



MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE HELD AT YOUNG CHELSEA BRIDGE CLUB, GOLDHAWK ROAD ON WEDNESDAY OCTOBER 24TH 2018

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|-----------------|-----------------------|----------------------------------|
| Present: | Heather Dhondy (HD) | Chairman and Elected Member |
| | Robin Barker (RB) | Deputy Chief Tournament Director |
| | David Burn (DB) | Elected member |
| | Jeremy Dhondy (JD) | EBU Chairman |
| | Frances Hinden (FH) | Vice Chairman and Elected Member |
| | Martin Pool (MP) | Elected Member |
| | Gordon Rainsford (GR) | EBU CEO |
| | Alan Wilson (AW) | Elected Member |
| | Ian Mitchell (IM) | Secretary |

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|----------|-------------------------------------|--------------------|-------------------|
| 1 | <i>Apologies for Absence</i> | Ian Payn (IP) | EBU Vice Chairman |
| | | Richard Fleet (RF) | Elected Member |
| | | Martin Pool (MP) | Elected Member |

1.1 The committee noted that Mr Fleet had been unable to attend this meeting, and that he had announced his intention not to stand for re-election.

The committee wished to extend their gratitude to Mr Fleet, for his years of valuable service, including stints as committee chairman.

2 ***Minutes of the previous meeting and accuracy***

2.1 ***Accuracy***

RB observed an extra card in the hand diagram in section 7.

Subject to this alteration, the minutes of the meeting of 23rd May 2018 were approved and signed.

2.2 ***Matters Arising***

2.3.1 ***Advice to Disciplinary Committees***

The final draft of this document had been circulated.

The committee observed that the table of historical sanctions displayed some inconsistency. They acknowledged that there could be strong reasons for such inconsistency, arising out of extenuating circumstances. Rather than including explanations in the individual listings, they recommended an additional paragraph at the end of the document simply observing the possible reasons for inconsistency.

Action: IM/MP

JD wondered about the use of the word “should” in the first sentence of the paragraph “Who is the relevant Authority to charge”. [“If an offence occurs at an affiliated Club, it should be the Club that initially deals with the allegation.”]

GR suggested that this was probably consistent with the understanding of the word ‘should’ in the lawbook. It is not an unbreakable instruction, but a strong recommendation of the default arrangement. There may be situations that require an alternative arrangement.

JD also reported that the matter of monetary fines had been discussed by the board, and that they were happy for the option to remain. It is at the discretion of Disciplinary Committees to decide whether a fine is appropriate.

2.3.2 Appeals Booklet

The secretary reported that the 2015 booklet was ready to be published, barring any observations from the committee.

The 2016 booklet is in a format ready to be circulated to potential commentators.

Action: IM

2.3.3 Model Constitution

DB reported that he had been working on this. He circulated a paragraph that he had added regarding the referral of Disciplinary cases to an outside body (County Disciplinary Committee or EBU L&E). He wondered whether reference should be made to the EBU “Mediation Service”. The committee felt that this was not necessary.

3 **Appeals to the National Authority**

None this time

4 **Disciplinary Cases**

4.1 The officers of the committee had previously discussed a case of poor behaviour in a match played privately, and after hearing from both parties, had concluded that no further action should be taken.

4.2 (Galois) The committee noted that there had been further activity subsequent to the last meeting, and counter-complaints. The board had taken responsibility to handle the case, and had brought it to a conclusion.

JD reported that the board was progressing towards production of a company policy regarding commenting on social media.

4.3 (Hilbert) The committee noted that a hearing had taken place, that the defendant had admitted the charges, and a sanction imposed. The time allowed for an appeal against the sanction was due to expire a few days after the meeting.

4.4 The Disciplinary Committee hearing the Hilbert case raised some concerns that the defendant was allowed to play competitive bridge during the time that was taken for justice to be applied. They suggested that

- (i) in serious cases of players accused of misconduct, there should be provision to allow the EBU to suspend the player immediately.
- (ii) (in particular when charges have been admitted) sanctions could be applied with immediate effect following the hearing, rather than after the time for appeal had elapsed.

