

The SBU DISCIPLINARY CODE

(Updated 06.03.21)

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. In the event that a Tribunal hears a case relating to a topic not dealt with by this Disciplinary Code or any SBU interpretations published in accordance with 1.2, the SBU shall materially follow the EBL Disciplinary code but the SBU reserves the right to implement alternative procedures where proportionate and necessary to follow any well-established SBU practices.
- 1.4. Tribunals will not be held publicly but a summary report of a tribunal and its reasoned conclusions will be available to SBU members upon request for reasons of transparency.

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 outwith 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 ; and
 - 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”.

3. The Disciplinary Process –

- 3.1. 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.
- 3.2. A disciplinary investigation may result from a complaint against the concerned person (“CP”) addressed in writing to an SBU Officer, or may be initiated from within the SBU itself.
- 3.3. The process has three distinct phases.
 - 3.3.1. Phase 1 – Briefly assess the evidence. Is there a possible case to answer?
 - 3.3.2. Phase 2 – Only held if a “yes” from phase 1. Investigation. A detailed analysis of the evidence to confirm that there is a probable case to answer.
 - 3.3.3. Phase 3 - Only held if a “yes” from stage 2. The accused is advised. If a not guilty plea is made, the case will continue to a Disciplinary Tribunal (“Tribunal”).
- 3.4. A preliminary assessment will be made, usually by an Officer of the most relevant sponsoring organisation (e.g. SBU, District or club) to determine whether sufficient evidence exists to suggest that the CP has a possible case to answer. A complainant may be asked to produce such evidence. If significant doubt exists regarding this assessment, the Officer should obtain a second opinion from another SBU Officer with experience of this area, or if potentially relating to cheating, the chair of the investigation panel. In the event that there is insufficient evidence the complainant will be advised in writing.

- 3.5. Once 3.4 determines that there is a possible case to answer, an initial evaluation will be undertaken, usually by an Officer of the sponsoring body (SBU, district, or club). Where this involves reprehensible conduct relating to potential cheating, this will at this stage be referred to the Chair of the Investigation panel. This is to determine whether there is a probable case to answer. If a case deriving from a complaint is dismissed at this stage, the complainant may escalate the complaint to the next higher level in the hierarchy.
- 3.6. The evaluation process may be escalated to District or SBU level by agreement within the SBU hierarchy.
- 3.7. There may be a requirement to gather further evidence.
- 3.8. An Investigation committee may be appointed at any stage (by the relevant Officer or the L & E Committee) where evidence is complex or for situations where a significant amount of additional evidence needs to be gathered. This committee will carry out (or complete) the investigation. See section 6.0 for details.
- 3.9. The SBU Officer or Investigating committee will then determine whether there is a probable case to answer.
 - 3.9.1. If determined by an Officer, the recommendation will usually be referred for peer review.
 - 3.9.2. If determined by an Investigating committee their decision will be final.
- 3.10. If it is determined that there is no case to answer, the case will be dismissed.
- 3.11. Only once 3.9 has determined that there is a probable case to answer and a report is finalised, the CP will be informed and will receive the case to be presented, including any technical reports and witness statements that support the case. This will normally be done by the Secretary to the Tribunal. The CP will have the opportunity to produce a rebuttal statement which will be made available to the Presenter in a timely manner but at least 48 hours before the tribunal. All documentation will be made available to the Tribunal in advance of the hearing. In all cases the Chairman's decision on timeliness and dates will be final.
- 3.12. If the CP pleads guilty, the Disciplinary Tribunal panel will determine an appropriate sanction. Although discretion is allowed this will usually be within the published sanction guidelines*. The accused will be advised and the case will be closed.
- 3.13. If the CP contests the case, a Disciplinary Tribunal ("Tribunal") will be appointed by the Chair of the Disciplinary Tribunal Panel to hear and decide the case. See section 7.0.
- 3.14. After a guilty decision, the Tribunal will determine sanctions which will normally be in the range recommended in the published sanction guidelines.
- 3.15. Any sanctions imposed will be recorded in L & E records for potential future reference.
- 3.16. The process is structured to allow the L & E committee to be the final arbiter of the SBU process. A member of this committee may be involved at an earlier stage such as Investigation (as an Officer or member of a committee) or in a Tribunal. Unless involvement was insignificant, that individual will stand down from any final L & E involvement in the case. A quorum of 3 members of L & E is required for a meeting and experienced SBU officials may be co-opted to enable the committee to be quorate.

4. Standard of proof –

- 4.1. 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, EBL and also the Council for Arbitration in Sport ("CAS") has 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.
- 4.2. 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. The Scope for appeal.

- 5.1. For cases deriving from an initial TD ruling, the applicable SBU rules for appeals will apply.
- 5.2. No appeal will be allowed concerning the decision of the Investigating Official or committee.
- 5.3. If a case has reached the stage of a Tribunal, the decision of the Tribunal is final, except as follows—
 - 5.3.1. An appeal by any party of the Tribunal may be made to the SBU L & E committee on the basis only of a substantially flawed process. It must be clear that the alleged procedural flaw or flaws, if substantiated, would have been likely to affect the outcome. This is the final stage of the SBU process.
 - 5.3.2. The CP may appeal the severity of the sanction to the L & E committee. A deposit of £100 will be required, which will be forfeited if the L & E committee determine that the appeal was groundless or frivolous.
 - 5.3.3. The CP may be able to make a final appeal to the Council for Arbitration in Sport (“CAS”) if the appeal in 5.3.1 has failed. Their decision is final.

