

**Motion 1** (Proposed by Ayrshire Chess Association, seconded by John Montgomery)

Please find attached an amended version of the Standards Code that Ayrshire Chess Association are proposing should replace the current version.

The altered wording is the product of a meeting of members of the Ayrshire Chess Association management committee and Donald Wilson representing Chess Scotland.

Where the wording is in red this represents a change from the previous version – words to be removed are in red and have a strikethrough mark.

Proposed by Ayrshire Chess Association, seconded by John Montgomery, pnum 5331

We would also like to add the following matter to the CS AGM regarding the Standards Code and Standards Committee.

“It is surprising that with such contention regarding the set up of the Standards Code and Standards Committee that there is no evidence that the Committee has met at all during its two years of existence even though its charter specifies that it should meet at least once each year. From what we can ascertain the comments / emails read out at the CS AGM last year were from Trevor Davies the chair of the Committee and not from any convened meeting of the Standards Committee. We would ask whether the Standards Committee in its current state / membership is actually meeting its obligations under the Code.”

## Standards Committee - Operating Procedures

### 1. Principles

The Standards Committee (the “Committee”) shall endeavour to uphold the highest standards of sportsmanship, fairness, integrity and transparency, as exemplified by the conduct of its own affairs.

### 2. Functions

The Committee will develop and promulgate standards of conduct, referred to hereafter as the Standards Code (the “Code”) for:

- (a) Chess Scotland Officials
- (b) Chess Scotland members
- (c) Tournament Directors
- (d) Arbiters
- (e) Coaches
- (f) Chaperons
- (g) Players
- (h) Parents/Guardians
- (i) Editors and authors.

The Committee shall meet at least once annually. The Chair shall submit a Report annually on the activities of the Committee (and any Panels thereof) to the Annual General Meeting.

The Committee will receive reports of alleged breaches of the Code and appoint a Disciplinary Panel (the “Panel”) of at least three members of the Committee to investigate and take appropriate action. The Panel will be reconstituted anew in each case.

### 3. Composition of the Committee

The Chair and Members of the Committee shall be appointed, normally for a three-year (renewable) term, by a General Meeting of Chess Scotland members. Where necessary, the Committee shall have the power to co-opt members, who shall serve up to the date of the following General Meeting.

At full strength, the Committee shall consist of seven members. The quorum for the Committee shall be three members.

The Committee shall appoint a Panel from amongst its number. In the event that there are insufficient eligible candidates, the Committee may co-opt one or more laypersons for that purpose.

No more than a minority of the Committee or any Panel thereof may be Directors of Chess Scotland. No Director of Chess Scotland may serve as Chair of the Committee or any Panel thereof.

All members of a Panel shall certify that they have no significant conflict of interest in the current case. Normally, any member of a Panel declaring such a conflict of interest shall stand down, and a replacement shall be appointed in his/her stead.

### 4. Jurisdiction

The Committee shall have the authority to investigate any and all alleged breaches of the Code, within the jurisdiction of Chess Scotland, and to institute proceedings as described hereafter.

Unless previously agreed, the Committee has no jurisdiction over any events not organised by CS but which are run under the auspices of other chess organisations or tournament directors.

The following persons are (in relation to chess-related activities) subject to the jurisdiction of Chess Scotland (CS):

- (a) All officials and members of CS
- (b) All players<sup>1</sup> taking part in CS events<sup>2</sup>,
- (c) All officials/ organisers of CS events<sup>2</sup>
- (d) All contributors to CS-sponsored publications<sup>3</sup>.

1. Includes the parents/guardians of any junior taking part in any such event

2. Includes all events which are graded by CS or are sponsored/supported by CS

3. Includes the CS internet-site (including the online forum)

### 5. Instigation of action

The Committee will not instigate actions into alleged breaches of Code, except on receipt of a competent complaint. Any complaint made to the Committee must be made in writing<sup>1</sup> and as soon as practicable after the incident.

The complaint must be accompanied by a fee of £10.00 payable to Chess Scotland **received within ten days**. The fee will be returned to the complainant if the Committee determines that the complaint is well-founded or made in good faith.

(1. Throughout this document, “in writing” is understood to include email communications. )

## 6. Competency of Complaints

The Committee will not **normally** investigate a complaint unless all appropriate direct routes for its resolution, if any, have been exhausted by the complainant. Where appropriate, the Committee will advise the complainant that resolution of the dispute/complaint may be best effected by other means.

Complaints which refer to an incident which occurred more than 42 days before receipt of the complaint will normally be time-barred.