JD observed that this would involve a change to the bye-laws. The committee felt that the first suggestion was not in line with current views on natural justice and the principles of “innocent until proven guilty”. They had some sympathy with the second suggestion; JD suggested that he approach one of the EBU’s legal advisers for their comments.

Action: JD

4.5 (Kepler) Relating to an EBU tournament, a player had been charged with abusive behaviour towards a Tournament Director, walking out of the tournament mid-session, and behaviour likely to cause discomfort to other players.

The secretary informed the committee that a Disciplinary Hearing was due to take place on the following day.

4.6 – 4.10

The committee heard about a variety of disputes between members and clubs. They noted that generally it was the case that it was inappropriate for the EBU to intervene directly. The EBU’s Mediation Service had been offered in two cases, but was ultimately declined.

4.6 MP had commented in advance of the meeting that the club appeared to have misunderstood the respective roles of the Conduct Committee and Disciplinary Committee.

4.9 It was no longer pertinent to the case, but MP had observed that a club had sought advice as to whether they could terminate a player’s membership by refusing to accept their annual renewal. This should not be acceptable unless their constitution specifically allowed for this.

4.10 A member had sought to appeal the result of a club disciplinary hearing through the county association, and then subsequently approached the EBU. The Committee confirmed that this should be a matter for the county.

5 Technical Matters

5.1 RB reported that the White Book had been updated for August, to take into account the changes discussed at the previous meeting. However, the schedule of standard penalties still needed attention.

The committee noted that there were three distinct tables, on separate pages of the WB, and this had the potential to catch out the reader who might not be aware of this.

The committee also suggested that some similar offences could be grouped together, where the suggested sanctions were the same.

AW observed that there was reference to “fielded misbids” in this section, and wondered whether that term should now be redundant. RB said that since the section was to be rewritten, the phrase would be removed or amended.

Action: RB

5.2 The committee read a suggestion by Mr Stevenson, that all natural 1-of-a-suit opening bids should carry an announcement, stating the minimum suit length. This is already the case for ‘short’ minor suits, and Mr Stevenson suggested that it would also save questions being asked about 4- or 5- card majors.

The committee agreed to review this in their discussion of announcements prior to the next update of the Blue Book.

5.3 Further to the discussions at the previous meeting on “strong” opening bids, HD announced that she had prepared an article for English Bridge with a view to educating the membership on the implications of the new definitions.

5.4 DB had nothing to report further to discussions in the previous meeting about changes to the alerting of doubles.

AW wondered whether it would be appropriate, in this and similar cases, to do an “impact assessment”, analysing how changes might affect (a) club players, (b) tournament players and (c) tournament directors. These should be considered before any changes are made.

The committee agreed to continue discussions prior to the next update of the Blue Book.

5.5 In English Bridge, JD had invited feedback from the membership regarding the use of the Stop Card. He reported on feedback he had received:

The general view amongst tournament players was that the card should be abolished; amongst club players that it should be retained.

GR repeated his view that it would serve only to confuse players if the stop card itself were to be removed whilst the stop procedures themselves remained; players would assume that the former would mean that the procedures themselves need not be followed.

6. Applications for new permitted methods

None this time

7. Reports from Tournament Directors 18.011 to 18.024

Once again there were comments from FH and TR about the standard of form-completion. IM undertook to write to panel TDs in the hope of improving this.

