



MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE HELD ONLINE ON THURSDAY 8TH APRIL 2021

Present:	Heather Dhondy (HD)	Chairman and Elected Member
	Robin Barker (RB)	Deputy Chief Tournament Director
	Sarah Bell (SB)	Elected member
	David Burn (DB)	Elected member
	Gillian Fawcett (GF)	EBU Vice-Chairman
	Frances Hinden (FH)	Vice-Chairman and Elected Member
	Ian Payn (IP)	EBU Chairman
	Gordon Rainsford (GR)	EBU Chief Executive
	Tim Rees (TR)	Elected Member
	Alan Wilson (AW)	Elected member
	Nick Doe (ND)	Secretary
	Jeremy Dhondy (JD)	Deputy Secretary
Apologies:	None	

1 Procedural matters

1.1 Election of Chairman and Vice-Chairman for 2020/21

ND called for nominations for Chairman. HD was proposed by TR and seconded by IP. There being no other nominations HD was duly elected as Chairman for the 2020/21 Committee year.

FH was proposed as Vice-Chairman by TR and seconded by HD. There being no other nominations FH was duly elected as Vice-Chairman for the 2020/21 Committee year.

1.2 Resignation of a Committee member

The Committee noted the resignation in December of elected member Martin Pool. HD wished to place on record the appreciation of the Committee for his long service to the EBU in a number of roles, including over 20 years as an elected member of the Committee, five as Chairman.

2 Minutes of the previous meeting

2.2 Accuracy

The minutes of the meeting of 10th September 2020 were approved subject to minor corrections to the capacities in which various people were present.

2.3 Matters arising

2.3.1 Disciplinary procedures (items 5, 6 and 7)

The Committee noted that the statistician mentioned was no longer working with the OEIG, and SB confirmed that we did not currently have access to his software. She was working with another

statistician on a few cases, although his methodology was not as useful in some respects. Apart from that the OEIG currently had no statistical support, and the lack had been a disadvantage in at least one case, and might be in others. As the Committee understood that one of the reasons which had led to the withdrawal of the original statistician was no longer an issue, it was agreed that SB should approach him to ascertain if he might be prepared to be involved again. It was agreed to explore ways of providing him with further data for benchmarking purposes. Meanwhile another possible collaborator was suggested, and HD agreed to approach him.

ACTION: SB/HD

3 Appeals to the National Authority

None this time.

4 Disciplinary Matters

4.1 Concluded matters requiring discussion of lessons for the future

The Committee considered three cases. In the first, one factor which had led to an ultimately disappointing outcome would not arise in future as a result of a Rule change. However, difficulties had also been caused by the fact that it had been made clear to the defendant that his response to the charge was being treated as an admission, and although he had not challenged this at the time he had sought to argue on appeal that his plea to the charge was not intended as an admission. It was noted that there had been somewhat equivocal pleas in two other cases, and although these had not in fact led to problems, the issue might be expected to arise again. The Committee thought that in any case where there was any possible doubt the defendant should be asked specifically to confirm that an admission was intended.

In the second case the Disciplinary Committee had allowed the defendant to raise matters at the hearing, which appeared to have “blindsided” the prosecutor. Although she had done her best to deal with the matters raised and to persuade the Disciplinary Committee that they did not detract from the prosecution evidence, the Disciplinary Committee had not been comfortably satisfied of the defendant’s guilt despite what had been considered to be a very strong case. The Committee understood the inclination of Disciplinary Committees to avoid the situation where a defendant felt that he had not been permitted to make the best of his defence, but in principle it was equally undesirable for the defence, as for the prosecution, to bring new evidence forward at the hearing, and if the Disciplinary Committee was minded to allow it, the prosecution should be given an adequate opportunity to put forward a considered response. The Committee hoped that this principle would be enshrined in the Disciplinary Panel guidance, and that both prosecutors and defendants would routinely be made aware of it.

