

Scottish Bridge Union (SCIO Reg No SC051361)

Disciplinary Code

1. General

- 1.1. The Scottish Bridge Union ("SBU") will, as appropriate, follow the principles and guidelines laid down in the current European Bridge League ("EBL") Disciplinary Code published on the website, and the World Bridge Federation ("WBF") disciplinary code published on the WBF website.
- 1.2. Specific SBU interpretations of these are clarified here and further additions, variations or clarifications may be published on the SBU website in the future.
- 1.3. This Disciplinary Code can only be amended by the SBU Board.

2. Scope.

- 2.1. This procedure will apply to all cases of unacceptable conduct.
- 2.2. For the purposes of this Code and any other SBU references, "unacceptable conduct" will be defined as including, but not restricted to, the following -
 - 2.2.1. Matters relating to behaviour resulting from TD rulings at the table. For example (but not restricted to) the Laws of Duplicate Bridge, sections 73 or 74;
 - 2.2.2. Activities defined as "Reprehensible Conduct" in the EBL Disciplinary Code, with the obvious exception of their application out with SBU jurisdiction, such as disciplining other National Bridge Organisations ("NBOs");
 - 2.2.3. Where an SBU member has broken rules or guidelines defined as a condition of SBU membership;
 - 2.2.4. Any other situation where the SBU considers that a misdemeanour has occurred that is at least as severe as matters defined as "reprehensible conduct";
 - 2.2.5. Self-kibitzing is regarded as reprehensible conduct in its own right, whether or not advantage was obtained from unauthorised information.

3. General Principles

- 3.1. SBU members when playing duplicate Bridge should adhere at all times to the Laws of Duplicate Contract Bridge and any possible breaches of these laws will be dealt with under this Disciplinary Code’.
- 3.2. The SBU believes that it has an obligation to its members to minimize unacceptable conduct and has an obligation as an NBO to investigate unacceptable conduct.
- 3.3. Where an allegation against a member (concerned person) is found to be proved then the SBU will endeavour to support their rehabilitation within the bridge community. This will certainly occur when the concerned person (CP) has admitted guilt and expressed remorse.
- 3.4. Where any alleged breach of discipline is subject to possible criminal proceedings, no action will be taken under this Code until any criminal proceedings are concluded.
- 3.5. For a player playing in an SBU event or events who is a member of another NBO and not a member of the SBU, the SBU will investigate any unacceptable conduct in the same way as it would for an SBU member. The results of the investigation will be passed to the player’s NBO.
- 3.6. The SBU will, in accordance with the WBF principle of reciprocity, impose sanctions on players who have been sanctioned by other NBOs. Sanctions on non-SBU members must be restricted to matters over which the SBU has jurisdiction, for example, playing in SBU events or joining the SBU in the future. These sanctions are likely to, but need not, reflect the other NBO’s sanctions.
- 3.7. Disciplinary Tribunals will not be held in public.
- 3.8. Concerned Persons (CPs) cannot be formally legally represented at a Disciplinary Tribunal.
- 3.9. It is a condition of membership of the SBU that members agree to the Disciplinary procedures and processes referred to in this code.
- 3.10. Confidentiality is of the utmost importance for those dealing with matters of discipline and confidentiality agreements will require to be signed by all concerned. All those involved at any stage in the proceedings should only have the information required to carry out their role.

4. The Disciplinary Process

- 4.1 An Officer of the SBU (“Officer”) shall be defined as anyone appointed under the overall auspices of the SBU to carry out a defined task or responsibility.