A complaint which is wholly or partly defective (e.g., ambiguous, unsubstantiated, frivolous, vexatious, irrelevant, time-barred or trivial) shall be deemed to be incompetent. The Committee may, at its discretion, advise the complainant on re-submission.

## 7. Panel Procedures

In the event of a competent complaint to the Committee, the parties to the dispute will **normally** be given at least 21 days notice in writing of the date when the complaint will be heard by the Panel. The notice of the Hearing will **normally** contain **a copy the substance** of the complaint.

The Panel will **normally** invite the parties to present their case by written<sup>1</sup> submission but may also **invite-accept** oral submissions from the parties, or their representatives. Written submissions must be received no later than 10 days in advance of the Hearing and will normally be forwarded to all parties. No further written submissions will be accepted by the Panel.

The Hearing will normally be held within 35 days of receipt of a competent complaint. It may be held in public, at the discretion of the Panel. The Chair of the Panel shall conduct the Hearing and is empowered to require the parties (if invited to be present) to give their evidence concisely and to limit such evidence to the subject of the case. The proceedings of the Hearing shall be minuted.

The Panel may adjourn the Hearing (but not **normally** for longer than **7 14** days) to hear further evidence. The Panel shall be entitled to consider any relevant evidence.

The Panel will retire to consider its verdict in private which will then be communicated in writing to the parties. In the event that the Panel is tied on any

question, the Chair shall exercise a casting vote, in addition to his/her deliberative vote. If a unanimous verdict cannot be reached, the majority verdict shall apply.

(1. Throughout this document, “in writing” is understood to include email communications. )

## 8. Disciplinary Powers

The Panel shall assume the full disciplinary authority of Chess Scotland, subject only to a successful appeal against its judgement. These disciplinary powers include any combination of:

- (a) Censure
- (b) Probation
- (c) Suspension of CS membership
- (d) Suspension from CS office
- (e) Suspension from CS events

Note:

The probationary and suspension periods will be specified.

A suspension may be permanent (i.e., a life-time ban)

The word “office” may refer to a specific post (or posts) or to all posts.

CS events may refer to a specific event (or events) or to all CS events.

(CS events are defined elsewhere).

## 9. Judgements

Judgements shall be made in writing and shall be communicated to the relevant parties **normally** within 14 days of the Hearing. The judgement shall include the reasons on which it is based. Any dissenting member of the Panel shall be entitled to deliver a separate opinion, which shall be appended to the judgement. The judgement may be published at the discretion of the Panel, but publication may be stayed if either party gives written notice that they intend to appeal. The judgement shall contain the names of the members of the Panel.

## 10. Appeals

Appeals must be made in writing to the Appeals Board (the “Board”), within **7 42** days of communication of the judgement. The Board shall adopt comparable working practices to those of the Panel.

An appeal will be deemed to be incompetent (and dismissed) unless the appellant provides compelling evidence that:

- (a) the Panel failed to examine the evidence properly, or,
- (b) the Panel was not properly constituted, or,
- (c) the Panel failed to follow proper procedures, or,
- (d) the Panel’s judgement was perverse.

An appeal on the sole grounds that the appellant does not agree with the Panel’s judgement will not be entertained.

If the Board rules that the appeal is competent, it may call for further evidence from all relevant parties, including the Panel. The Board may then either, (a), dismiss the appeal or, (b), grant the appeal in part or in total. In the latter case, the Board shall assume the Panel’s disciplinary powers. The Board’s judgement, which shall be final, shall be communicated in writing to all relevant parties.

END.....

## Background

Chess Scotland is the governing body for chess in Scotland: it is one of the oldest national chess associations in the world. As the national organisation for chess, Chess Scotland is the affiliate to the International Chess Federation (FIDE) and appoints the Scottish delegate to FIDE's Council. Its International Director is responsible for selecting the teams which represent Scotland at the biennial Chess Olympiad.

Chess Scotland's principal objective is to, - " foster and promote the game of chess throughout Scotland among players of all ages".

Its principal functions are:

- (a) to represent the interests of Scottish chess (at FIDE and elsewhere),
- (b) to select individuals and teams to represent Scotland at international chess events,
- (c) to hold national and international chess tournaments in Scotland
- (d) to promote the game of chess in Scotland
- (e) to train and appoint officials
- (f) to operate a national grading system

The functions of Chess Scotland are largely performed by unpaid volunteers: Chess Scotland is registered as a "*not-for-profit*" organisation. Its turn-over (2009) was approximately £35k, of which a third was provided by the Scottish Government via annual grant aid.