The third case had involved an online hearing, the conduct of which had been unsatisfactory in a number of respects. The principal problem had been the lack of control over the number of people allowed to be present and insufficient clarity over the degree of participation allowed to those who were present. The Chairman of the Disciplinary Committee had produced a debriefing note at some length in which he had acknowledged a number of things which had gone wrong and which provided lessons for the future. The Committee considered that lack of pre-hearing planning had significantly contributed to the problems, and that it should be routine, in all but the simplest cases, for there to be a case management meeting some time before the actual disciplinary hearing. This would help in a number of respects, not least in distinguishing between evidence relied on by the parties and other material disclosed by each side during the case.

The Committee noted that it was already considered routine for experts, such as statisticians, instructed by each side to be expected to confer in advance of the hearing to narrow down the points on which they did and did not agree. DB observed that it was desirable for any expert witnesses on bridge issues to do the same, as otherwise hearings could take an inordinately long time considering numerous bridge hands.

Concern was expressed that the OEIG reports contained a mixture of evidence and opinions (i.e. that the evidence did or did not support allegations of cheating), but SB thought that this was inevitable. Two analysts always looked at each case to ensure that the result was not just one person's opinion.

The Committee noted that some cases has taken a long time to get to a hearing. Whilst this was sometimes the fault of the defendant, there had also been avoidable delays which could be laid at the door of the prosecution and/or the EBU itself, the latter exacerbated by the very large workload. It was desirable to keep cases moving to avoid the situation which had arisen before where a Disciplinary Committee felt the need to treat the delay as a mitigating factor in terms of sanction.

The Committee approved a suggestion that Disciplinary Committees should be provided with guidance on managing Zoom meetings (which was probably available, or at least adaptable from something available, online).

ACTION: ND

4.2 Live cases where the defendant has been charged

The Committee considered a summary of the present position in the 12 cases in this category, all of which were cases involving alleged unfair play online (10 cases) or other alleged dishonesty.

In one case the defendant had made a Subject Access Request under the Data Protection legislation, although it was assumed that the information which would have to be disclosed in response to the request would approximately duplicate what would have been routinely discloseable in the disciplinary proceedings in any event. The EBU's agreement with BBO on the disclosure of data required us to obtain BBO's consent before disclosing it further. Although it was ultimately a matter for EBU management as to what should be disclosed in response to an SAR, the agreement with BBO gave them the right to make representations as to what might be discloseable.

In the same case there was a suggestion that the Interim Playing Suspension to which the player was subject might have been breached, and JD would arrange for this to be investigated.

The Committee noted that in two of the cases the IPS had been breached, and this fact had been publicised on the EBU website, naming the players concerned and their BBO playing identities.

ACTION: ND/JD

4.3 Live and pending cases where the defendant has not yet been charged

The Committee considered a summary of the present position in the 12 cases in this category, eight of which were cases involving alleged unfair play online, with the remainder comprising a variety of behaviour cases.

In one case the Committee discussed the situation of a player who had been blacklisted by an organiser of online competitions, in the event that he was not charged with any offence.

The Committee decided to refer one behaviour case to a Prosecution Committee, and to take no further action in respect of another.

[Secretary's note – in order to be as consistent as possible in relation to terminology, the word "Panel" is now used to refer to the Prosecution Panel as a whole, with the word "Committee" used to denote the members of the Prosecution Panel assigned to a particular case.]

ACTION: ND/JD

4.4 Other concluded matters where the defendant was charged

The Committee noted the following six concluded cases where the defendant had been convicted and subjected to a sanction.

