



# WBF DISCIPLINARY CODE

(approved by the WBF Executive Council on 1<sup>st</sup> October 2015 and in effect from 1<sup>st</sup> January 2016)

## 1. General principles

- 1.1. In accordance with the sporting ideals and precepts of the Olympic Charter and in furtherance of the purposes set out at article 2 of the Constitution of the World Bridge Federation (“**WBF**”), the WBF requires its affiliated National Bridge Organizations (“**NBOs**”) and their members and affiliates to respect the fundamental principles of Olympism and, in particular, the principles of friendship, solidarity and fair play. One of the aims of this Disciplinary Code is to reinforce and promote the above-mentioned principles. More particularly, this Disciplinary Code sets out various forms of behaviour which constitute “Reprehensible Conduct” (see article 4 below) and may be punished with one or more disciplinary sanctions (see article 5 below).
- 1.2. Reprehensible Conduct shall be prosecuted by the WBF Prosecutor and decided, in the first instance, by a Disciplinary Tribunal of the Disciplinary Commission (see, in particular, articles 6 and 7 below). The decisions of the Disciplinary Tribunal may be appealed to the Court of Arbitration for Sport (see, in particular, article 8 below).

## 2. Scope of Application

- 2.1. Without limitation, this Disciplinary Code shall apply to (i) all affiliated NBOs, (ii) any persons (including players, non-playing captains, team representatives, coaches, technical officials, technicians, accredited persons, observers and spectators) who participate in or attend any event, tournament or competition organized, granted or sanctioned by the WBF (“**WBF Events**”), (iii) any persons who hold any position or carry out any functions on behalf of either the WBF, a Zonal Conference (“**Zone**”) or an NBO (including any organ or commission of the same) and (iv) any other persons who accept that this Code shall apply to them or are otherwise subject to it.

- 2.2. Other regulations of the WBF – including, but not limited to, the Laws of Duplicate Bridge, the By-laws, and Conditions of Contest – contain specific provisions aimed at ensuring the orderly and fair conduct of WBF Events. It is typically the responsibility of the Tournament Director (and if necessary the Championship Committee) to enforce these event-specific provisions and take the necessary measures at the time of the event in question. For the avoidance of doubt, this Disciplinary Code shall be without prejudice to these event-specific provisions. Similarly, the fact that event-specific measures may be taken in respect of behaviour occurring at a WBF Event shall not in any way prevent or restrict further disciplinary measures being taken in respect of the same behaviour in accordance with the provisions of this Code.
- 2.3. This Disciplinary Code shall be without prejudice to any powers which the Executive Council or Congress may have pursuant to provisions contained within the Constitution or By-laws of the WBF including, in particular, the power to suspend or remove an NBO from the WBF and the power to suspend or remove an officer or committee member from his/her position.
- 2.4. This Disciplinary Code shall not apply, and be without prejudice, to anti-doping matters, which shall be governed by the WBF Anti-Doping Rules and Regulations.
3. Responsibility of NBOs/Zones
  - 3.1. Each NBO and Zone shall, upon request, provide any reasonable assistance to the WBF and, in particular, the WBF Prosecutor with respect to the investigation of alleged Reprehensible Conduct by its members or affiliates and the conduct of any resulting disciplinary proceedings.
  - 3.2. In the event that an NBO or Zone becomes aware of behaviour which is likely to amount to Reprehensible Conduct for the purposes of this Code, it shall immediately inform the WBF Prosecutor or the WBF Secretariat of the same.
  - 3.3. In respect of any sanction imposed pursuant to this Disciplinary Code, which applies not only to the WBF Events but also to the events of the NBOs and Zones, the NBOs and Zones shall respect, and be responsible for the enforcement of, such sanctions within their respective jurisdictions and spheres of activity.
4. Reprehensible Conduct
  - 4.1. Reprehensible Conduct includes, but is not limited to, the following:

- (a) illicit or unethical behavior on the part of an individual which is aimed at improperly affecting, or otherwise likely to improperly affect, the outcome of a WBF Event or match or any part thereof, including, but not limited to, cheating, corruption, match-fixing and bribery;
- (b) An individual placing a bet on, or engaging in any betting-related activity in respect of, a WBF Event or match or any part thereof in which the person placing such bet or engaging in such activity is directly or indirectly involved or interested;
- (c) Improper conduct, including without limitation, acts of aggression, violence or intimidation, on the part of an individual towards any official or body of the WBF in performance of their WBF duties or functions, whether within the context of WBF Event or otherwise;
- (d) knowingly or recklessly making a false declaration or affirmation or accusation to WBF including its organs, commissions, tribunals and officials;
- (e) public comments or statements, without justification, aimed at or likely to damage the reputation of the WBF, WBF Events, WBF officials or participants at WBF Events;
- (f) failure to respect financial obligations (including fines but excluding annual membership dues or charges, which are dealt with in the By-laws) towards the WBF;
- (g) failure of an NBO or Zone to comply with the responsibilities set out at articles, 3.1 and 3.2 and 3.3 above;
- (h) failure to respect a decision of the WBF, including its organs, commissions, tribunals and officials;
- (i) actions or behavior unbecoming an individual participating or attending a WBF Event, function or activity;
- (j) infringement of the WBF Constitution, By-laws or other regulations;
- (k) behaviour, actions or omissions which cause harm or may cause harm to the WBF; and
- (l) any other conduct which is not consistent with the principles of Olympism set out at article 1 above including, in particular, any form of discrimination based on race, religion, politics, gender or otherwise.

