

**Middlesex County Chess Association
COMPLAINTS RULES**

Approved by Complaints and Disciplinary Panel on 16 January 2025

Effective date: 16 January 2025

1. MISCONDUCT AND COMPLAINT

- 1.1. Misconduct is any unjustified and non-trivial act or omission done deliberately, recklessly or negligently by a complainee in breach of the FIDE Laws of Chess, the FIDE Ethics & Disciplinary Code or the FIDE Anti-Cheating Regulations; or which could cause significant harm to the Association, its reputation, its operations or its finances; subject to any exceptions made by the Panel in the course of any complaint.
- 1.2. A complaint is any written complaint, disciplinary action or grievance addressed to the Association, alleging misconduct by an officer ("the complainee"), and started not earlier than three months before the effective date; and shall where the context allows include part of such complaint, but shall not include a complaint against anything expressly authorised by the Association's Council, Executive Committee or any subcommittee (including the Panel).
- 1.3. Any action on a complaint taken by an MCCA officer in good faith before the effective date shall be deemed to comply with these Rules.
- 1.4. The Chairman and the Panel as soon as practicable after the effective date shall take any outstanding action required by these Rules and may take any outstanding action permitted by them.

2. PRINCIPLES

- 2.1. The Panel shall act in line with these principles:
 - 2.1.1. Its function is managerial and administrative, not judicial or quasi-judicial.
 - 2.1.2. It shall act in the best interests of the Association and to protect the Association's reputation.
 - 2.1.3. It shall act in good faith in dealing with the complainant and the complainee.
 - 2.1.4. It shall act with all deliberate speed.
 - 2.1.5. It is not required to act for the benefit of the complainant or the complainee or in their interests.
 - 2.1.6. It need not consider comments and representations submitted after the relevant deadline.
 - 2.1.7. Nothing in these Rules shall impair the powers of the Association's Council or its Executive Committee under the Constitution.

3. DUTIES OF THE PANEL CHAIRMAN

- 3.1. The Panel Chairman shall:
 - 3.1.1. promote and ensure compliance with the principles;
 - 3.1.2. ask another Panel member to act as chairman if the Panel Chairman cannot do so (and such member shall have all the powers and duties of the Chairman while so acting);

**Middlesex County Chess Association
COMPLAINTS RULES**

- 3.1.3. decide any question arising under these Rules and what action to take in situations not directly covered by them.

4. DUTIES OF THE COMPLAINEE

- 4.1. The complainee shall co-operate in good faith with the Panel, its Chairman and the investigator, including adherence to deadlines.

5. PANEL PROCEEDINGS

- 5.1. The quorum of the Panel for all purposes shall be two.
- 5.2. The Panel may take decisions at meetings or by any form of distance communication, provided that every member is given the opportunity to participate.
- 5.3. In the event of a tie after four or more Panel members have voted, the Chairman shall have a second or casting vote.
- 5.4. In the event of a tie after only two Panel members have voted, those members shall use all reasonable endeavours to reach agreement but if that fails then the proceedings shall be closed and no remedial action shall be taken.
- 5.5. The Secretary (if a member of the Panel) or the Panel Chairman shall minute or otherwise record and circulate to the Executive Committee the Panel's decisions (or failure to decide).

6. REMEDIAL ACTION

- 6.1. Remedial action shall aim to protect the Association's interests rather than to punish a complainee, but the Panel when deciding on remedial action may take into consideration a complainee's failure or refusal to co-operate with the Panel in good faith.
- 6.2. Subject to the Constitution of the Association and/or to the Rules of the Middlesex League, the Panel may, if it finds misconduct proven, take one or more of the following remedial actions:
- 6.2.1. ask the Panel Chairman, President, Secretary or other officer to apologise to the complainant formally on behalf of the Association
- 6.2.2. require the complainee to apologise to the complainant by a deadline and in strict compliance with wording and requirements specified or approved by the Panel Chairman, with no additions; failing which the Panel may forthwith declare a vacancy in any or all offices held by the complainee
- 6.2.3. give the complainee a written warning, reprimand or severe reprimand in such terms as the Panel may think fit
- 6.2.4. relieve the complainee of some or all of the complainee's powers and duties as an officer, for a fixed period or until the close of the next Annual Council Meeting
- 6.2.5. declare a vacancy in any or all offices held by the complainee
- 6.2.6. ask the Executive Committee to convene a Special Meeting of the Council to remove the complainee from office and elect a person to hold that office in place of the complainee

**Middlesex County Chess Association
COMPLAINTS RULES**

- 6.2.7. such other remedial action as the Panel shall consider reasonable in the interests of the Association.

