

Scottish Bridge Union (SCIO Reg No SC051361)

Disciplinary Tribunal Procedures

1. Definitions: -

- 1.1 **Concerned Person(s) (CP(s))** - The person or persons against whom allegations of misconduct are made.
- 1.2 **Investigating Officer**, The person appointed by L&E to investigate cases of unacceptable behaviour.
- 1.3 **Chair of Investigation Panel** The person to whom cases of alleged cheating are reported. This person will be responsible for reporting probable cases of alleged cheating to the Convenor of the Disciplinary Panel.
- 1.4 **Presenter** – The person who brings the case to the Disciplinary Tribunal on behalf of the SBU. Will either be the Investigating Officer or Chair of the Investigation Panel. In the latter case they may be accompanied by an investigator involved in the case.
- 1.5 **Convenor of Disciplinary Panel**. The person responsible organising the Disciplinary Panels and for ensuring the members are suitable trained and prepared. The Is person will also select members of the Disciplinary Panel to serve on particular tribunals.
- 1.6 **Chair of Disciplinary Tribunal**. The person appointed by L&E to chair all Disciplinary Tribunals unless there is a conflict of interest, or the Chair is unavailable in which case the Convenor of the Disciplinary Panel will appoint one of the Disciplinary Panel members to Chair the Tribunal.
- 1.7 **Secretary to Disciplinary Tribunal**. This person will be responsible for
 - (a) Making arrangements for a Disciplinary Tribunal Hearing;
 - (b) Distribution of all paperwork relating to a Disciplinary Tribunal hearing;
 - (c) Briefing the CP(s) as to the process to be followed at a Disciplinary Tribunal hearing;
 - (d) Briefing the CP(s) to the fact that they are entitled to be accompanied at a hearing and advising on the rules of engagement for such people;
 - (e) All communication between the CP(s) and the members of the Disciplinary Tribunal.

2. Establishing a hearing

- 2.1 A Disciplinary Tribunal of the SBU will be set up by the Convenor of the Disciplinary Panel if and when a case is referred to him/her by the Laws & Ethics Committee [L&E] or the Chair of the Investigation Panel, as defined in the SBU Disciplinary Code. She/he will appoint a 3 members Panel to hear the case. The Panel will consist of: -

- a) the Chair of Disciplinary Tribunals as previously approved by the L&E

- b) 2 members of the Disciplinary Panel selected to ensure gender balance and some match with the Bridge experience of the CPs.
- 2.2 In all cases the Convenor of the Disciplinary Panel will ensure that no person nominated to be a member of a Tribunal has, or might be seen to have, a prejudiced position by e.g., having knowledge of the case or have having had previous close contact with the CP(s)
- 2.3 Tribunals will normally be held online using Microsoft Teams but with the agreement of all parties may be held face to face in suitable accommodation.
- 2.4 The Tribunal Secretary will be responsible for establishing the date of the Tribunal Hearing, but the date will be not less than 14 days from the date of the CP(s) being informed of the allegations against them and not less than 4 days from the date of the CPs submitting their response to the allegations.

3. Prior to a Tribunal Hearing

3.1 The Tribunal Secretary will send the CP(s): -

- a) A statement setting out the allegations being considered. This will include the investigation report, any technical reports and witness statements that support the case.
 - b) A proposed date time and venue for the Tribunal Hearing. This will be subject to negotiation but if cannot be agreed upon the decision of the Convenor of the Disciplinary Panel on this matter is final.
 - c) Notes of guidance relating to the tribunal process (See appendix 1)
 - d) Confirmation as to who will be making up the Tribunal. The CP, through the Tribunal Secretary may bring to the attention of the Convenor of the Disciplinary Panel any objection they may have to a member of the tribunal. The Convenor will decide what action, if any, to take. Their decision will be final.
 - e) List of any witnesses that are to be called by the person representing the SBU[Presenter].
 - f) A copy of the SBU Disciplinary Code which will include the SBU policy document listing the possible sanctions that might be considered by the Tribunal for the alleged offence.
- 3.2 The Tribunal Secretary will invite the CP(s) to submit a written statement. This should be in accordance with the notes of guidance provided and should outline the evidence that the CP wishes the Tribunal to consider in rebuttal of the allegations and any mitigating circumstances that are relevant. This statement must be available for distribution to the members of the Tribunal and the Presenter at least 4 days before the hearing. The CP(s) must also inform the Tribunal Secretary of the names of any witnesses they wish to call in their defence and also the name of anyone they wish to accompany them to the

hearing. In the latter case the Tribunal Secretary will inform the CP(s) of the rules of engagement for anyone accompanying them to a Tribunal Hearing.