- 4.2. Unless stated otherwise, the different forms of Reprehensible Conduct may be committed by both legal persons (NBOs, Zones etc) and individuals (players, officials etc).

5. Sanctions liable to be imposed by the WBF

- 5.1. Depending on the gravity of the Reprehensible Conduct, one or more of the following sanctions may be imposed in respect of Reprehensible Conduct:

- (a) Warning;
- (b) A monetary fine between one thousand Swiss francs (1,000 CHF) and twenty thousand Swiss francs (20,000 CHF).
- (c) Where Reprehensible Conduct occurs at or in connection with a WBF Event, disqualification of all results (including, at the discretion of the hearing panel, the results of the team) at such WBF Event, including forfeiture of any points, prizes and medals;
- (d) Suspension for a given period of time of a NBO or other person from being able to present candidates for positions or offices within WBF(including its organs, commissions and tribunals);
- (e) Suspension (for a given period of time) or removal of individuals from any existing position or office within the WBF (including its organs, commissions and tribunals);
- (f) Ineligibility of individuals, either for a given period of time or permanently, from being able to stand for any position or office within the WBF (including its organs, commissions and tribunals);
- (g) Suspension of a NBO or individual from attending and/or participating in WBF Events and/or activities, either for a specific number of events/activities or for a fixed period of time;
- (h) Suspension of a NBO or other person from organizing WBF Events and/or activities for a fixed period of time;
- (i) Permanent ban on the person concerned (excluding NBOs) from attending and/or participating in WBF Events and/or activities;
- (j) With respect only to the Reprehensible Conduct described at article 4.1(a) above, a suspension of the person concerned from attending and/or participating in WBF Events and/or activities and the events

and/or activities of the NBOs and Zones, in each case either for a specific number of events/activities or for a fixed period of time;

- (k) With respect only to the Reprehensible Conduct described at article 4.1(a) above, a suspension of the NBO or other person, for a fixed period of time, from organizing WBF Events and/or activities; and
- (l) With respect only to the Reprehensible Conduct described at article 4.1(a) above, a permanent ban of the person concerned (excluding NBOs) from attending and/or participating in WBF Events and/or activities and the events and/or activities of the NBOs, Zones and other WBF affiliates.

5.2. For the avoidance of doubt, Reprehensible Conduct falling within article 4.1 (a) but also within other types of Reprehensible Conduct shall be considered in all circumstances as a violation of article 4.1 (a) for the purposes of sub-articles 5.1(j), (k) and (l).

5.3. The above mentioned sanctions, when imposed, shall be officially communicated to all the Zones and NBOs and, if deemed necessary based on the specific circumstances of the case, published on the WBF Web Site.

5.4. With respect to particularly serious Reprehensible Conduct committed by an NBO, the hearing panel shall be entitled to refer a matter to the Executive Council so that it may consider the possible suspension or removal of such NBO in accordance with articles 2.3 and 2.4 of the By-laws.

## 6. Prosecutor & the Initiation of Disciplinary Proceedings

6.1. The WBF General Counsel acts as Prosecutor.

6.2. The WBF President may appoint one or more Substitutes of the Prosecutor and may appoint one or more third parties as is reasonably necessary to assist him/her in the performance of his/her duties.

- 6.3. The Prosecutor and/or his Substitutes may decide to investigate a case of possible Reprehensible Conduct either on his own initiative or following a complaint or referral by an NBO or party with a legitimate interest. The Prosecutor shall not be obliged to consider anonymous complaints. With respect to alleged Reprehensible Conduct occurring within the context of WBF Events: (i) complaints shall be lodged as soon as reasonably practicable during or following the event in question; (ii) the WBF Prosecutor shall only consider complaints if they are lodged on or before the date falling two months after the final day of the event in question; however, this shall not restrict the Prosecutor's ability to commence investigations on his own behalf; and (iii) results of an event cannot be changed when the next edition of the same event has commenced (other than the removal of medals for any players and/or their teams sanctioned as a consequence of any disciplinary proceedings that are brought).
- 6.4. The Prosecutor and/or his Substitute/s shall, without limitation, have the following rights and duties in connection with this Disciplinary Code:
- (a) to conduct preliminary investigations with respect to an alleged or possible case of Reprehensible Conduct;
  - (b) to decide, after the conduct of preliminary investigations, whether to dismiss a matter or to refer it to the Disciplinary Commission;
  - (c) if a referral is made to the Disciplinary Commission, to set out a statement of the charges (the "**Statement of Charges**") against the accused person(s) including, in particular, a brief description of the Reprehensible Conduct;
  - (d) to send the Statement of Charges to the WBF Secretariat with a request that the President appoint a Disciplinary Tribunal;
  - (e) to intervene and represent the WBF in the written and oral proceedings of the Disciplinary Tribunal and the Court of Arbitration for Sport; and
  - (f) where necessary, to appeal the decisions of the Disciplinary Commission to the Court of Arbitration for Sport pursuant to article 8 below.

