

# Standards Committee - Operating Procedures

As agreed at the Annual General Meeting of Chess Scotland, 24 August 2013

## 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.

Nothing in this code removes the right of local associations, leagues or clubs to deal with local complaints and disputes within their local jurisdiction. Chess Scotland requires that the resolution of disputes and complaints is first attempted at the local level - see paragraph 6. However, certain matters require to be reported to, and addressed at, national level in order to ensure consistency and, where relevant, legal compliance. Examples are:-

- Grading (Chief Grader)
- Arbiters (Chairman of the Arbiters' Committee)
- PVG (PVG Lead Signatory).

## 2. Functions

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

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

The Committee shall meet<sup>1</sup> at least once annually. The Chair shall submit a Report annually on the activities of the Committee (and any Panels thereof) to the Chess Scotland 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 may be reconstituted anew in each case.

(<sup>1</sup> meet may include use of physical, telephone or video conferencing)

## 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 lay-persons 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 declare that they have no significant conflict of interest in the current case. 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 all alleged breaches of the Code, within the jurisdiction of Chess Scotland, and to institute proceedings as described hereafter.

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>

(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)

#### **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 attempted local resolution has been unsuccessful (see 6).

The complaint must be accompanied by a fee of £20.00 payable to Chess Scotland. 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 or similar communications.)

#### **6. Competency of Complaints**

The Committee will not investigate a complaint unless it is of the opinion that 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 be time-barred, unless, in the opinion of the Panel, exceptional reasons exist for not presenting it earlier.

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 a range of options may be adopted. The main objective is for the case to be fairly determined without undue delay. Depending on the circumstances, the Panel may require either:

a) That all allegations and evidence relating to the complaint be submitted to it in writing within 21 days of being asked. Additional information from the parties<sup>1</sup> or others may be requested by the Panel if considered necessary.

OR

b) The Panel may at its discretion, hear oral testimony/submissions from the parties<sup>1</sup>, and/or their appropriate representatives<sup>2</sup>. Hearings<sup>3</sup> will normally be held within 35 days from receipt of a competent complaint. Each party to the dispute will receive a copy of the complaint and will be given at least 21 days' prior notice of the Hearing date. Written submission must be received not later than 10 days in advance of the Hearing and the party making the written submission must provide a copy to the other party. No further written submission will be accepted by the Panel. Hearings will usually be held in private with only the invited participants present. Occasionally, however, 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 parties 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 to hear further evidence but not for longer than 14 days.

For option (a) or (b) the Panel will deliberate in private and its decision will be communicated in writing to the parties, usually, within 21 days from the meeting of the Panel or the conclusion of the Hearing. 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 decision shall prevail.

1. Here and throughout the document Parties are defined as :

a). The person/s named in the initiating Complaint Form.

b). The person/s who is/are subject of the complaint.

Where either a) or b) is not an adult then these definitions refer to his/her parent/guardian

2. A representative that the Panel might find appropriate include

a) a parent or guardian representing a minor

b) when the party has a disability that restricts or prevents clear communication

c) when the party is too unwell to attend the Hearing

3. Throughout this document 'Hearing in the form of a meeting' is understood to include physical, video or telephone conferencing options)

## 8. Disciplinary Powers

The Panel shall assume the full disciplinary authority of Chess Scotland, subject only to a successful appeal against its Decision. 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. **Decisions**

The decision 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 decision. The decision 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 decision 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 14 days of communication of the decision. 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 decision was perverse.

An appeal on the sole grounds that the appellant does not agree with the Panel's decisions and determination 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 whole. In the latter case, the Board shall assume the Panel's disciplinary powers. The Board's decision, which shall be final, shall be communicated in writing to all relevant parties.

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## 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.