6. Investigation Committee Guidelines (principles apply also to an Investigating Officer)

- 6.1. An Investigating Committee may be appointed at any stage where evidence is complex or for situations where a significant amount of additional evidence needs to be gathered. In such cases, this committee will carry out (or complete) steps 3.3 to 3.10. If completing the work of an Official, this Official is not barred from serving on the Investigating committee but will not automatically serve on it.
- 6.2. This will be a minimum of three people and should have members with skills, for example legal, bridge experience, statistical skills, chairmanship skills etc., as will be required to carry out the investigation competently. It is unlikely to be appropriate to appoint anyone with extensive prior knowledge of the case, or judged to have any form of conflict of interest in the case.
- 6.3. Evidence may be sought from a range of different sources. For a straightforward case relating to behaviour with no (or incidental) bridge content, written statements from participants and witnesses may be all that is required. For complex and particularly for ongoing cases such as suspicion of a player or pair regularly engaged in ongoing reprehensible conduct, a continuing process of data gathering may have to be undertaken.
- 6.4. In line with WBF & EBL guidelines and cases prosecuted by a number of bridge organisations including NBOs, an Investigating Officer or committee may gather and submit to a Tribunal, evidence from, but not limited to, the following sources –
 - 6.4.1. Evidence from any involved parties (including if appropriate the accused), provided in hard copy. Authenticated emails and similar will be allowed.
 - 6.4.2. Bridge evidence for example unusual and/or effective bridge actions.
 - 6.4.3. Statistical evidence from play, online or face-to-face, including computer produced analyses from generally accepted sources.
 - 6.4.4. Statistical evidence relating to use of online bridge platforms.
 - 6.4.5. Statistical evidence relating to improvements or other variations in bridge results.
 - 6.4.6. Circumstantial evidence (as per the EBL Disciplinary Code)
 - 6.4.7. Hearsay evidence (as per the EBL Disciplinary Code)
- 6.5. In line with mathematical principles, evidence combined from different sources (or the same source analysed in relation to different criteria) that suggests the same or similar conclusions will be considered strongly persuasive.
- 6.6. Statistical calculations are likely to be in principle mathematically simple (though possibly extensive in size) and may be considered as prima facie evidence. However, a supporting peer review shall be regarded as highly persuasive in respect of the conclusion to be drawn from the calculation and therefore should be considered for all but the simplest cases.
- 6.7. For reasons mentioned in 6.6 it will usually be acceptable for the person or persons doing statistical analysis to have simply a sound basic knowledge of statistical principles. Only in cases where

analysis is very complex would it be considered necessary to apply advanced statistical knowledge. Providing this by expert review would be considered sufficient.

- 6.8. All evidence will be documented and retained, and extensive or complex material should be summarised. The Investigating Officer (usually with a confirmatory peer review) or Investigation Committee will decide whether or not there is a probable case to answer. and if so, will advise the secretary to the Disciplinary Panel that a Tribunal should be set up.
- 6.9. The committee will submit this report to the Secretary to the Disciplinary Panel with their decision. L & E may contest this decision only where there has been a substantially flawed process.

7. Disciplinary Tribunal outline.

- 7.1. A Tribunal will be held when there is a probable case to answer.
- 7.2. The Tribunal will be carried out in accordance with procedures currently adopted by the SBU.
- 7.3. The Tribunal will produce a decision in writing as promptly as possible and inform the L & E committee. The accused will also be informed in a timely fashion.
- 7.4. A file with all documentation and the record of the decision will be retained by the SBU.

8. SBU policies for disciplinary matters.

- 8.1. The expression "SBU" will include bridge activities by SBU districts, SBU registered clubs, any other organisation organising bridge on the request or approval of the SBU, and to SBU members organising bridge where SBU members participate.
- 8.2. The SBU believes that it has an obligation to its members to control unacceptable conduct.
- 8.3. The SBU has an obligation as an NBO to investigate unacceptable conduct.
- 8.4. The SBU feels it has some obligation to members found guilty in disciplinary investigations, to contribute to their possible rehabilitation within the bridge community. This will certainly occur when the CP has admitted guilt and expressed remorse.
- 8.5. The SBU will instigate any case where evidence derives from that SBU member playing in an SBU sponsored event or events. Evidence from non-SBU events may be also be relied on.
- 8.6. For a player who is a member of the SBU playing in an event or events not sponsored by the SBU, the SBU reserves the right to pursue the case or not entirely at its discretion. A request for investigation from another NBO or organisation will be accepted only when (in the sole opinion of the SBU) evidence reaches our standard of "probable case to answer". Alternatively, it may be agreed to investigate jointly or allow the event sponsor to carry out all or most of the investigation.
- 8.7. 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 reserves the right to pursue the case or not entirely at its discretion, though the case will be treated equally seriously as for an SBU member. If the SBU is involved it will work in collaboration with the player's NBO.
- 8.8. For the elimination of doubt, any activity that could be described as cheating, whether by an individual, couple or team will be considered a very serious offence which the SBU has no option but to investigate. Any sanction imposed is likely to be substantial.
- 8.9. The SBU will endeavour to be fair and consistent when applying sanctions. A guideline for appropriate sanctions will be produced, will be very broadly in line with other NBOs and may be updated or refined from time to time.
- 8.10. 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.
- 8.11. The SBU may impose sanctions for SBU events, on players who have been sanctioned by other NBOs. These sanctions are likely to, but need not, reflect the other NBO's sanction.
- 8.12. It is a condition of membership of the SBU that members agree to these Disciplinary procedures. This will apply to both new and continuing members with immediate effect.