permit each party 5 min. for opening statements and 5 min. for closing statements. CDR Appendix A, III

___ Determine whether you prefer to set a date for the disclosure of available evidence. It is recommended that disclosure of evidence be sent directly to you and for you to provide the evidence to all parties and committee members before the hearing. (If you chose to allow written statement and arguments, say so in the Notice of Hearing to Parties and collect these statements as part of the evidence provided to all parties as well.) However, you are not required to collect evidence before the hearing. CDR Appendix A, III

___ Arrange for a person to handle the recording of the hearing. This can be a court reporter, a member of the committee, or an appointed secretary of the committee using a recording device or taking pencil notes. **A record of the hearing is mandatory.** CDR 5.1.3

_____ Prepare any reference materials for the hearing. This should include a copy or copies of the proper version of the Code of Disciplinary Regulations, the Charge Letter with attached Complaint, any submitted evidence, as well as a blank copy of the [Hearing Report](#).

_____ Prepare your opening statement that you will read to call the hearing to order; CDR Appendix A, V.

- a) State the date, time, and location of the hearing.
- b) Introduce yourself, including full name and home city.
- c) State that you will function as presiding officer.
- d) Request that all questions and comments be directed to you.
- e) Have committee members introduce themselves, including full name and home city.
- f) Ask committee members: "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, please disclose those issues now".
- g) Introduce parties, including their Advocates, if any.
- h) Ask each of the Charging Party and Charged Party if they challenge any committee member for cause such as bias.
- i) Explain how the hearing will proceed (you make this determination). If there is an Advocate present with the party they represent, explain that you will only recognize one speaker for each allotted time and/or procedure described below. Suggestions:
 - a. Witnesses will be sequestered after opening statements. They will be allowed to give their testimony then the chair will dismiss each witness from the hearing once their testimony and questioning is complete. Caution them against discussing the case until the hearing is complete.
 - b. Charging Party/Advocate will begin with a 5-min. opening statement, followed by a 5-min. Charged Party opening statement.
 - c. Charging Party/Advocate will present evidence and call witnesses, if any.
 - d. Charged Party/Advocate will have an opportunity to question the witness following Charging Party.
 - e. Charged Party/Advocate will present evidence and call witnesses, if any. Charging Party then questions.
 - f. Charging Party/Advocate, followed by Charged Party, will end with a 5-minute closing statement if time reserved.

_____ If not in person, coordinate the mechanism (from the Notice of Hearing to Parties) for the parties to attend. If it is via telephone, provide the proper number and instructions for the parties to connect to the hearing. Same with web-conferencing and other mechanisms.

_____ Provide the parties and committee members the disclosed evidence and written statements if they were submitted prior to the hearing. This is to be provided so the parties have an opportunity to prepare for the hearing. Do not allow parties to argue this evidence before the hearing.

SECTION FOUR – Hearing Procedures

_____ Permit time for parties to appear by phone or other mechanism provided by the committee.

_____ Begin recording.

_____ Read your opening statement.

_____ Read or summarize the Charge(s) from the Charge Letter.

_____ Permit Charging Party to present opening statement (optional).

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_____ Permit Charging Party to present evidence and question their own witness(es). New evidence that may have not been previously disclosed is acceptable.

_____ Permit Charged Party to challenge the evidence presented and question each witness.

_____ Permit committee members to ask questions of the witness.

_____ Dismiss each Charging Party witness(es) from the hearing room after their testimony is completed.

- _____ Permit Charged Party to present evidence and question their own witness(es). New evidence that may have not been previously disclosed is acceptable.
- _____ Permit Charging Party to challenge the evidence presented and question each witness.
- _____ Permit committee members to ask questions of the witness.
- _____ Dismiss each Charged Party witness(es) from the hearing room after their testimony is completed.
- _____ Permit committee members to ask questions of the Charging Party and/or Charged Party.
- _____ Permit Charging Party to present closing statement (optional).
- _____ Permit Charged Party to present closing statement (optional).
- _____ Explain that it is time for committee deliberations and that all parties will be dismissed from the hearing. Notify parties that the decision of the committee will be sent to the Office of National Recorder. If the Charged Party is found guilty and the committee chooses to impose a discipline that begins immediately, you will send them a Notice of Immediate Discipline within one day. Otherwise, the Compliance Coordinator will notify the parties of the final decision within 30 days.
- _____ Dismiss everyone except the committee members and allow them to leave.
- _____ Turn off the recording device (deliberations are never recorded).
- _____ Consult the [Hearing Report](#) form as a guideline.
- _____ Examine the Charges from the Charge Letter.
- _____ Determine and explain to the committee members the *burden of proof* required for each Charge listed. (Note: there may be a different burden of proof for each Charge.)
- _____ Discuss each Charge separately and decide whether the committee finds the Charged Party guilty or not guilty of each Charge.
- _____ If the committee finds the Charged Party guilty of violating the CDR, only then refer to CDR Appendix B: Conduct and/or Ethics to review the recommended discipline for each violation.
- _____ *If the Charged Party is found guilty of a CDR violation*, open the sealed envelope containing a record of any previous discipline that was provided by the Office of National Recorder.
- _____ Review the recommended discipline from the Appendix, and the contents of the sealed envelope, and determine the discipline that the committee would like to impose. The committee may take previous discipline into account in determining the new discipline.
- _____ If the committee wishes to impose discipline that is outside the recommended discipline as reflected in the Appendix, you must include the reason for going outside the guideline on the Hearing Report.
- _____ Determine the dates that you want the discipline to begin and end. *If the discipline is immediate*, you must notify the Discipline Party in writing within one day using a [Notice of Immediate Discipline](#); otherwise it will be communicated by the Compliance Coordinator.
- _____ Dismiss the committee members with thanks once a final decision has been made. Unless the committee imposed an immediate discipline, you should not notify the disciplined person of the committee's decision in writing (but may verbally inform them of the decision).

SECTION FIVE – Post Hearing Procedures

- _____ Complete the [Hearing Report](#) form and submit it with all evidence presented at the hearing to the Office of National Recorder (Recorder@acbl.org). It is critical that documentary evidence¹ be provided to headquarters so that it may be provided to any appellate committee.
- _____ Work with your committee secretary to get the hearing record sent to ACBL headquarters.

¹ Documentary evidence is evidence in writing such as a hand record, a chart, game results, etc.