- 3.3 The Tribunal Secretary will also ascertain from the CPs whether or not they intend to accept the allegations made against them and regardless of this whether or not they intend to attend the Tribunal Hearing.
- 3.4 The CP(s) will be informed that, as the allegations relate to when they were members of the SBU, even if they now choose to resign from the SBU the Tribunal Hearing will take place.

4. Procedure at the Tribunal Hearing (Allegations admitted, CP(s) not present)

- 4.1 The Chair will consult the members of the Tribunal and decide on what sanctions should be applied.

5. Procedure at the Tribunal Hearing (Allegations admitted, CP(s) present)

- 5.1 The Chair will introduce all of those present, making clear what role they will play.
- 5.2 The Chair will invite the CP(s) or the person accompanying them to inform the Tribunal members of any mitigating factors they wish to be taken into consideration prior to a decision being made on sanctions to be applied.
- 5.3 The CP(s) and anyone accompanying them will leave the hearing.
- 5.4 The Chair will consult the members of the Tribunal and decide on what sanctions should be applied.

6. Procedure at the Tribunal Hearing (Allegations not admitted, CP(s) not present)

- 6.1 The Chair will introduce all of those present, making clear what role they will play.
- 6.2 The Chair will invite the Presenter to outline the allegation of misconduct and draw attention to the evidence to support the 'case to answer'. The Presenter may invite any witnesses called to support their case to address the Tribunal.
- 6.3 The Chair of the Tribunal may ask questions of the witnesses and/or the Presenter. The Chair will also allow other members of Tribunal to ask questions.
- 6.4 The Chair will invite the Presenter to summarise their case against the CP(s).
- 6.5 The Presenter and any witnesses will leave the Tribunal Hearing.
- 6.6 The Chair will consult the members of the Tribunal in order to reach a consensus as to whether the allegations have been proved to the comfortable satisfaction of the members of the Tribunal and if so, what sanctions should be applied. A 2-1 majority is acceptable.

7. Procedure at the Tribunal Hearing (Allegations not admitted, CP(s) present)

- 7.1 The Chair will introduce all of those present, making clear what role they will play.
- 7.2 The Chair will invite the Presenter to outline the allegation of misconduct and draw attention to the evidence to support the 'case to answer'. The Presenter may invite any witnesses called to support their case to address the Tribunal.
- 7.3 The CP(s) may ask questions of any of the witnesses or the Presenter. Any questions will be directed through the Chair.
- 7.4 The Chair of the Tribunal may ask questions of the witnesses and/or the Presenter. The Chair will also allow other members of Tribunal to ask questions.
- 7.5 The witnesses called by the Presenter will be asked to leave the hearing.
- 7.6 The CP will then present their response. They should only refer to the points made in their written statement or points that have arisen during the presentation of the allegations. The final decision as to what is admissible rests with the Chair. The CP may call witnesses.
- 7.7 The Presenter will be allowed to question the CP in a manner that is probing but not aggressive. Questions should be directed through the Chair.
- 7.8 The Chair of the Tribunal may also ask questions of the witnesses and/or the CP. The Chair will also allow other members of Tribunal to ask questions.
- 7.9 The witnesses called by the CP will be asked to leave the meeting.
- 7.10 The Chair will invite the Presenter to summarise their case against the CP. The Presenter may refer to the evidence given by the CP and witnesses but should not introduce any additional points to those already brought up at the hearing.
- 7.11 The CP will sum up their defence to the allegations. The CP may refer to the evidence given by the presenter and witnesses but should not introduce any additional points to those already brought up at the hearing.
- 7.12 The CP and the Presenter will leave the meeting.
- 7.13 The Chair will consult the members of the Tribunal in order to reach a consensus as to whether the allegations have been proved to the comfortable satisfaction of the members of the Tribunal and if so, what sanctions should be applied. A 2-1 majority is acceptable.
- 7.14 If, during the course of the hearing, the CP(s) decide(s) to admit the allegations being made they can do so by informing the Chair. The Chair will then ask the Presenter and their witnesses to leave the meeting and invite the CP(s) to inform the Tribunal members of any mitigating factors they wish to be taken into consideration prior to a decision being made on sanctions to be applied as in 7.13 above.

8. After the meeting

- 8.1 Within 48 hours of a decision being reached by the Tribunal the Secretary will write to the CP informing them of the decision of the Tribunal. This letter, signed by the Convenor of the Disciplinary Panel on behalf of the SBU, will set out the reasons for the decision and the sanctions being applied.