Action: IM

18.011

| <p>♠ K97 ♥ KJ42 ♦ A8 ♣ 8753</p> <p>♠ J85432 ♥ Q9 ♦ QT ♣ QT6</p> <p>♠ AT ♥ T753 ♦ K954 ♣ 942</p> | <p>Board 4: Dealer West: Game All.</p> <table><tr><th>West</th><th>North</th><th>East</th><th>South</th></tr><tr><td>Pass</td><td>1♣¹</td><td>Pass²</td><td>1♥</td></tr><tr><td>Pass</td><td>2♥</td><td>Pass</td><td>Pass</td></tr><tr><td>2♠</td><td>All Pass</td><td></td><td></td></tr></table> <p>¹ - Announced as could be as few as one. ² - Asked about circumstances when 1♣ could be as short as one.</p> <p>Table Result: 2♠ = by East. Lead: ♥2 Result assigned by TD: 2♥+1 by South.</p> | West | North | East | South | Pass | 1♣ ¹ | Pass ² | 1♥ | Pass | 2♥ | Pass | Pass | 2♠ | All Pass | | |
|--|--|-------------------|-------|------|-------|------|-----------------|-------------------|----|------|----|------|------|----|----------|--|--|
| West | North | East | South | | | | | | | | | | | | | | |
| Pass | 1♣ ¹ | Pass ² | 1♥ | | | | | | | | | | | | | | |
| Pass | 2♥ | Pass | Pass | | | | | | | | | | | | | | |
| 2♠ | All Pass | | | | | | | | | | | | | | | | |
| <p>Director's Comments:</p> <p>TD polled four players who all emphatically passed, thereby establishing Pass as a Logical Alternative to the 2♠ bid. Also considered whether the UI of the enquiry demonstrably suggested action over passing aware of the fact that East must have some points but on consulting with colleagues it was clear that the enquiry did demonstrably suggest action.</p> | | | | | | | | | | | | | | | | | |

The Appeals Committee had noted that the TD had only polled other TDs, and suggested that best practice should be to consult players.

GR observed that it is not always practical to do poll enough players, especially in events where they are all playing the same boards. It is acceptable to poll TDs, as long as they are peers of the players concerned, and appropriate questions are asked as if they are players. [“As a player, what would you do?”, rather than “as a TD, how would you rule?”]

18.013

| <div>♠AQ5</div> <div>♥Q85</div> <div>♦Q9</div> <div>♣AJ962</div> <div>♠KJ8</div> <div>♥K9732</div> <div>♦J64</div> <div>♣QT</div> <div>♠T54</div> <div>♥AJ6</div> <div>♦AT8753</div> <div>♣7</div> | <div>Board 50: Dealer East: N/S vulnerable.</div> <table><tr><th>West</th><th>North</th><th>East</th><th>South</th></tr><tr><td></td><td></td><td>2♣¹</td><td>All Pass</td></tr></table> <div>¹ - System agreement is 11-15</div> | West | North | East | South | | | 2♣ ¹ | All Pass |
|--|---|-----------------|----------|------|-------|--|--|-----------------|----------|
| West | North | East | South | | | | | | |
| | | 2♣ ¹ | All Pass | | | | | | |

The psyche had not been classified, and the basic systems not filled in. GR & FH commented that the psyche could be deemed to be Amber or Red, but without further information, it was impossible for the Committee to classify.

18.014

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| <p> ♠ 5 ♥ ♦ ♣ 8 ♠ ♥ Q ♦ J ♣ J ♠ A ♥ 7 ♦ ♣ </p> | <p>Board 4: Dealer West: Game All.</p> <p>Contract 1NT by West. Position at trick 12.</p> <p>North leads ♠5. West claims “one for you and one for me”. South accepted claim. North contested, saying it depended on which card West discarded.</p> <p>Director ruled: “unstated line of play”, possible to discard wrong card.</p> <p>West appealed, on the grounds that it was obvious [from the previous play of cards] that South had a heart remaining.</p> <p>A.C. upheld director’s decision.</p> |
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TR had questioned why the deposit was not retained, since it appeared that the appellant had no case in law. FH, who had been the appeals chairman, reported that there had been extensive discussion by the committee, not reported on the Appeals Form, regarding whether or not the position was obvious to West.

