SCHEDULE OF DISCIPLINARY PROCEDURES – LARGER CLUBS

Abbreviations are used in what follows:
BB@B: Best Behaviour at Bridge *CS-C: Conduct Sub-Committee* *TD: Tournament Director*
DS-C: Disciplinary Sub-Committee

Preamble

The EBU expects Clubs to deal with behavioural disciplinary cases locally or, if this is problematic, to refer issues first to their County Association: usually such matters are better dealt with closer in time and place to where they arose. Advice can be sought from the EBU Conduct Committee if desired. Cheating matters though, should be referred to the EBU Conduct Committee; online cheating allegations will be dealt with centrally. Allegations of face-to-face cheating are likely to be handled centrally, but following discussion might be handled by the Club or County Association depending on the situation.

1) Requirements of the Schedule

This Schedule is referred to under clause 15.2 of the Constitution of the XXX Bridge Club ('the Club') and prescribes the powers and procedures for enforcement. It aims to comply with, and follow, the spirit of the EBU disciplinary procedures and any variations that are made from time to time. The Club shall act through its CS-C and DS-Cs for the enforcement of standards prescribed in clause 15.1 of the Constitution. The Club shall have additional powers as set out in the clauses below.

2) Scope and Purpose

Bridge should be pursued in an environment which is free from any behaviour which could give cause for complaint (including, but not confined to, alleged contraventions of BB@B). For the avoidance of doubt, this policy applies only to incidents and complaints which arise from events held under the auspices of the Club. The objectives of this Policy are to:

a) resolve incidents and complaints informally as and when possible; and
b) provide a framework for handling complaints.

3) The Club's Commitment

Complaints will be treated seriously and may, ultimately, result in formal action being taken. Any vexatious, demonstrably false or malicious complaints will themselves be dealt under this process. The Club undertakes to:

a) apply the Policy equally to all members and those playing in the Club's recognised events;
b) keep all parties appropriately informed of the progress of the formal complaint;
c) treat all complaints seriously, fairly, sensitively, promptly and with appropriate regard to confidentiality.

In cases of allegations of cheating, either online or face to face, the EBU Conduct Committee will be approached for the following reasons:

- the removal of pressure and discomfort from the close club community to deal with this serious allegation;
- the provision of investigation and analysis expertise and resources to look at the allegation;
- the application of appropriate sanctions if the allegation is proved.

However, the Club should recognise that, while allegations of online cheating can be investigated by examining electronic information and records of hands, allegations of face to face cheating are harder to deal with at a distance and will require provision of substantial and convincing evidence from the Club.

4) Responsibility of Members

All members have a personal responsibility to behave consistently with BB@B and otherwise in a manner not liable to cause offence.

5) Principles of the Disciplinary Procedures

a) members should raise issues and/or complaints in a timely manner and without unreasonable delay. Unless the Club is notified of incidents within a reasonable time of the incident in question it may not be possible to investigate;
b) those against whom a complaint is made ('the complainee') shall have the right to respond to any allegations made against them and to be made fully aware of any investigative or disciplinary process that may result from such allegations;
c) all parties should make every effort to resolve the matter informally, or at the early formal stage of the procedure, wherever possible;
d) a complaint determined by the Club to be malicious, demonstrably false or vexatious may give rise to proceedings against the complainant;
e) for the avoidance of doubt, a disciplinary investigation by the Club is not a legal process and, as such, no party (including the Club itself) may bring legal representation to any meeting nor specify a third party to act on their behalf;
f) the club will appoint members of the CS-C & DS-Cs. The Chair (and a substitute) of the CS-C will be appointed annually; members of that committee & all members of a DS-C shall be appointed on an ad hoc basis. This has the benefit of having a Chair of the CS-C able to receive any allegations (excepting those involving the Chair of the CS-C in which case a substitute will chair the CS-C) and for the remaining members of both Committees to be appointed from those without prior knowledge of the case.
g) when the Club Executive Committee appoints a CS-C or a DS-C under clause 15.2 of the Constitution, such committees shall consist of no fewer than three Club members and no more than five. A quorum for any meeting shall be three of its members. Such Committees shall act by simple majority vote with the Chair having a casting vote if the vote is tied. No member of the CS-C may be a member of the DS-C to consider the same case.
h) The standard of proof for behavioural complaints is the balance of probabilities. For cheating allegations, in rare instances where these are considered by the Club, the standard of proof is 'comfortable satisfaction', i.e., higher than the balance of probabilities but lower than the criminal standard of 'beyond reasonable doubt'.