- 4.2 A disciplinary investigation may result from a complaint against the concerned person (CP) addressed in writing to either the Chair of the Investigation Panel, in the case of alleged online cheating, or in other cases to the Laws and Ethics Committee.
- 4.3 The evidence will be briefly assessed by either the Laws and Ethics Committee or the Chair of the Investigation Panel to determine whether or not there is a possible case to answer.
- 4.4 If it is decided that there is a possible case to answer, then;
 - 4.4.1 In the case of alleged online cheating the Chair of the Investigation Panel will appoint an Investigation Committee to carry out a detailed analysis of the evidence in order to confirm whether or not there is a probable case to answer. In reaching this decision the Investigation Committee will take due regard to the procedure associated with the Investigation process. This procedure which has been approved by the Laws and Ethics Committee and is available on the SBU website. The decision of the Investigation Committee will be final.
 - 4.4.2 In the case of alleged unacceptable behaviour, including cheating in a F2F environment, the Laws and Ethics Committee will appoint an Investigating Officer to investigate the case and to determine whether or not there is a probable case to answer. The Investigating Officer will usually refer the case for peer review before making a decision.
- 4.5 If it is decided that there is a probable case to answer the case will be referred to the Convenor of the Disciplinary Panel.
- 4.6 A Disciplinary Tribunal will consist of 3 members, the Chair of Disciplinary Tribunals and 2 members of the Disciplinary Panel selected by the Convenor. The members will be selected to ensure gender balance and some match with the Bridge experience and competence of the CP(s).
- 4.7 The Tribunal will be conducted in accordance with the Disciplinary Tribunal Procedures which have been approved by the Laws and Ethics Committee. These Procedures are available to view on the SBU website.
- 4.8 In cases of alleged online cheating, the Chair of the Investigation Panel will take on the role of Presenter and will be responsible for presenting the case to the Disciplinary Tribunal. In cases of alleged unacceptable behaviour, the Investigating Officer will present the case to the Disciplinary Tribunal.
- 4.9 A Tribunal Panel when applying sanctions will pay due regard to the published guidelines on sanctions. The guidelines on sanctions are available to view on the SBU website.

- 4.10 The Tribunal will produce a decision in writing as promptly as possible and will inform the Laws and Ethics committee. The CP will also be informed in a timely fashion.
- 4.11 A file with all the documentation and the record of the decision including any sanctions imposed will be retained by the SBU for future reference.

5 Standard of proof

- 5.1 The standard of proof for criminal law is “beyond reasonable doubt”. The Standard of proof for civil law is “on balance of probabilities”. The WBF and the EBL have adopted “comfortable satisfaction” of guilt (using clear and convincing evidence) as their standard of proof. This is considered to be lower than the criminal standard but higher than the civil standard.
- 5.2. As the SBU will follow the principles of the EBL disciplinary procedures, it has adopted “comfortable satisfaction” as the required standard of proof for disciplinary matters.
- 5.3. In determining whether or not the standard of proof has been met, evidence from a range of different sources will be considered.
- 5.3.1. In cases relating to alleged unacceptable behaviour including cheating in a F2F environment, written statements from participants and witnesses will be key.
- 5.3.2. In cases of alleged online cheating, statistical evidence, where available, and basic mathematical principles, where appropriate, will play a vital role in determining whether or not the standard of proof has been met.
This evidence may include:
- Bridge evidence for example unusual and/or effective bridge actions;
 - Statistical evidence from play, including computer produced analyses from generally accepted sources;
 - Statistical evidence relating to the use of online bridge platforms;
 - Statistical evidence relating to improvements or other variations in bridge results.

Statistical calculations are likely to be in principle mathematically simple (though possibly extensive in size) and may be considered as prima facie evidence.

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6. The Scope for appeal

- 6.1. No appeal will be allowed concerning the decision of the Investigating Officer or Investigating Committee.
- 6.2. If a case has reached the stage of a Disciplinary Tribunal the decision of the Disciplinary Tribunal is final, except as follows—
 - 6.2.1. An appeal by the CP may be made to the Laws and Ethics Committee on the basis of a departure from the published process that has affected the outcome.
 - 6.2.2. The CP or the Presenter may appeal the severity of the sanction to the Laws and Ethics Committee.
- 6.3. Laws and Ethics Committee-will propose an Appeals Panel of 3, which will be subject to approval by the SBU Board, to hear the appeal.
 - 6.3.1. an Appeals Panel will consist of people who have had no previous involvement in the case;
 - 6.3.2. an Appeals Panel should not consist solely of members of L&E;
 - 6.3.3. an Appeals Panel should not consist solely of members of the Board;
 - 6.3.4. an Appeals Panel will be selected to ensure gender balance;
 - 6.3.5. if appropriate, depending on the nature of an appeal, a non-SBU member can be a member of an Appeals Panel;
- 6.4. The Appeal hearing is the final stage of the SBU Disciplinary process.
- 6.5. The CP may raise a dispute with SBU Board in the following cases:
 - where they have no grounds for appeal but don't accept the decision of the Disciplinary Tribunal;
 - where they don't accept the decision of the Appeals Panel.

This dispute will be referred to an external Arbitration Process, the resulting decision of which is final.

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