

## Schedule of Disciplinary Procedures

### 1. Requirements of the Schedule

This Schedule is referred to under clause 7.2 of the Constitution and prescribes the powers and procedures for enforcement. It aims to comply with, and follow, the spirit of the EBU disciplinary procedures.

### 2. Scope and Purpose

Bridge should be pursued in an environment which is free from any behaviour which could give cause for complaint (including, but not confined to, alleged contraventions of Best Behaviour at Bridge – BB@B). The objectives of this Policy are to:

- a) resolve most incidents and complaints informally; and
- b) provide a framework for handling complaints;

### 3. NEBA's Commitment

Complaints will be treated seriously and may, ultimately, result in formal action being taken. Any vexatious, demonstrably false or malicious complaints will themselves be dealt under this Discipline process. The NEBA undertakes to:

- a) apply the Policy equally to all members and those playing in NEBA recognised competitions;
- b) keep all parties appropriately informed of the progress of the formal complaint;
- c) treat all complaints seriously, fairly, sensitively, promptly and with appropriate regard to confidentiality.

### 4. Roles and Responsibilities

All members have a personal responsibility to behave consistently with BB@B and otherwise not liable to cause offence.

### 5. Procedures for raising an issue or making a complaint

#### Principles

- a) members should raise issues and/or complaints in a timely manner and without unreasonable delay. Unless the NEBA is notified of incidents within a reasonable time of the incident in question it may not be possible to investigate;
- b) those against whom a complaint is made shall have the right to respond to any allegations made against them;
- c) all parties should make every effort to resolve the matter informally, or at the early formal stage of the procedure, wherever possible;
- d) a complaint determined by the NEBA to be malicious, demonstrably false or vexatious may give rise to disciplinary proceedings against the complainant;
- e) for the avoidance of doubt, a disciplinary investigation by NEBA is not a legal process and, as such, no party (including NEBA itself) may bring legal representation to any meeting nor specify a third party to act on their behalf;
- f) when the NEBA Executive Committee appoints a Conduct Sub-Committee (CS-C) or a Disciplinary Sub-Committee (DS-C) under clause 3.3 of the Constitution, such committees shall consist of no fewer than three NEBA members and no more than five. A quorum for any meeting shall be three of its members. Such Committees shall act by simple majority vote and by reference to the balance of probabilities. The chair shall have a casting vote in the event that there is a tied vote on any matter. No member of the CS-C may be a member of the DS-C to consider the same case.

### 6. Informal Stage

Any incident which might give rise to a complaint should be raised, in the first instance, with the Tournament Organiser (see Law 80) or their relevant delegate. The delegate may be:

- a) the Director at the competition in question whose duties and powers are defined by Law 81c and subsequent Laws (notably 91);
- b) the Chair of an Appeals Committee (as established by the Tournament Organiser according to Law 80B(k));
- c) any other person to whom the Tournament Organiser has delegated or assigned power (according to Law 80A3).

In some cases the Director's intervention may be sufficient to remedy the situation. If, having raised the issue at the event in question, the matter has not been resolved satisfactorily the complainant or the member complained against (the complaine) may refer the matter to the NEBA; equally, the Director or Chair of an Appeals Committee may (under Laws 81c(7), 93B3 and 93C2) refer the matter to the NEBA.

### 7. Formal Stage One

Where appropriate, the complainant, complaine or the Director or any other person to whom power has been delegated should write (following para 6) to the NEBA Chair or Secretary. The NEBA Executive Committee will, as appropriate, appoint a CS-C to investigate the matter; this begins the Formal Stage. The CS-C shall be responsible for investigating matters as directed by the NEBA Committee.

The CS-C will contact all parties involved in order to determine whether the matter falls within the scope of the Disciplinary Rules and whether further action is warranted. The CS-C is empowered to make investigations and enquiries as it, in its

absolute discretion, considers appropriate. The CS-C shall also be entitled to seek advice both from within the NEBA and from the EBU Laws and Ethics Committee (L&EC).