6) Conflicts of Interest

The EBU Conflict of Interest Policy shall be followed in the execution of this schedule.

7) Starting the Process - Informal Stage

Any incident which might give rise to a complaint should be raised, in the first instance, with the Tournament Organiser (see Law 80) or their relevant delegate. The delegate may be:

a) the TD at the competition in question whose duties and powers are defined by Law 81c and subsequent Laws (notably 91);
b) the Chair of an Appeals Committee (as established by the Tournament Organiser according to Law 80B(k));
c) any other person to whom the Tournament Organiser has delegated or assigned power (according to Law 80A3).

All parties should seek to resolve the matter at the earliest possible moment and at the least formal level.
If the incident in question did not fall under Law 80 then the complainant should write to the Secretary of the Club who shall invite the Club's Executive Committee to decide if the complaint falls within the Club's jurisdiction. If the Executive determine that it does not then the Club's procedures are exhausted; otherwise, in all but the most serious cases, the Executive shall seek to resolve the matter informally using whatever means it chooses. Complaints made more than 3 months after the incident in question will not normally be considered. If a TD has applied a procedural or behavioural penalty at the time of the incident, this will be the end of the matter unless it is thought that this was incorrectly applied.
Temporary suspensions. In exceptional circumstances the Executive Committee may temporarily suspend the complainee from the club until the conclusion of disciplinary proceedings. They should give the complainee reason(s) and this may be appealed in writing within 7 days, the appeal to be heard on written submissions by a non-conflicted member of the Club appointed by the Club Chair.

8) Formal Stage One

If, having raised the issue at the event in question (or, as above, with the Club's Executive directly), the matter has not been resolved satisfactorily:

(i) the complainant or the complainee may request that an investigation be carried out by a nominated CS-C;
(ii) the TD or Chair of an Appeals Committee may (under Laws 81c(7), 93B3 and 93C2) refer the matter to the Club and request the establishment of a CS-C.

Where appropriate, the complainant, complainee, TD, or any other person to whom power has been delegated should write (after the informal stage) to the Club Chair or Secretary. The Executive Committee will, as appropriate, appoint a CS-C to investigate the matter; this begins the formal stage. The CS-C shall be responsible for investigating matters as directed by the Committee.

The CS-C will contact all parties involved to determine whether (i) the matter falls within its scope and (ii) if so whether further action is warranted. The CS-C is empowered to make investigations and enquiries as it, in its absolute discretion, considers appropriate. The CS-C shall also be entitled to seek advice from within the Club and from its County Conduct Committee.

Normally, within two weeks of having been appointed, the chair of the CS-C will write to all relevant parties and inform them of the intended timetable. If the CS-C concludes the matter falls within its scope it shall ask the parties to respond directly to the substance of the matter.

The formal stage one of the process may conclude that:

a) the complaint is unfounded and no further action is necessary; or
b) the complaint is unfounded but is passed to a DS-C to examine whether the complaint is vexatious, demonstrably false or malicious; or
c) the complaint is founded but minor and that no further action is necessary;
d) the complaint is founded and sufficiently serious to warrant further action; or
e) in exceptional circumstances the CS-C may be unable to determine whether the complaint is or is not founded.