## Disciplinary Tribunal Proceedings

### 6.5. *Disciplinary Panel*

A Disciplinary Panel of not less than 5 members is appointed by the WBF President with the approval of the Executive Council. The members of the Executive Council and the Advisory Committee cannot be appointed as members of the Disciplinary Panel.

### 6.6. *Appointment of the Disciplinary Tribunal*

- 6.6.1. Upon receipt of a Statement of Charges by the WBF Secretariat, the President shall appoint a Disciplinary Tribunal consisting of three members of the Disciplinary Panel (one of whom shall be designated as Chairperson) and a secretary in order to assist such Tribunal.
- 6.6.2. The President shall not appoint as a member of the Disciplinary Commission to the Disciplinary Tribunal a person who has a direct interest in the matter at issue or is otherwise in a position of conflict.

### 6.7. *The Parties to the Disciplinary Proceedings*

- 6.7.1. The parties to the proceedings before the Disciplinary Tribunal shall ordinarily be the Prosecutor and the accused person(s).
- 6.7.2. A third party which (i) is subject to WBF Constitution, rules and regulations and (ii) reasonably considers that its rights and obligations could be directly affected by the Disciplinary Tribunal decision, may make a written and reasoned request to participate. The Disciplinary Tribunal will decide to accept or reject the request and may solicit the observations of the WBF Prosecutor and accused person(s) prior to making such decision.

### 6.8. *Initiation of the Disciplinary Proceedings and Written Submissions*

- 6.8.1. Once constituted, the Disciplinary Tribunal shall forward the Statement of Charges to the accused person(s) (and, if such accused person is not an NBO, to the relevant NBO) and issue procedural instructions to the parties regarding the written submissions.
- 6.9. Whereas the procedural instructions regarding written submissions will depend on the specific circumstances of the case, the Disciplinary Tribunal shall take the following guidelines into account:

- (a) The Prosecutor shall be given a reasonable deadline (which should not ordinarily exceed thirty days) to file a written brief and annex any relevant evidence;
- (b) The Prosecutor's brief shall be sent, together with any annexes, to the accused person(s) and any other parties;
- (c) The accused person (and any other party) should be given a reasonable deadline (which should not ordinarily exceed thirty days) to file a written answer to the Prosecutor's brief;
- (d) The parties' written submissions must indicate the names of any witnesses and experts they wish to have heard in their respective written submissions;
- (e) A second round of written submissions shall be permitted only in exceptional circumstances;

#### 6.10. *Hearing*

- 6.10.1. The Disciplinary Tribunal shall determine, after receipt of the written submissions (and any further information or documentation) whether an oral hearing is necessary. There is no automatic right to an oral hearing.
- 6.10.2. If a hearing is to be held, the Disciplinary Tribunal shall send a Notice of Hearing to the parties no less than 15 days prior to the commencement of such hearing.
- 6.10.3. The hearing should be held as soon as reasonably practicable following the closure of the written proceedings.
- 6.10.4. The Tribunal shall seek to organize any hearing in an appropriate location (bearing in mind the countries of residence of the accused person, the WBF Prosecutor, any counsel, experts, witnesses and the members of the Tribunal).

#### 6.11. *Decision of the Disciplinary Tribunal*

- 6.11.1. The Disciplinary Tribunal makes a decision (whether on the basis of the written submissions or after a hearing) by majority or unanimity; in the event of a majority decision, the position of the Tribunal member in the minority shall not ordinarily be recorded in the decision.
- 6.11.2. The Disciplinary Tribunal shall record its decision in a written and reasoned report which shall be signed by (at least) the Chairperson and

notified to the parties as soon as reasonably practicable by any appropriate means.

6.11.3. The reasoned report of the Disciplinary Tribunal shall draw attention to the parties' right of appeal (see article 8 below).

6.11.4. The decision of the Disciplinary Tribunal shall deal with the costs of the procedure, including any fees and expenses of the members of the Tribunal and the secretary. The costs of the procedure shall be established by the secretary of the Tribunal and shall be met by the parties (or by one party) in accordance with an allocation established by the Panel and set out in the decision. The decision may also provide for a party to cover all or some of the legal and other costs of another party.

