

NIBU Disciplinary Procedures

General principles:

The guidelines given below

1. should provide an insight into how the Laws and Ethics Committee will approach disciplinary matters. They are not prescriptive and may be modified for any given procedure if the Committee believe that this would be appropriate.
2. have been developed to be appropriate to the relative small size of the NIBU.
3. should ensure transparency with all information on which decisions are based being available to all interested parties.
4. will allow those that are subject to such procedures to have the 'last word' before a Disciplinary Panel comes to a decision.

Guidelines:

The procedure will normally have up to three stages:

- Stage 1: The Committee shall consider any matter referred to it and in particular whether it is appropriate to investigate further. It may seek clarification of the position of those subject to any possible disciplinary procedure. In deciding whether further action is required, it will consider whether there may have been a breach of the Laws or of the Code of Conduct of the NIBU.

If it decides that this is not the case, it will provide an explanation of its decision, which will be available to Council and other interested parties. Otherwise the process will move to Stage 2.

Where a matter could or should have been referred to the Tournament Director at the time and was not, the Committee will only take further action if it considers there were valid reasons for not making such a referral.

For the very serious issue of an accusation of cheating, the Committee may decide not to immediately inform the person(s) under suspicion. Rather they may seek independent evidence, for example, by appointing observers to gather evidence over a period of time.

- Stage 2: The Committee will nominate one or more members to investigate the matter. This will include taking written and/or oral statements from all interested parties. In the case of oral evidence, a précis will be prepared by the investigators and agreed with the person(s) interviewed. When the investigators believe that this

process is complete, they will produce a report summarizing and commenting on the evidence obtained. This (together with all other written material) will then be made available to the complainant(s) and those subject to the disciplinary procedure. It will also be made available to the Panel (see Stage 3) and all parties will be asked for comments. When these have been obtained, the investigators will make these available to those subject to the disciplinary procedure, thereby allowing them a final chance to provide any additional information or comment.

- Stage 3: All or some of the members of the Committee, who have not been involved in the investigative procedure outlined in Stage 2 will form a Panel and agree a Chair. The Committee may invite people with appropriate knowledge or skills in disciplinary procedures to join the Panel. Investigators may attend the Panel meeting and may be asked questions solely for the purpose of clarification. These exchanges will be recorded as part of the Committee's report. The Investigators will leave the Panel meeting before the Panel begins its discussion.

The Panel will prepare a report, including their decision and, if appropriate, any disciplinary penalties; the report will also be made available to the complainant(s) and those subject to the disciplinary procedure. In applying any disciplinary penalties, the Panel may consider schedules of penalties published by other bridge organisations.

The Panel will base this report solely on the evidence gathered during Stage 2 and any clarifications provided by the Investigators at the meeting. If this evidence is incomplete or ambiguous, any interpretation must be in favour of those subject to the disciplinary procedure. Where the Panel members are not able to agree, the report should clearly indicate this, although the identities of those involved should remain confidential. If Council seeks clarification of the report, this should be provided solely by the Chair in a written format that will be available to the complainant(s) and those subject to the disciplinary procedure.

NIBU Appeals Procedures

Anyone subject to an NIBU Disciplinary Procedure for an alleged offence against the Laws of Bridge or the NIBU Code of Conduct has the right to appeal. Additionally, if during a Disciplinary Procedure, it is found at Stage 1 that there was no case to answer, a complainant can also appeal this decision.

A deposit of £100 must be lodged with the NIBU Honorary Secretary before the appeal is granted. This deposit will normally be returned unless the appeal is considered frivolous.

The Appeals Panel shall comprise at least three individuals appointed by the NIBU Council. These members shall have no previous involvement with the case and should declare any conflict of interest and if appropriate decline the invitation to sit on the Panel.

Any appeal with copies of all relevant documents must be filed in writing to the NIBU Honorary Secretary, within 14 days from the Disciplinary Panel announcing its decision. The appeal will specify the decision(s) appealed against, the grounds for the appeal, and (if applicable) the grounds for requesting a de novo procedure.

If the appeal requests a de novo procedure the Panel shall consider this solely on the basis of the written submissions. If appropriate it will order a de novo procedure, which shall follow as nearly as possible the NIBU Disciplinary Procedures.

The Panel shall have broad discretion to regulate its own procedure. It shall have absolute discretion to admit or refuse any new evidence tendered by any party. The burden of proof will be on those submitting the appeal to prove on the balance of probabilities, that the Disciplinary Procedure erred in its decisions or imposed an inappropriate or excessive sanction.

Having considered all of the evidence presented to it, the Panel will rule on the appeal. For the avoidance of doubt, where the Panel decides to impose a sanction(s) upon those appealing, it shall not be limited in its choice to those imposed by the Disciplinary Procedure.

A decision of the Panel shall be deemed to be final and binding on all members of the NIBU.