Many people can play chess and a significant proportion of these have an active interest in the game (e.g., internet chess, parents/guardians of junior players, etc.). The number of players currently known to CS is more than 5000, of whom about half are juniors. Approximately 3000 currently-active players have played sufficient games in official events (not necessarily events organized by CS) to be assigned a national rating (grade) for their standard of play. Chess Scotland therefore serves a very wide constituency from school children to International Grandmasters.

The affairs of Chess Scotland are managed by its directors and other officials who work (with other promoters, as appropriate) to fulfil the objectives of the organisation. Most of these posts are filled by election at the Annual General Meeting of Chess Scotland. Chess events are supervised by certified arbiters who must undergo written and practical competency tests administered by Chess Scotland. Chess Scotland also maintains a register of approved coaches and chaperons. All of these officials (arbiters, coaches and chaperons) are required to undergo "Disclosure" certification, under Scottish Child Protection legislation.

Apart from the publicity surrounding its events, Chess Scotland's activities are communicated to the general public (including children) and to its sponsors via its internet web-pages. An on-line forum promotes discussion of chess-related topics of current interest. In addition, Chess Scotland publishes a magazine which appears six times a year.

For many players, the Chess Scotland on-line rating system is of particular importance, and the rating system is a source of significant revenue to Chess Scotland. Application to Chess Scotland for the recognition of an event (or player) for rating purposes brings the event (or player) within the jurisdiction of Chess Scotland.

# Rationale for a Standards Committee

The affairs of Chess Scotland are, of course, subject to Scottish Law. However, in most organizations (sporting or otherwise), the actions of individuals within their jurisdiction must comply with certain defined minimum standards of behaviour. Such standards are more rigorous than those imposed by criminal law. Failure to do so may result in disciplinary action being taken. Particularly relevant (and accessible) codified standards are operated by FIDE and USCF (see Appendix A & B).

Like all these organisations, Chess Scotland has a vital interest in ensuring that appropriate standards are upheld. For example, Chess Scotland events depend heavily on the selfless work of volunteers. Further, crucial financial support is received from the Scottish Government and other sponsors. Thus, actions which directly or indirectly damage events or discourage sponsors, volunteers and other parties from supporting chess activities can not be tolerated.

It is remarkable that Chess Scotland currently has no defined standards of behaviour and no effective disciplinary mechanism. In consequence, the organisation has had difficulty in resolving certain problems which have surfaced from time to time, such as the:

- (a) alleged abuse of CS officials by players (or their parents),
- (b) alleged improper behaviour of CS officials,
- (c) unsporting behaviour of players, and,
- (d) abuse of the online forum.

Although the Standards Committee must assume appropriate disciplinary powers to enforce its standards, its primary role will be to develop and promote ethical standards among players, officials and other parties. It is hoped that promulgation of these standards throughout the game will be even more effective (than imposing penalties) in reducing the incidence of undisciplined and inappropriate behaviour.

## **Motion 2** (Proposed by Andy Howie, Seconded by Michael Hanley)

The position of Honorary President shall be exempt from annual elections and will be held until either the holder wishes to resign or the AGM recommends that there is a change.

## **Motion 3** (Proposed by Andrew Muir, Seconded by Jacqui Thomas)

A new category of Chess Scotland member shall be created. Members of this category will be entitled to have the code SCO in the FIDE rating list and to use the Scottish flag. They will not be entitled to play for Scottish teams and not be entitled to obtain the title of Scottish champion. Members shall come under this category at the discretion of the management board.

**Motion 4** (Proposed by: David Deary Seconded by: Andrew McHarg)

1. That the following revisions are made to the Chess Scotland Constitution to ensure that communication with members is effective going forward. All additions are marked in red.

### **13 ANNUAL GENERAL MEETING (AGM)**

**13.4** The Executive Director shall give each member six weeks notice of the place, date and hour of the Annual General Meeting, but such meeting will not be invalidated should any member not receive advice of the meeting. It shall be deemed sufficient to publish these details on the Chess Scotland internet site **and to contact all members by email (or in writing if no email address is available)**.

**13.7** The Executive Director shall publish all nominations for elections and proposals for consideration at least two weeks before the meeting. It shall be deemed sufficient to publish these details on the Chess Scotland internet site **and to contact all members by email (or in writing if no email address is available)**.

### **14 SPECIAL GENERAL MEETING (SGM)**

**14.6** The Executive Director shall give two weeks notice to members of the holding of a Special General Meeting, but such a meeting will not be invalidated should any member not receive advice of the meeting. It shall be deemed sufficient to publish these details on the Chess Scotland internet site **and to contact all members by email (or in writing if no email address is available)**. The notice of the meeting shall include a statement of the purpose of the meeting and include details of the motion(s) to be voted on.