Guidance to affiliated clubs on how to handle disciplinary cases

Handling disciplinary cases in the club can be difficult and time consuming. Even though the club may have some regulations in its rules the actual detail of how to proceed will need to be carefully considered.

Problems often arise at the table and, despite it being stated again and again, players attempt to sort them out for themselves without calling the TD – 'we are a friendly club and we only call the TD for difficult rulings', and in many clubs the act of calling the TD is seen as an accusation of some sort. The Laws of the game give the TD authority to issue disciplinary penalties for rudeness, inappropriate behaviour or anything that breaks the Best Behaviour at Bridge code. In extreme cases the TD can suspend a player from the session. (Law 91). In such a case the TD makes a report to the committee and the committee then must consider whether further action is warranted.

However, often the TD is not called and many complaints in clubs are, in fact, only verbal: when asked to make a formal written complaint members can be reluctant to do so. Over a period of time committee members may become aware of a number of these verbal complaints but with nothing written down little or nothing is done about them. Finally, a member may make a written complaint.

The club committee might now be swayed by previous unwritten complaints and see it as a way of dealing with a 'difficult' member, handing out a punishment that the single written complaint does not warrant. Worse still, the member complained of (the defendant) may not be afforded an opportunity to put their case to the committee. The procedure for handling disciplinary matters may be embodied within the club rules but in the absence of such, the principles of natural justice should apply.

If cheating is alleged, either online or face to face, the club should approach the EBU Conduct Committee (CC), for the following reasons:

- the removal of pressure and discomfort from the close club community;
- the provision of investigation, analytical expertise and resources;
- the application of appropriate sanctions if the allegation is proved.

However, the Club must 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 after discussions with the CC it may be agreed that they are better dealt with at the club. At the least, consideration of such allegations by the CC will require considerable provision of evidence from the club. According to the EBU bye-laws (Appendix A, Para 9.9) the standard of proof for cheating allegations is that of 'comfortable satisfaction' – lower than the criminal standard of 'beyond reasonable doubt', but higher than the civil standard of 'the balance of probabilities'.

The basis of this guidance are the procedures set down in the EBU Model Club Constitutions (for larger/smaller clubs as appropriate) and the EBU Disciplinary Rules (which form part of the bye-laws of EBU Ltd). Both documents are available on the EBU

website. The EBU Conduct Committee also uses a threshold test to decide whether a complaint warrants further investigation: this appears as an appendix to this document, as it may be a helpful guide for any committees starting to consider a complaint.

In the first instance, the club committee should attempt to resolve the matter informally in whatever way it chooses. For example, at the lowest end of the scale, an isolated occurrence of a player causing offence to another, perhaps following some provocation. The player has admitted their wrong, shown genuine remorse and apologised to the person that they caused offence to. Such a player would be dealt with by way of a reprimand or caution. It is unlikely that any repeat event would be dealt with so leniently.

If a satisfactory resolution cannot be achieved informally, then the formal disciplinary procedures will need to be started. In larger clubs, this should start with a review of the case by the conduct sub-committee, which may need to be appointed specifically to deal with this case. If the sub-committee decides the matter is sufficiently serious to warrant further action beyond a verbal apology, a written caution or something similar, or either side is unhappy with such a resolution, the matter needs to go to a disciplinary panel. In smaller clubs, the matter should proceed directly to a disciplinary panel or in the case of very small clubs, an independent arbiter.

Some guidance for running a disciplinary panel follows:

1. Keep all paperwork (electronic and hard copy) including emails and letters sent together with any replies, and number them in a suitable way. Also keep an index of all paperwork. The amount of correspondence can grow at an alarming pace, and it is all too easy to mislay an item. Some correspondence gets duplicated as it gets sent around the loop.

2. You will need to appoint a panel (an odd number - often three people) who have so far had nothing to do with the case. I appreciate that may be difficult and it might be necessary to bring in suitable outsiders agreeable to all parties to deal with it. In the case of very small clubs, just one independent arbiter who is acceptable to all parties and ideally a club member can be appointed.