Where a complaint is deemed to be founded and sufficiently serious, the CS-C will normally seek to facilitate a resolution. This might include:

(i) requesting the offending member to offer a verbal apology to the complainant; and/or
(ii) issuing a written caution to the offending member and/or
(iii) any other reasonable and proportionate measure (but not a sanction) designed to resolve the issue to the satisfaction of all parties.

If a resolution, satisfactory to all parties, is identified this ends the matter. For the avoidance of doubt, the CS-C has no power of sanction beyond (i) and (ii) above. If, notwithstanding the best efforts of all parties, the issue cannot be either resolved or determined at this stage, or if the CS-C determines a sanction beyond its powers is appropriate, or if the CS-C determines the complaint to be vexatious, demonstrably false or malicious, it shall refer the matter to a DS-C.

9) Formal Stage Two

When, in accordance with para 7, a matter is referred to a DS-C, the appointment of the DS-C begins the Formal Stage Two. For the avoidance of doubt, when the CS-C has already determined that an offence has been committed (or the offence has been admitted), the DS-C will not normally re-investigate the complaint. However, the DS-C will itself investigate the complaint when either the CS-C has been unable to determine whether the complaint is or is not founded; or when new evidence (which was for good reason not available to the CS-C) is presented to the DS-C.

The CS-C will pass its entire file to the DS-C. The DS-C will call a meeting to which all relevant parties will be invited. All parties invited to attend the DS-C shall be notified, in writing, with at least two weeks' notice and all shall be invited to make written submissions. All invitees have the right to be accompanied by a friend (preferably a current Club member). For the avoidance of doubt, as stated in 5(e) above this process is not a formal legal process, and no party may call upon legal representation. The DS-C will:

(i) determine sanctions for offences admitted, or found by the CS-C to have been committed;
(ii) exceptionally, hear the matter, decide whether the complaint is founded or not and, if founded, determine the appropriate action;
(iii) investigate (and proceed appropriately) if the CS-C had concluded that the original complaint was vexatious, demonstrably false or malicious;
(iv) in rare circumstances, refer a complaint to the relevant County Association for its consideration. In so doing, the Club DS-C shall have fully discharged its responsibilities under this Schedule.

The sanctions available to the DS-C include:

a) issuing a written reprimand;
b) suspending a member from some or all of the competitions sponsored/licensed by the Club for a specified period;
c) any other sanction the DS-C determines which is appropriate and proportionate.

If the complaint is against a member of the Club's Executive Committee then in addition to any other sanctions applied, the DS-C has the power to suspend any such member from the Club's governing body and any of its sub committees for such a period that it shall determine.

Any sanctions imposed by the DS-C shall be communicated to the offending member in writing within twenty one days of the hearing. A sanction will normally take effect immediately after the complainee has received the written record. However, the complainee has the right to apply for a stay of sanction pending appeal. This should be made in writing and considered by a non-involved member of the Club, appointed by the Club Chair.

10) Appeal

A member who has been issued with a formal sanction by a DS-C has the right to appeal to the County Association. Appeals must be in writing and lodged with the Secretary of the County Association within twenty one days of the written communication of the DS-C's decision to the offending member. The only admissible grounds for appeal by the complainee are either factual/procedural error of such an order as to cast doubt on the earlier decision, or an inappropriate sanction. The complainant also has the right of appeal, but only against the sanction imposed. Consent of the County Association has been sought to enable this to be included in the Club's constitution. *[NB if the Club had not previously adopted the old model constitution, it will need to seek pre-approval from the County as to their willingness to receive appeals from the Club under this constitution.]*

11) Notification of Suspensions or Bans to the EBU

Clubs are strongly encouraged to report any suspensions or bans imposed on members to the EBU Conduct Committee Secretary, in order that these are logged centrally and reported to the County Association. If a member is banned from multiple clubs, this may amount to an offence of bringing the EBU into disrepute, and such an offence would be considered centrally.