

## 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 has to consider whether or not further action is warranted.

However, more often than not the TD is not called and many complaints in clubs are, in fact, only verbal: when asked to make a formal written complaint members are often 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 his case to the committee. The procedure for handling disciplinary matters may be embodied within the club rules but in the absence of such then the principles of natural justice should apply.

I have used as my basis the procedure set down in the EBU Model Club Constitution and also the EBU Disciplinary Rules (which form part of the bye-laws of EBU Ltd). Both documents are available from the Aylesbury office and the EBU website.

1. Keep all paperwork including letters sent, replies received 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 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. I might be able to suggest some names if you are in difficulty.

3. The panel will need to be given the original paperwork received and arrange a meeting with all parties. Such are 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. Now that can take some time but, hopefully, with all your people being in a local area the panel should not have to wait too long.
5. Venue. It is up to you where you hold the meeting, but a neutral venue away from the club might be better. You should allow up to 3-4 hours for the meeting but that depends 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 a good idea as club members may run into people the panel would rather they didn't run into.
6. The meeting itself. The panel can regulate its own procedure but broadly speaking it follows like this:
  - a. The chairman introduces everyone and asks the complainant to state his case. This will include evidence from any other witnesses. The defendant has the right to cross examine.
  - b. The defendant then presents his 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. If the case is not proved the matter is closed at that point.
  - g. 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.
  - h. If the case is proved then the guilty person has the right to appeal the findings and the sanction imposed. In that case you find a new panel as in 2, and start over again. If it gets to that stage I'll be happy to advise on the

appeal procedure.

7. Sanctions: this is up to the club, although its constitution may prescribe the sanctions available. EBU rules allow for 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 Britain 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).
  - f. At the lowest end of the scale are those players who have an isolated occurrence of causing offence to another following a level of 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 censure. It is unlikely that any repeat event would be dealt with so leniently.
  - g. Accusation or innuendo of cheating should always be considered more serious.

Note – this document was originally produced in 2009 by the then Secretary to the EBU Laws & Ethics Committee, John Pain. Advice can be sought, either by clubs or by club members, from the current L&EC Secretary, Nick Doe (01296 317203 / [lecsec@ebu.co.uk](mailto:lecsec@ebu.co.uk)).