

This Memorandum of Understanding (MoU) was agreed between the English Chess Federation (ECF) and the Chess Arbiters' Association (CAA) on 24/02/2018

This Memorandum:

- which is not intended to create any legally binding obligations or rights and should not be regarded as an offer capable of giving rise to a contract by means of acceptance, sets out the principal provisions which have been discussed for the operational and financial relationship between the CAA and the ECF;
- is subject to contract, and neither the CAA nor the ECF intend to formalise this Memorandum as a contract; and shall be governed by, and interpreted in accordance with, English law.

The principal provisions are set out below:

The ECF shall:

- Administer the system of training arbiters in England.
- Organise training courses at national and international levels, and appoint qualified trainers to deliver them.
- Forward to the CAA all documents from Federation International des Echecs (FIDE), the European Chess Union (ECU), and the Commonwealth Chess Association relating to Arbiters and Organisers. The CAA shall extract appropriate information from such documents and share it to the British Isles Chess Co-ordinating Committee (BICC) nations to disseminate as appropriate within each country's jurisdiction.
- Arrange for suitable insurance cover for the CAA Standards Committee.
- Be expected to enforce decisions taken by the CAA Standards Committee, or publish reasons why it is unwilling to do so.

The CAA shall:

- Produce training materials that the ECF and other national organisations may use at their training courses.
- Organise a Standards Committee to which the ECF and other British national federations may refer disputes which have exhausted all local or national resolution procedures. Such disputes shall relate only to matters involving chess organisation including arbiter and player actions. In general, only issues arising from graded/rated games will be considered.
- Provide recommended fees for arbiters who work at ECF-graded chess tournaments.

### **Amendment/Cancellation**

Each of the parties may terminate any arrangement and/or all arrangements in this Memorandum by giving the other party 90 days' written notice.

## **HOW TO COMPLAIN**

### **A Guide to Submitting Complaints to the Standards Committee**

The purpose of this document is to give guidance on how to compile complaints for submission to the CAA Standards Committee (the committee).

Seek local resolution - it cannot be emphasised too much that you must raise any issues/concerns as close as possible in both time and place to the original event. There is no point in trying to raise anything directly with the committee, your complaint will simply be referred back to you.

Even at the initial stage, it is advisable to write down what happened and record as many details as possible such as time, date, place, witnesses, etc.

If you have exhausted fully the local and national complaints process and you feel that a satisfactory resolution has not been achieved, you can then consider approaching the Committee. At this stage, you should think very carefully in order to clarify precisely what your complaint is about. A simple, clear statement is going to carry more weight than a series of vague generalised grumbles. Indeed, if the latter make up the body of the complaint then it is unlikely they would be considered.

You will need to think carefully about the basis of your appeal to the Standards' Committee.

Remember, simply disagreeing with the local decision is not a valid basis for an appeal. You should consult the Standards Code and Operating Procedures documents to be clear about what would be valid grounds for complaint.

To submit a complaint to the committee you need to complete a Cover Sheet, it can be downloaded from the CAA website Standards page The Cover Sheet is to be submitted alongside your cheque (which is non refundable if your complaint is regarded as frivolous or vexatious).

No matter how upset you are, try to remain as objective as possible; emotion does not strengthen your case.

Be scrupulously honest in your submission to the extent of admitting facts which you might consider will weaken your case. The committee will be encouraged by an honest submission and, equally, will be discouraged if any aspect is proved to be either erroneous or misleading.

Report on only what you know happened. Passing on rumours is unhelpful.

The committee take their responsibilities very seriously and will look at your case as objectively as possible. If any member has any personal involvement, role or interest in your case they will withdraw and allow their colleagues to process the matter. To assist the committee, producing corroborative information is vital to lift your complaint from hearsay into evidence. Your corroboration could be in a variety of forms such as witness statements or documents.

All relevant information relating to your complaint should be included at the time of your original complaint being submitted to the committee. Remember they will probably not know about your case before reading your submission so it will help them to reach a correct assessment if you have reported fully. It will be for the committee to decide whether they ask you or other parties for clarification of any aspect of your complaint. The committee may decide to request clarification to be submitted to them in either documentary or oral form. The point is not to rely on any later clarification process to communicate information missing from your initial complaint document; that later step might never happen.

## **Standards Committee - Operating Procedures**

Throughout this document, "in writing" is understood to include email or similar communications. "Meeting" is understood to include gathering by electronic means e.g. telephone conference or Skype.

### **1. Principles**

The CAA Standards Committee (the "Committee") shall endeavour to uphold the highest standards of sportsmanship, fairness, integrity and transparency.

Nothing in this code removes the right of local associations, leagues or clubs to deal with local complaints and disputes within their local jurisdiction. Indeed, the CAA 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, a different level in order to ensure consistency and, where relevant, legal compliance.

### **2. Functions**

The Committee will develop and promulgate standards of conduct, referred to hereafter as the Standards Code (the "Code") of the CAA. It is intended that these represent the standards expected of the following:

- (a) Officials
- (b) Members
- (c) Tournament Directors
- (d) Arbiters
- (e) Players
- (f) Spectators including Parents/Guardians

The Chair shall submit a Report annually on the activities of the Committee (and any Panels thereof) to the CAA Annual General Meeting. This Report will also be circulated to all BICC members.

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.

### **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 CAA members.

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

The Committee shall appoint a group of evaluators of whom 3 will form a Panel to investigate complaints received.

These evaluators will be people of high standing, normally within the chess community. Candidates to be evaluators will be nominated by members of the CAA or other recognised chess bodies including national federations, local associations, etc.

