

# B.06.5 FIDE ARBITER DISCIPLINARY REGULATIONS

## **Article 1: Composition of ARB Disciplinary Sub-Committee:**

1.1 The body in charge of disciplinary matters inside the FIDE Arbiters' Commission (ARB) is called *FIDE Arbiters' Disciplinary Sub-Committee (DSC)*.

1.2 It consists of five members:

- One Chairman
- Two Members
- Two Substitutes

1.3 The DSC Chairman and other members of the DSC are nominated by the FIDE Council, upon proposal by the ARB Chairman after consultation with the other Councillors. Their term coincides with the term of ARB.

1.4 All DSC members shall be International Arbiters with category A, B or C, and represent different federations. At least 3 of the members shall have a legal background. They are not part of the FIDE Arbiters' Commission (Chairperson, Secretary, Councillor or Member).

## **Article 2: Jurisdiction of the ARB Disciplinary Sub-Committee and Admissibility of Complaints**

2.1 The DSC shall exercise jurisdiction over all FIDE licensed arbiters as FIDE family members, as defined below. The term "arbiters" also covers accredited lecturers for FIDE seminars for these regulations.

2.2 The DSC shall only consider complaints and reports received which meet the requirements for the admissibility of complaints and reports as set out in these rules.

2.3 The DSC has no power to investigate breaches of these rules on its own initiative, but can decide a case only after receiving it from ARB.

2.4 All complaints concerning the conduct of arbiters shall be referred to ARB, which shall provisionally decide whether the complaint is admissible or not. The question of admissibility shall be decided by the majority of the voting members of ARB. In the event the complaint is ruled inadmissible, the complainant will be informed accordingly and the matter will be regarded as closed. If the complaint is ruled admissible, it will be referred to DSC for investigation and decision; or to the Ethics & Disciplinary Commission (EDC) directly if the alleged breach is of a serious nature which, in the view of ARB, may attract a punishment of a ban longer than 18 months in the case of a first offender, or 24 months in the case of a repeat offender, or in other cases where ARB deems it unsuitable for the matter to be dealt by DSC first.

2.5 In the case of direct referrals to EDC, ARB will act as the nominal complainant in front of the EDC, representing the general interest of FIDE. ARB will in such cases first refer the complaint to DSC for investigation and will send the DSC's report together with ARB's recommendation to the EDC.

2.6 Complaints are receivable from one or more of:

- (a) FIDE President
- (b) FIDE Council
- (c) FIDE Management Board
- (d) FIDE Commissions
- (e) A National Federation
- (f) An Organiser or an Arbiter of the FIDE rated tournament in which the alleged misconduct took place
- (g) A player or a group of players directly affected by the conduct of the arbiter complained about. If one of the players is a minor, the complaint must be filed by their parent or guardian in the name of this player.

2.7 These rules shall apply in respect of any and all conduct forbidden in these rules if performed by an arbiter and such conduct takes or took place on an occasion in one of the following spheres:

a) The international sphere, meaning FIDE-rated tournaments and events, as well as other tournaments and events which has a multi-national participation, or at which norms for FIDE titles can be earned, or serve as a qualifying event for a major FIDE tournament or event including the World Cup, or the relevant conduct in some manner affects the interests of other national federations or the international chess community as a collective.

b) The national sphere, meaning FIDE-rated tournaments, events and meetings organised or hosted or under the auspices of a national federation which fall outside the international sphere, but only if the case on which the alleged violation is based has international implications or affects various national member federations of FIDE and has not been judged at national level through the national federation's own arbiters disciplinary body or the decision of national arbiters body is considered inappropriate .

2.8 The alleged misconduct must have been committed during the course of a period of no more than five (5) years immediately preceding the date on which the complaint or report is received by FIDE or a competent FIDE organ commences its investigation in instances of fraud, corruption and cheating, and no more than three (3) years preceding such date in all other instances. Provided that ARB will not receive and act upon a complaint if the complainant was aware, or should reasonably have been aware, of the relevant facts for a period of more than nine (9) months before lodging the complaint.

### **Article 3: Offences**

#### **3.1 Administrative Offences**

- a) False reports: Any arbiter who knowingly makes a false report or provides misleading information to FIDE or any one of its organs.

#### **3.2 Offences Causing Reputational Harm**

- a) Unworthy of confidence or trust: Arbiters who through their behaviour no longer inspire the necessary confidence or have in other ways become unworthy of trust.
- b) Lack of impartiality and responsibility: Arbiters who fail to perform their functions in an impartial and responsible manner.
- c) False or unjustified accusations: Arbiters must not make unjustified accusations of any nature towards players, arbiters, officials, organisers, or sponsors.
- d) Discrimination and Racism: An arbiter that discriminates against a country, group or person on account of religion, politics, ethnicity, sexual orientation or gender, or any individual who publicly displays discriminatory or racist behaviour.
- e) Gifts: Arbiters who accepts, requests, or receives any unjustified (beyond the common prevailing local customs) gift or benefit (or the legitimate expectation of a benefit, irrespective of whether such benefit is in fact given or received) in circumstances that the person might

reasonably have expected could bring them or the sport of chess into disrepute; or inducing, instructing, facilitating, or encouraging a person subject to this Code to commit such a violation.