4.4.1 Delius

Player(s)	Salvatore (Tony) ZAFFIRO (Avon)
Allegation	Unfair play online (playing with two accounts)
Plea	Not guilty
Outcome	Guilty
Sanction	Four years membership suspension
Appeal	No

4.4.2 Farrenc

Player(s)	Andrew SOBELL (Middlesex)
Allegation	Unfair play online (self-kibitzing)
Plea	Guilty
Sanction	Two years competition ban
Appeal	No

4.4.3 Gesualdo

Player(s)	Matthew & Heather TAN (Berks & Bucks)
Allegation	Unfair play online (collusion)
Plea	Not guilty
Outcome	Guilty
Sanction	Three years membership suspension
Appeal	Dismissed summarily and deposit forfeited

4.4.4 Ketelbey

Player(s)	Laura TALAMONI (Surrey)
Allegation	Unfair play online (self-kibitzing)
Plea	Guilty
Sanction	21 months membership suspension
Appeal	No

4.4.5 Yoshiki

Player(s)	Stephen SWIATEK (Oxon), Ngairy PALIN (Berks & Bucks)
Allegation	Unfair play online (collusion)
Plea	Guilty
Sanction	Fine
Appeal	Appeal by L&EC successful: two years (SS) and 21 months (NP) membership suspension substituted

4.4.6 Hawfinch

Player(s)	Peter WOODHOUSE (Merseyside & Cheshire)
Allegation	Unfair play online (self-kibitzing)
Plea	None (treated as not guilty)
Outcome	Guilty
Sanction	Five years membership suspension
Appeal	No

4.5 Cases not proceeded with

The Committee considered brief details of the 11 cases in this category, all but one of which had been cases involving alleged unfair play online, with the other being a behaviour case. Most of the defendants had been asked for comments or told that an investigation had taken place but that no further action was being taken. A small number, however, had not been made aware of any scrutiny of their alleged actions.

5 Disciplinary procedures

5.1 Documentation

The Committee noted the 2020 version of the EBU Disciplinary Rules, the Disciplinary Panel Manual and a Guide to Appeals in Disciplinary Matters. ND was asked to ensure that the Joint Convenors of the Disciplinary Panel were aware of the suggestions discussed at item 4.1.

ACTION: ND

5.2 Consideration of proposals for future changes to the Disciplinary Rules

The Committee considered a paper from ND, highlighting a number of possible changes of which he had been made aware. These included the possible introduction of a formal caution procedure, a re-working of the section dealing with proceedings before the Disciplinary Committee, clarification of the position with regard to any deduction from an ultimate suspension if an Interim Playing Suspension was breached, further detail in the section relating to appeals procedures, a suggestion that the Board should have a discretion over notification as well as publication, and a number of minor matters.

The Committee was happy for all these to go to the Board for consideration, and noted the likelihood of other suggestions being added to the list.

The Committee noted the recommendation that anyone convicted of an offence of cheating should not be eligible to represent England for a period of 10 years, irrespective of any other sanction imposed. It was possible to bring this forward as a Bye-law change, but at present it was in operation as a matter of Selection Committee policy, documented in the relevant Conditions of Contest.

ACTION: ND

5.3 Possible Prosecution Panel Manual

IP had asked JD, as Convenor of the Prosecution Panel in succession to MP, to put such a document together, but he had so far been unable to make progress. He was grateful to SB who had offered to make a start by asking members of the Disciplinary Panel for feedback on prosecutions which had come before them. He had also enlisted the assistance of two other Prosecution Panel members.

ACTION: JD/SB

5.4 Any other issues

[Secretary's note – actually discussed during the course of item 4]

The Committee asked for a reminder of applicable notifications in disciplinary cases, which are to all County Associations (irrespective of those of which the defendant is a member), affiliated clubs of which he is either a member or at which he has played a session uploaded under UMS within the last two years, and in cases of membership suspension, the WBF, EBL, Home NBOs and BGB.

The anomalous position of the ACBL was discussed. At present the ACBL applies its policy of reciprocal suspensions in the case of "ethical violations" by means of consulting the register which is now publically available on the EBU website.

The Committee noted that whilst the EBL passes on notification to other European NBOs, it was not clear what the WBF did with the information. *[Secretary's note – it has become clear that the WBF passes the information to BBO, amongst others.]*

6 Technical Matters

6.1 White Book changes

The Committee considered proposed changes put forward by RB, and agreed that changes should come into force on 1st August. Committee members were asked to notify RB of any queries as soon as possible, but in any event in good time for preparation of a revised draft by the end of June.