6.11.5. The fact the accused person(s) does not participate in the proceedings of the Disciplinary Tribunal (or any part thereof) does not prevent or restrict such tribunal from proceeding and rendering a decision.

6.12. *Burden and Standard of Proof*

6.12.1 The Disciplinary Tribunal must be comfortably satisfied (a standard of proof that is stated to be lower than the criminal standard of beyond reasonable doubt, but higher than the civil standard of balance of probabilities) on clear and convincing evidence that the accused person has engaged in Reprehensible Conduct within the meaning of article 4 above. Circumstantial evidence will be admissible and hearsay evidence may be admissible.

6.12.2 The facts relating to Reprehensible Conduct may be established by any reliable means.

6.13. *Administration of the proceedings*

6.13.1. The language of the oral and written proceedings shall be English.

6.13.2. The parties can be assisted, at their own expense, by an interpreter.

6.13.3. If the parties seek to produce any document in a language other than English, the Disciplinary Tribunal may, whether on its own initiative or upon request by a party, require an English translation of such document.

- 6.13.4. If the Disciplinary Tribunal considers it necessary to supplement the presentations of the parties, it shall have the right at any point during the proceedings to (i) request further information and documentation from the parties (ii) order the examination of witnesses, (iii) appoint and hear experts and (iv) proceed with any other appropriate procedural act.
- 6.13.5. The Disciplinary Tribunal may, if reasonably necessary, consult and be assisted by experts or lawyers.
- 6.13.6. All written submissions (including exhibits) and correspondence sent by a party to, or for the attention of, the Disciplinary Tribunal shall in principle be sent to all other parties to the proceedings.
- 6.13.7. The Disciplinary Tribunal may be assisted, with respect to any secretarial and administrative aspects of the proceedings, by the WBF Secretariat. Documents may be notified to the parties by any reliable means, including email, fax, post and courier.
- 6.13.8. Requests by the parties for the production of documents shall only be considered in exceptional circumstances; any requests must be specific and relevant.
- 6.13.9. Save for the (possible) publication of any eventual sanction in accordance with article 5.3 above, the proceedings of the Disciplinary Tribunal shall be confidential. The parties, the members of the Disciplinary Tribunal, the secretary of the Disciplinary Tribunal and other persons involved in the proceedings shall respect this confidentiality.
- 6.13.10. Within the framework of the provisions set out in this Code, the Disciplinary Tribunal has the discretion and authority to determine the nature of the proceedings and to resolve any procedural dispute.

## 7. Expedited Proceedings

- 7.1. Notwithstanding the provisions set out at article 6 above, the Disciplinary Tribunal shall have the possibility to conduct its proceedings on an expedited basis if the circumstances so warrant. In this eventuality, the tribunal shall issue appropriate instructions to the parties.

- 7.2. In particular, but without limitation, the Disciplinary Tribunal may be convened on an *ad hoc* basis within the context of a WBF Event in order to deal with alleged Reprehensible Conduct occurring at such event. In these circumstances, the Disciplinary Tribunal shall be entitled to take certain preliminary measures (including the imposition of certain sanctions, if necessary) and to defer other matters for subsequent consideration. In such circumstances, any preliminary measures taken by the Disciplinary Tribunal may only be appealed to the Court of Arbitration for Sport (Lausanne) after the proceedings of the Disciplinary Tribunal have been concluded.

## 8. Appeal to the Court of Arbitration for Sport

- 8.1. The reasoned decision of the WBF Disciplinary Tribunal may be appealed exclusively to the Court of Arbitration for Sport (Lausanne) to be resolved in accordance with the Code of Sports-related Arbitration.
- 8.2. Any such appeal must be lodged within 21 days of the date of notification of reasoned decision of the Disciplinary Tribunal.
- 8.3. An appeal to CAS shall not stay the enforcement of the decision of the Disciplinary Tribunal.
- 8.4. In the event that the only sanctions imposed by the Disciplinary Tribunal are (one or more of) a reprimand and a monetary fine, the dispute shall be submitted to a Sole Arbitrator. In all other circumstances, the dispute shall be submitted to a Panel of three arbitrators.
- 8.5. The language of the CAS arbitral proceedings shall be English.

## 9. Entry into Force

- 9.1. This Code, approved by the WBF Executive Council on 1<sup>st</sup> October 2015, takes effect from 1<sup>st</sup> January 2016..
- 9.2. With respect to Reprehensible Conduct occurring before the entry into force of this Disciplinary Code, the substantive provisions of the Disciplinary Code in force at the time of such conduct shall apply; however, the procedures contemplated by this Code shall apply to the prosecution of such Reprehensible Conduct.