9. Appeal

- 9.1 In the letter following a decision, as described above, the Secretary will explain what options are available for an appeal. These options are also set out in section 6 of the Disciplinary Code, published on the SBU website Disc Code

10. Confidentiality and behaviour: -

- 10.1 As specified in 3.10 of the Disciplinary Code, all proceedings at the hearing are confidential and information will be limited to those who need to know in order to fulfil their role within the procedures below.
- 10.2 At any time, any person at the hearing may request a short break. This will normally be granted, at the discretion of the Chair.
- 10.3 All questions at all stages must be seeking information or clarification so that the Tribunal can best understand what is being presented or rebutted. The Presenter and CP(s) should ask questions through the Chair.
- 10.4 The Chair will not allow extraneous or contentious points to be made and at all times those present should behave courteously to everyone else and only speak when given permission to do so by the Chair.

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Scottish Bridge Union

Disciplinary Tribunals

Guidance Notes for Concerned Persons

1. Introduction

These guidance notes have been produced to help the Concerned Persons prepare for a Disciplinary Tribunal and to help ensure that they have every opportunity to put their case to the members of the Tribunal. They should be read in conjunction with the Disciplinary Code and the Disciplinary Tribunal Procedures.

The Secretary to the Disciplinary Tribunal can be contacted to answer any questions you may have about the process or if you want a fuller explanation of the tribunal process. The Secretary cannot comment on the case nor on the strength or weakness of the allegations.

You should be aware that as the allegations relate to when you were a member of the SBU, even if you now choose to resign from the SBU the Tribunal Hearing will take place.

2. Responding to the Allegations

You will have received a detailed report outlining the allegations which have been made against you together with the evidence which has been gathered to support these allegations. The report has been carefully prepared after a considerable amount of work by investigators.

It is appreciated that you may be shocked to receive this correspondence, but you are advised to read the report thoroughly.

Your first decision is to decide whether or not you accept any or all of the allegations made against you.

3. Acceptance of Allegations

If you do decide to accept the allegations, you still have the opportunity to attend a Disciplinary Tribunal Hearing and inform the Tribunal of any mitigating factors you wish to be taken into consideration before any sanction is imposed upon you.

If you decide to accept the allegations, you are asked to inform the Secretary of the Disciplinary Tribunal prior to the proposed date of the Tribunal. You should also inform them of whether or not you wish to attend the Tribunal.

4. Rebuttal of Allegations

Whether or not you decide to attend the Tribunal Hearing you are strongly urged to prepare a response/rebuttal statement which should as far as possible address the allegations made

against you. This must be submitted at least 4 days prior to the Tribunal Hearing and unless in exceptional circumstances you will not be able to introduce other defence at the Tribunal Hearing itself. Similarly, the Tribunal will not consider evidence or information which you have not been given notice of.

You may wish to challenge the allegations by offering alternative explanations to the evidence presented in the investigation report.

(a) Allegations in cases of online cheating

When presenting your response to the allegations of online cheating it may be useful to provide a system card or alternatively a general explanation of the system you play.

You may find it useful to provide explanations for the leads, bids etc presented in the Report. When commenting on individual hands, quote the page number and any reference shown in the Report. Explain why the evidence included in the Investigation Report is mistaken - for example, by reference to your convention card your evidence could show that the action you took is normal in your methods, such evidence being supported by examples. **If you do not question an example in the Report, the Disciplinary Tribunal is more likely to accept that example but will not automatically accept it.**

If your rebuttal statement includes new evidence (e.g., hands not already shown in the report), please include hand diagrams (with dates played, event names and host club) that you intend to use in your defence. If you cannot provide hand diagrams, please quote board numbers as well as the dates played etc. If you need help with finding and setting down previous hands played on BBO, please contact the Secretary to the Disciplinary Tribunal who will advise or help you do this.

(b) Allegations in other cases

In cases not related to online cheating your response/rebuttal statement should simply present alternative explanations to the allegations being presented. This may or may not include witness statements, but such witnesses should be available to give evidence and be questioned at a Tribunal Hearing. Witness statements should be lodged with the Secretary at least 4 days before the Tribunal hearing.

5. Witnesses

If you wish to call witnesses to the Tribunal Hearing, you are required to inform the Secretary of the names and contact details of these witnesses. You should make every effort to ensure that the witnesses can, if required, attend the Tribunal hearing

6. Support at Tribunal Hearing

In accordance with the SBU Disciplinary Code you cannot be formally legally represented questions at a Disciplinary Tribunal, but you are entitled to be accompanied at a Tribunal. The Chair of the Disciplinary Tribunal will determine when this person can speak at the Disciplinary Tribunal, but they will not be able to answer technical Bridge questions on your behalf.

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