ACTION: all members

6.2 Blue Book changes

The Committee considered a short paper from FH. IP urged that in the context of clubs potentially reverting to face to face bridge over the next few months, with the considerable challenges which that will entail, it was not appropriate to make wholesale changes this August. The Committee was happy to confine changes to minor ones, mostly consisting of clarifications to provisions that have caused difficulty, and defer consideration of major changes with a view to their implementation next year.

6.2.1 Opening 1C on a balanced 8-count in third seat

FH was concerned that the regulation (BB 7B1(i)(c)) might not reflect the Committee's intention, and correspondence had arisen because some people considered that it was ambiguous (although she did not agree). It was agreed to leave the wording unchanged and to revisit the matter in future if appropriate.

6.2.2 Strength of direct seat overcalls

It was agreed to permit any meaning for overcalls of 3NT and higher.

It was agreed to permit any Strong meaning for any overcall.

It was agreed to omit a sentence in BB 7E2 concerning the minimum strength permitted, but to flag up that any agreement to make super-weak overcalls must be properly disclosed.

6.2.3 Dual meaning signals

The regulation was of long standing, but had often caused trouble as its meaning was unclear. It was agreed to remove the existing text and examples and to substitute two rules:

- a. Signals which make use of both the rank (high/low or high/middle/low) and the parity (odd/even) of the card played are not permitted.
- b. Signals which assign a meaning to specific cards (e.g. 6 or 7 encouraging, other cards suit preference) are not permitted.

6.2.4 Canapé style

It was agreed to clarify the wording of BB 4H2(b) to cover agreements to play canapé into some second suits but not others (e.g. a pair agrees to open hands with four cards in the major and a longer minor with one of the major, but bids hands with both majors in the "natural" order). The opening bid will require an alert if there is a canapé possibility, and the rebid will require an alert if the respective lengths of the suits is ambiguous.

6.2.5 Level 5

It was agreed to remove the reference to HUM systems permitted at EBU Level 4, as none such exist.

ACTION: FH

6.2.6 Integration of White / Blue / Sky Blue Books

FH suggested that the Committee should consider the future of the three publications. The Committee agreed to adopt GR's suggestion of waiting to see what form the post-pandemic bridge world took. It was likely that the need for a separate Sky Blue Book would recede over time, and its provisions could be merged in some fashion into the other publications, but in the meantime it needed to be responsive to developments in online playing platforms.

7 Applications for new permitted methods

None this time.

8 Reports from Tournament Directors

Not considered this time.

9 Other Business

9.1 East Anglian Bridge Weekend 2020 - correspondence

The Committee considered correspondence arising from an event in which the TD in charge had extended the correction period for score queries, with the approval of the Tournament Organiser, and a team adversely affected by a score change (in a match in which the team was not involved) which would otherwise have been out of time had sought to object. The Committee considered that the matter had been handled appropriately in the circumstances which had arisen, and did not consider that it was necessary for any guidance to be issued on the subject.

9.2 Somerset Green Point event - correspondence

The Committee considered correspondence from a pair who had sought to complain about appeals procedures, but had declined to appeal to the National Authority. No action was necessary.

9.3 Keeping Committee and Prosecution Panel members informed

AW felt that insufficient information was currently circulated to Committee members between meetings, particularly with regard to the progress of disciplinary cases, and that members of Prosecution Committees did not always learn about case outcomes. The Committee agreed two changes. First, the circulation of the weekly update spreadsheet would be extended to all Committee members; second all individuals who have served on a Prosecution Committee in relation to a disciplinary case would routinely be informed of the outcome of the case at its conclusion.

ACTION: GR/ND

10 Date of next meeting

The Committee agreed that whilst it was not necessarily appropriate for all meetings to revert to face to face when this became possible, it was desirable to hold the next meeting face to face if at all possible. ND was asked to circulate dates in late July for consideration.

ACTION: ND