18.023

| <p>♠QT876 ♥K95 ♦94 ♣652</p> <p>♠AJ ♥A7 ♦T7653 ♣KJT4</p> <p>♠K52 ♥QJ63 ♦AKJ2 ♣A7</p> | | <p>Board 14: Dealer East: Love All.</p> <table><tr><th>West</th><th>North</th><th>East</th><th>South</th></tr><tr><td>3♦²</td><td>All Pass</td><td>Pass</td><td>1♣¹</td></tr></table> <p>¹ - could be two, may contain 5-card diamond suit ² - Psyche</p> | | | | West | North | East | South | 3♦ ² | All Pass | Pass | 1♣ ¹ |
|--|----------|---|-----------------|--|--|------|-------|------|-------|-----------------|----------|------|-----------------|
| West | North | East | South | | | | | | | | | | |
| 3♦ ² | All Pass | Pass | 1♣ ¹ | | | | | | | | | | |
| <p>Director's Comments:</p> <p>North did not seek a ruling, but asked me to record the hand. Given East did not have diamond support and had a very weak hand, it seemed normal for the East player to pass and so I do not feel that the psyche was fielded; for this reason I classified it as green</p> | | | | | | | | | | | | | |

FH considered the psyche to be so absurd that she wondered whether it occurred late on in the tournament, and might be deemed to be frivolous. (it was pointed out that this occurred in match 12 out of 15)

AW wondered whether it should even be deemed to be a psyche, rather than a matter of style.

18.024

| <p>♠ Q 65432 ♥ K654 ♦ 5 ♣ A4</p> <p>♠ T97 ♥ Q3 ♦ AK3 ♣ QJT65</p> <p>♠ K ♥ A82 ♦ Q942 ♣ K8732</p> <p>♠ AJ8 ♥ JT97 ♦ JT876 ♣ 9</p> | <p>Board 26: Dealer East: Game All.</p> <table><tr><th>West</th><th>North</th><th>East</th><th>South</th></tr><tr><td></td><td></td><td>1♣¹</td><td>Pass</td></tr><tr><td>1♠²</td><td>Dbl</td><td>2♣</td><td>4♥</td></tr><tr><td>5♣</td><td>Pass (H)</td><td>Pass</td><td>5♦</td></tr><tr><td>Dbl</td><td>5♥</td><td>Dbl</td><td>All Pass</td></tr></table> <p>¹ - could be two, may contain 5-card diamond suit ² - Denies a major. (South claims not to have seen the alert)</p> <p>Table Result: 5♥x = by South. Lead: ? Result assigned by TD: 5♣-1 by East.</p> | West | North | East | South | | | 1♣ ¹ | Pass | 1♠ ² | Dbl | 2♣ | 4♥ | 5♣ | Pass (H) | Pass | 5♦ | Dbl | 5♥ | Dbl | All Pass |
|--|--|-----------------|----------|------|-------|--|--|-----------------|------|-----------------|-----|----|----|----|----------|------|----|-----|----|-----|----------|
| West | North | East | South | | | | | | | | | | | | | | | | | | |
| | | 1♣ ¹ | Pass | | | | | | | | | | | | | | | | | | |
| 1♠ ² | Dbl | 2♣ | 4♥ | | | | | | | | | | | | | | | | | | |
| 5♣ | Pass (H) | Pass | 5♦ | | | | | | | | | | | | | | | | | | |
| Dbl | 5♥ | Dbl | All Pass | | | | | | | | | | | | | | | | | | |
| <p>The Director polled 7 players, 5 of whom passed rather than bid 5♦.</p> | | | | | | | | | | | | | | | | | | | | | |

TR wondered whether the poll was conducted on the understanding that South thought that partner's double showed the red suits. DB (who had been referee) confirmed that this was the case.

TR also wondered whether, had South passed, and this proved more successful than bidding, the opponents might have argued that the hesitation warned off South from bidding. It needs to be clear what the hesitation suggests, and there must be at least one action available to South that is not tainted by UI.

8 Date of next meeting

In light of the fact that there will be at least one new member elected to the committee before the next meeting, FH suggested that we defer a decision on the date until after the elections.

The meeting closed at 3:30pm.