

The EBU Mediation Service



Introduction

It is a fact of life that there are conflicts between members even at the most friendly of clubs. On many occasions these amount to nothing more than a word said out of place or intended as a light-hearted throw away remark which is taken in the wrong context. We all know that bridge can be a frustrating game and occasionally human emotion takes over and an expletive comes out when we all know it should not.

Sometimes the problem is more serious and a dispute arises between a member and the club which may result in the member being subject to the disciplinary procedures of the club.

It isn't just at club level either – disputes arise at county competitions and also at national events.

For some of the cases it is inappropriate to use the full EBU disciplinary procedures when a simpler or less confrontational approach will do the job and that is where the EBU's new Mediation Service may be able to help. For the Mediation Service to be considered the disciplinary procedures at club or county level (as appropriate) must have been exhausted. This service does *not* replace those procedures.

The EBU Mediation Service is not designed to replace the disciplinary procedures but where a situation has reached an impasse it may be appropriate for a panel of EBU members who have experience in dealing with disciplinary matters and who have no prior knowledge of the case to listen to both sides and form an opinion and report their observations to the involved parties. This could be very useful as a particular problem at club level is that it can be very difficult to find a panel of people who can listen to both sides without having any knowledge of the people involved or the problem and form an impartial view.

Using the service

Where the members involved, the club or the county decide to use the service they must first contact the Laws and Ethics Committee secretary at the EBU.

The L&E secretary will confirm with all parties that they wish to use the service. and make the administrative arrangements for holding the Mediation Meeting (MM). The service can only be used if both sides agree to be bound by its findings. The costs of the service will be met by the club or county association as appropriate or they can agree to split them with the member or members involved. The EBU reserves the right to ask for a deposit before proceeding to make the arrangements.

This will involve:

- finding and hiring a suitable venue (which may be at the club premises or a neutral venue)
- arranging suitable refreshments for the panel and the parties involved
- selecting a suitable panel from members of the EBU Disciplinary Panel
- agreeing a date and time with all parties
- deciding on the format of the MM
- agreeing with the parties who will pay for the service. The costs involved will be
 - ❖ hire charges for a venue,
 - ❖ travel expenses of the panel and the Laws and Ethics Committee secretary,
 - ❖ simple refreshments for all involved,
 - ❖ £50 administration charge.

The Mediation Meeting

The actual format of each MM will be determined by the Chairman of the Panel appointed to conduct it but the following model gives an idea of how it will be done:

The Laws and Ethics Committee has made enquiries from both sides in the dispute and has concluded the following:

- a) Complaints have been properly registered to the Laws and Ethics Committee (Disc Rules 7.1)
- b) The L&E Committee has made enquiries (7.1)
- c) It has not been possible for the parties, the Club or County to convene a suitable committee to hear the case (7.4/7.5)
- d) A committee of three members of the EBU Disciplinary Panel has been appointed to travel to hold a MM on a date to be determined and at a venue and time suitable to all sides.
- e) If one party does not wish to attend, the Mediation Committee will consider their previously submitted written accounts. If neither party wishes to attend the Committee will meet in private to consider both sets of written accounts and will make a conclusion based on that alone.

Both sides will have the opportunity to state their case to the Mediation Committee and to call up to **two** witnesses to support their case. The Committee will conduct one-to-one interviews with each person, asking such questions as it considers necessary but the parties will **not** be permitted to cross-examine the other side's witnesses. The main protagonists (but not the witnesses) will be permitted to be accompanied by a friend who can assist and advise but who will not be otherwise directly involved.

Once both sides have concluded their cases, the Mediation Committee will meet in private to consider its findings. Both sides will then be readmitted to hear the Committee's findings and recommendations. **That will conclude the matter.** The Mediation Committee may decide to publish a summary of its findings and recommendations.

The Mediation Committee shall have a broad discretion to regulate its own procedure as it considers appropriate.

Action required by the parties

Parties will be asked to respond as follows:

1. That they **accept or reject** the EBU Laws and Ethics Committee's offer to host a meeting.
2. If accepted, they will choose **one of the preferred dates.**
3. If accepted, they will give the names of the witnesses they intend to call and whether or not a friend will attend to assist. It will be their responsibility to ensure that they know the date, time and place to attend.
4. That they accept the terms and conditions of payment for the service.

Following conclusion of the meeting the outstanding invoice should be settled within 14 days.

The EBU Disciplinary Panel

The EBU disciplinary panel consists of EBU members who have volunteered to deal with disciplinary problems when they arise. They are members who have expertise in this area. Some are magistrates, others are members who have served on parole boards, armed forces disciplinary panels or other areas where conflicts need to be resolved. They give their time freely to help out. The Mediation Committee will be selected from this panel taking care to use members who have no prior knowledge of the matter under investigation.