An appointed Panel should represent a cross section of the chess community. (In the chess community it is common for one person to have a variety of roles, e.g. arbiter, organiser, captain, etc. This makes it difficult to specify that a Panel should have a certain composition e.g. only one arbiter.)

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.

The Committee may co-opt members with expertise in the area under consideration.

### **4. Jurisdiction**

The CAA operates throughout the British Isles. However the Standards Committee can only work with the approval of other organisations. It is anticipated that local organisations will approve participation of the independent CAA Standards Committee in resolving disputes. The CAA will also operate when given the permission of a higher body such as a national federation.

### **5. Instigation of action**

The Committee will not instigate actions into alleged breaches of Code, except on receipt of a competent complaint. Such complaints should normally come via the national federation. Any complaint made to the Committee must be made in writing and as soon as practicable after attempted local resolution has been unsuccessful (see 6).

The complaint must be accompanied by a 'Good Faith Deposit' of £50.00 payable to the CAA.

The deposit will be returned to the complainant unless the Committee determines that the complaint was frivolous or malicious.

### **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' 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', and/or their appropriate representatives. Hearings 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 CAA has no disciplinary powers. The CAA may suggest that any combination of the following be applied by the local body..

(a) Censure

(b) Probation

(c) Suspension of membership of an organisation

(d) Suspension from office in an organisation

(e) Suspension from events organised by an organisation

The CAA would expect appropriate organisations to carry out the suggested penalties. Where this is not done the CAA would expect the organisation to publish why it had rejected the Standards Committee findings.

In addition, not all matters referred will suitably be dealt with by disciplinary procedures. Many situations would be avoided by better training or organisation. In these situations, the CAA may recommend remedial measures to minimise a recurrence of the incident.

The CAA reserves the right to alert its members and others to the potential problems which may exist when assisting an organisation (or person) which does not meet the requirements of its Code of Conduct.

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.

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

## **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 Committee Chair within 14 days of communication of the decision. The Standards committee will appoint an Appeal's Panel to examine the appeal.

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 Standard's Committee rules that the appeal is competent it will form a second panel. This Appeals Panel (AP) may call for further evidence from all relevant parties, including the original Panel. The Appeals Panel may then either, (a), dismiss the appeal or, (b), grant the appeal in part or in whole. In the latter case, the AP shall assume the same powers to make decisions. The AP's decision, which shall be final, shall be communicated in writing to all relevant parties.

#### **Rationale for a Standards Committee**

It is not intended that the CAA Standards Committee will replace existing procedures. However, it is clear that additional procedures are needed particularly where no national or regional body exists to examine incidents which may lead to disputes.

The CAA has an interest in ensuring that high standards are upheld in events throughout Britain.

Currently there are parts of the country where there are no sanctions which can be taken against an arbiter who has failed to keep up to date with the Laws of Chess nor any way of giving remedial support. Nor can arbiters effectively take action against players.

It is hoped that this scheme will be able to deal with such matters and to prevent others from either occurring or reaching the proportions that they have in the past.

**STANDARDS OF CONDUCT (Code of Conduct)**

It is impossible to define exactly and in all circumstances the standard of conduct expected from all parties involved in tournaments and events, or to list all acts which would amount to a breach of the Code of Ethics and lead to disciplinary sanctions. In most cases common sense will tell the participants the standards of behaviour that are required. If any participants in an event has any doubt as to the conduct which is expected of him or her, the officials present should be contacted or the local organiser who has been put in charge of the event.

The actions and behaviour of players, tournament organisers, and other individuals and entities participating in chess activities, shall be lawful and in accordance with all appropriate rules and regulations, and consistent with the principles of fair play, good sportsmanship, honesty, and respect for the rights of others.

The following is a list of examples of actions and behaviour that are considered unethical. The list is not intended to be exhaustive, and any action or behaviour that is unlawful or violates appropriate chess rules and regulations, or is inconsistent with the principles of fair play, good sportsmanship, honesty, and respect for the rights of others, may be considered to fall within the scope of this code of conduct.

- (a) Intentional violations of tournament regulations, or of any other regulations pertaining to chess activities and goals, particularly after being warned.
- (b) Cheating in a game of chess by illegally giving, receiving, offering, or soliciting advice; or by consulting written sources; or by tampering with clocks; or in any other manner.
- (c) Deliberately losing a game for payment, or to lower one's rating, or for any other reason; or attempting to induce another player to do so. Deliberately failing to play at one's best in a game, in any manner inconsistent with the principles of good sportsmanship, honesty, or fair play.
- (d) Deliberately misrepresenting one's playing ability in order to compete in a tournament or division of a tournament intended for players of lesser ability; players with foreign ratings are expected to disclose those ratings.
- (e) Participating in a tournament under a false name or submitting a falsified rating report.
- (f) Participating in a tournament while under suspension.
- (g) Purposely giving false information in order to circumvent or violate any rule or regulation.
- (h) Attempting to interfere with the rights of any player, such as by barring someone from entering an event for personal reasons. Generally, no individual should be barred from an event for which he or she meets the advertised qualifications, without appropriate due process, and then only for behaviour inconsistent with the principles of this code and/or the rules of chess. If a ban on future participation is imposed, the individual should be notified of the ban prior to his attempting to appear at future events.
- (i) Running tournaments, other than for internal club events, without having a qualified arbiter.
- (j) Running FIDE rated events with unlicensed arbiters.

Signed .....

Lara Barnes  
Chairman of Chess Arbiters' Association

Signed .....

Alex Holowczak  
Home Director of English Chess Federation