7. STAGE 1: THE COMPLAINT

- 7.1. Any chess club, county chess association, regional chess union, national or continental or international chess federation, MCCA officer (including a Panel member), chess player or other person having a material interest in the investigation and resolution of a complaint ("the complainant") may submit such complaint to the Association's Secretary or the Panel Chairman.
- 7.2. No complaint or part of a complaint shall be entertained if submitted more than three months after the date of the alleged misconduct, but the Panel may investigate the facts alleged in such complaint or part if they explain or are otherwise relevant to a complaint submitted in time.
- 7.3. Any officer in receipt of a complaint shall forward it as soon as possible to the Secretary and the Panel Chairman, one of whom shall acknowledge it forthwith.
- 7.4. The Chairman shall reject the whole or any part of the complaint which is out of time, or shows no misconduct on the face of it, or does not specify a complainee, or does not otherwise conform with the requirements for a complaint in these Rules, or is frivolous or vexatious; and shall so inform the complainant.
- 7.5. The Chairman shall forward the complaint (unless rejected in full) to Panel members; shall draw their attention to any rejected parts; and shall ask whether any member belongs to the same chess club as the complainee, has any other conflict of interest, or may be subject to undue pressure or influence by the complainant, the complainee or their supporters.
- 7.6. The Chairman shall have discretion to exclude any such member (including the Chairman if applicable) from involvement in the complaint, subject to the Chairman's right in Stage 4 to allow an excluded member to attend the decision meeting on a restricted basis.

8. STAGE 2: THE INVESTIGATION

- 8.1. The Chairman shall appoint an investigator (normally but not necessarily a Panel member) to investigate the facts and circumstances of the complaint and to report on them to the Panel.
- 8.2. The investigator shall copy the Panel Chairman into all emails sent or received by the investigator.
- 8.3. The investigator shall send the complaint and these Rules to the complainee and inform him or her of any part of the complaint which has been rejected; and shall invite the complainee to submit the complainee's own version of or comments on the alleged facts within the next 10 days (and may subsequently extend that period).
- 8.4. The Panel may, at any time after the complainee has received a copy of the complaint and these Rules, relieve the complainee of some or all of the complainee's duties and responsibilities as an officer until the Panel has decided the remedial action to be taken.
- 8.5. The investigator's report shall attach, preferably as a single PDF, the complaint and such emails, statements and other documents or evidence as the investigator

**Middlesex County Chess Association
COMPLAINTS RULES**

thinks the Panel should see, and shall summarise the alleged misconduct in a "charge sheet".

8.6. The investigator shall submit such report to the Chairman.

9. STAGE 3: BETWEEN INVESTIGATION AND PANEL MEETING

9.1. The Chairman shall forward the investigator's report including any attachments to the other members of the Panel and to the complainee; and shall require the complainee to submit written representations to the Panel and to state whether or not he or she wishes to make oral representations at a Panel meeting, in both cases within the next 10 days.

9.2. As soon as practicable after the 10 days have expired, the Chairman shall convene a meeting of the Panel ("the decision meeting"), to which the complainee shall be invited but only if the complainee has within that period submitted written representations and stated that he or she wishes to attend the meeting to make oral representations.

10. STAGE 4: THE MEETING

10.1. The Chairman shall have the discretion to allow an excluded member to attend the meeting as an observer and/or to speak but not vote at the meeting, and notwithstanding the Chairman's duty to exclude such member from involvement in the complaint.

10.2. The Chairman at the decision meeting shall if the complainee is present by invitation:

10.2.1. invite the complainee to make oral representations, question the complainee on such representations and any written representations, and invite the other Panel members to do likewise;

10.2.2. tell the complainee that the Chairman will notify him or her as soon as practicable of the Panel's decisions;

10.2.3. ask the complainee to leave the meeting or terminate the complainee's participation (if on Zoom).

10.3. After the complainee has left the meeting, the Panel shall consider the complainee's representations and answers to questions, decide whether or not to find each act of misconduct proven, and decide what remedial action to take in respect of proven misconduct.

10.4. The Chairman shall as soon as practicable notify the complainee and the complainant of the Panel's decisions.

10.5. The Chairman shall take the lead in enforcing the Panel's decisions.

11. FINALITY OF THE PANEL'S DECISIONS

11.1. There shall be no right of appeal against the Panel's findings of fact or its remedial action.