3. The panel will need to be given all the original relevant paperwork (electronic and hard copy) and arrange a meeting with all parties. The defendant is entitled to be accompanied by a friend or representative (who need not be a member of the club). The panel may call such other witnesses as it thinks fit (such as the TD, or others at the table).

4. Arrangements for the meeting. First obtain some suitable dates that the panel can all make. Then offer a selection of available dates (usually 3) to all parties and eventually agree on a date convenient to all. That can take some time but, efforts should be made to try to meet without undue delay.

5. Venue. An online meeting can be an effective and time-efficient choice of venue. If you choose to meet in person, it is up to you where, but a neutral venue away from the club might be better. You should allow up to 3-4 hours for the meeting depending on the number of witnesses the panel expect to call. It may take less time than this, but it is better to allow too long than feel pressured into finishing. Holding it at the club before or during a normal bridge night is not usually the best choice, as you may well wish to handle the matter more discreetly.

6. The meeting itself. The panel can regulate its own procedure but broadly speaking it follows like this:

   a. The chair introduces everyone and any potential conflicts of interest should be disclosed. They then ask the complainant to state their case. This will include evidence from any other witnesses. The defendant has the right to cross examine.

   b. The defendant then presents their case including evidence from witnesses who can be cross examined.

   c. The panel can ask such questions as it thinks fit to either side.

   d. Each side can then make a closing submission.

   e. The panel then deliberates in private and delivers its verdict to all parties.

   f. The standard of proof for all allegations except cheating is the balance of probabilities.

   g. If the case is not proved the matter is closed at that point.

   h. If the case is proved, the defendant can then make a statement in mitigation, after which the panel deliberate in private again on the sanction to be imposed.

   i. The defendant has the right to appeal to the County Association against the findings and/or the sanction imposed. They will normally need to start such an appeal within 21 days of learning of the verdict and/or sanction.

7. Sanctions: this is up to the club, although its constitution may prescribe the sanctions available. EBU rules allow for such sanctions as expulsion, suspension for a specified time or a reprimand/censure.

   a. The range of possible sanctions identify that the most serious offences could be dealt with by expulsion whilst the least serious would be subject to a reprimand or censure.

   b. As a matter of principle, it is clearly desirable that there is a degree of consistency and uniformity with the imposition of sanctions, albeit **every** case must be dealt with on its own set of facts and circumstances.

   c. In England a player was given a ban of 10 years for premeditated cheating (he prepared hands prior to an event and then placed them into the playing wallets making out that he had dealt them randomly at the bridge table).

   d. So far as bad behaviour is concerned, there have been cases in England where a player has been banned for a period of 5 years where he had been the subject of previous complaints and previous sanctions; he was a repeat offender.

   e. Offences which have attracted a short ban have included pouring beer over an opponent (6 months), insulting behaviour (banned from 3 named events) and playing in a final when knowingly ineligible (6 months).

Note – Advice can be sought, either by clubs or by club members, from the current Conduct Committee Secretary, Heather Bakhshi 01296 317219, heather@ebu.co.uk

APPENDIX – EBU CONDUCT COMMITTEE THRESHOLD TEST July 2025
For reference

1. Does/might the complaint fall within the CC's remit?

2. Is the EBU the appropriate authority to deal with the complaint at this stage?

3. Is the complaint older than 90 days after the incident or awareness of the incident? (The CC has no obligation to consider an older case, according to our Bye-Laws.)

4. Was it reported at the time to the TD/equivalent?

5. Was it dealt with at the time by the TD/equivalent?

6. Is it serious enough to warrant further investigation?

   (a) Cheating cases. Does our initial analysis lead to putting this case into category A (Highly suspicious and likely enough evidence to bring a case) or B (Mildly suspicious and potentially a case could be built)? If so, further investigation warranted. *[Credible allegations of cheating should be passed on the EBU CC, as noted above.]*

   (b) Behaviour cases. What is the severity of the case, if true? Are we likely to be able to get sufficient evidence (particularly independent evidence)? Is it likely to be in the interests of our bridge playing community to investigate?