Normally, within two weeks of having been appointed, the chair of the CS-C will write to all relevant parties and inform them of their intended timetable.

If the CS-C concludes that the matter falls within its scope it shall ask the parties to respond directly to the substance of the matter.

The formal stage one of the process may conclude that:

- a) the complaint is unfounded and no further action is necessary; or
- b) the complaint is unfounded but is passed to a DS-C to examine whether the complaint is vexatious, demonstrably false or malicious; or
- c) the complaint is founded; or
- d) in exceptional circumstances the CS-C may be unable to determine whether the complaint is or is not founded.

Where a complaint is deemed to be founded, the CS-C will normally seek to facilitate a resolution. This might include:

- (i) requesting the offending member to offer a written apology to the complainant; and/or
- (ii) issuing a written caution to the offending member; and/or
- (iii) any other reasonable and proportionate measure designed to resolve the issue to the satisfaction of all parties.

If a resolution, satisfactory to all parties, is identified this ends the matter. For the avoidance of doubt, the CS-C has no power of sanction beyond (ii) above. If, notwithstanding the best efforts of all parties, the issue cannot be either resolved or determined at this stage it shall refer the matter to a DS-C.

## **8. Formal Stage Two**

When, in accordance with para 7, a matter is referred to a DS-C, the appointment of the DS-C begins the Formal Stage Two. For the avoidance of doubt, when the CS-C has already determined that an offence has been committed (or the offence has been admitted), the DS-C will not normally re-investigate the complaint. However, the DS-C will itself investigate the complaint when either the CS-C has been unable to determine whether the complaint is or is not founded; or when new evidence (which was for good reason not available to the CS-C) is presented to the DS-C.

The CS-C will pass its entire file to the DS-C. The DS-C will call a meeting to which the complainee is invited and if the DS-C has been called because reconciliation attempts have been unsuccessful then all relevant parties will be invited.

All parties invited to attend the DS-C shall be notified, in writing, with at least two weeks' notice and all shall be invited to make written submissions. All invitees have the right to be accompanied by a friend (who must be a current NEBA member).

For the avoidance of doubt, this process is not a formal legal process, and no party may call upon legal representation. The DS-C will:

- (i) determine sanctions for offences admitted, or found by the CS-C to have been committed;
- (ii) exceptionally, hear the matter, decide whether the complaint is founded or not and, if founded, determine the appropriate sanction;
- (iii) investigate (and proceed appropriately) if the CS-C had concluded that the original complaint was vexatious, demonstrably false or malicious;
- (iv) in very rare circumstances, refer a complaint to the EBU L&EC for its consideration. In so doing, the DS-C shall have fully discharged its responsibilities under this Schedule.

The sanctions available to the DS-C include:

- a) issuing a written reprimand;
- b) suspending a member from some or all of the competitions sponsored/licensed by NEBA for a specified period;
- c) any other sanction the DS-C determines which is appropriate and proportionate.

If the complaint is against a member of the NEBA Council then in addition to any other sanctions applied, the DS-C has the power to suspend any such member from the NEBA's Council and any of its sub committees for such a period that it shall determine.

Any sanctions imposed by the Disciplinary Sub-Committee shall be communicated to the offending member in writing within twenty one days of the hearing.

## **9. Conflicts of Interest**

Any member of the NEBA Executive or other NEBA member who is personally involved in the matter will be disqualified from participating in the handling of the complaint.

## **10. Appeal**

A member who has been issued with a formal sanction by a DS-C has the right to appeal to the EBU L&EC. Appeals must be in writing and lodged with the Secretary of the EBU L&EC within twenty one days of the written communication of the DS-C's decision to the offending member. The admissible grounds for appeal are confined to the provision of new evidence (which was, for good reason, not available at the earlier stage) and/or a claim of a procedural irregularity of such an order as to cast doubt on the earlier decision.