### **3.3 Offences Involving Dishonesty**

- a) Corruption: Arbiters who accept or grant an unjustified advantage; or unduly influence the outcome of a FIDE-rated tournament with the aim to procure an advantage for themselves through any means whatsoever (including violence, threats, coercion, offers of any kind of benefit or advantage - whether financial or otherwise - or other inducement).
- b) Reckless or manifestly unfounded accusation of chess cheating: Any arbiter who makes public or private allegations of cheating against a player or official without acceptable grounds existing for a reasonable suspicion of cheating.
- c) Failure to cooperate: The failure of an arbiter, without compelling justification, to cooperate with any investigation carried out in relation to a possible breach of FIDE rules or with other arbiters and anti-cheating officials.
- d) Failure to cooperate with EDC, the ARB, the Fair Play Commission (FPL) or the Qualification Commission (QC) or the institutions of these Commissions, after an official request was made (ex post facto investigations).
- e) Failure to report: Failing to report to the FIDE or other competent sports authority (without undue delay) full details of any approaches or invitations received by the person to engage in conduct that would amount to a violation of FIDE rules, if such incident, fact or matter is not already known to FIDE.

### **3.4 General Misbehaviour**

- a) Courtesy & etiquette: Failure by an arbiter to comply with normally accepted standards of courtesy and chess etiquette.
- b) Socially unacceptable behaviour: Misbehaviour of a personal nature which is generally unacceptable by normal social standards.
- c) Dress code: Arbiters must comply with the dresscode prescribed by the tournament regulations.

### **3.5 Not Fulfilling Obligations**

- a) Unjustified refusal to participate in a tournament for which they accepted an appointment.
- b) Unjustified non-attendance at a tournament or lecture in which the arbiter had been assigned.
- c) Unjustified late arrival to, or early departure from, a tournament or lecture.
- d) Unjustified absence in the playing venue
- e) The participation in two or more concurrent events, over-the-board or online, resulting in an incapacity to perform their duties to the expected standards. A tournament with multiple sections in the same venue shall constitute one event. A festival with multiple tournaments in the same venue shall constitute one event..
- f) The participation in an event, which has been rejected in advance by the National Federation or a higher competent body.

### **3.6 Technical Breaches**

- a) Deliberately changing the pairings in a tournament contrary to the applicable pairing provisions.
- b) Deliberately misrepresenting the score sheet, or the match protocol, or the report of the tournament.
- c) Deliberately signing incorrect certificates of title results for players, organisers and/or arbiters of a tournament.
- d) Deliberate non-compliance with the provisions of the tournament regulations and with the Laws of Chess, instructions, circulars and decisions of FIDE organs.
- e) A significant failure to comply with the provisions of the tournament regulations and with the Laws of Chess, instructions, circulars and decisions of the FIDE organs.

#### **Article 4: Sanctions**

4.1 There are three levels of sanction available to DSC:

a) Written warning

For minor breaches, an arbiter sanctioned by a written warning will receive an official letter from DSC, stating the breach and expected corrective measures to be taken by the arbiter.

A written warning remains valid for 12 months.

Failure to apply the expected corrective measures may lead to a more severe penalty.

b) Written reprimand

For more serious breaches, an arbiter sanctioned by a written reprimand will receive an official letter from DSC, stating the breach and expected corrective measures to be taken by the arbiter.

A written reprimand remains valid for 24 months.

Failure to apply the expected corrective measures may lead to a more severe penalty.

c) Disqualification

For severe breaches, an arbiter may be disqualified for a specified duration. A disqualification means that the arbiter is ineligible to be appointed or nominated as an arbiter in any FIDE rated event and/or to officiate at such an event.

- For a first offence, a disqualification may be up to 18 months.
- For a subsequent offence, a disqualification may be up to 24 months.

#### **Article 5: Procedural Rules**

##### 5.1 Register of Cases

All complaints and reports concerning violations of the Arbiters disciplinary regulation shall be addressed to the Arbiters Commission (ARB). A Register of Cases is set up at the ARB, and will contain all cases, whether sanctioned or otherwise, for 10 years. ARB will provide the FIDE Office with the final written decision of DSC.

##### 5.2 Language

The working language of DSC is English. All documents should be submitted in English.

##### 5.3 Notifications and Communications

All notifications and communications that DSC intend for the parties shall be made through the DSC Chairman. All communications that the parties intend for DSC shall be made through the DSC Chairman.

##### 5.4 Rights of the Parties

Each person charged with a violation of the Arbiter Disciplinary Regulations has the right to be informed in writing (whether by letter, e-mail or otherwise) of the pending case before the final decision of DSC and has the right to present to DSC materials and documents in support of their position. Each person has the right to be represented by a FIDE-licenced arbiter or an attorney.

##### 5.5 Submissions of Documents and Clarifications

- a) The Chairman of DSC will fix a period, normally at least fifteen days, for the submission of materials and documents, failing which no further documents will be accepted by DSC. This term may be prolonged, if requested by any party.
- b) Documents will normally be submitted by e-mail, but may be sent by post.

- c) If DSC requires clarification on a particular point, they may enquire from either party or request particular documents to address the issue.
- d) If DSC requires clarification on a particular point, they may enquire from FIDE organs, FIDE Federations, arbiters, players, organisers, tournament directors, and other witnesses.
- e) DSC will make a decision on the case.

#### 5.6 Written Procedure

The submissions to DSC must be in writing. No party has a right to ask for oral hearing.

#### 5.7 Decision

- a) The deliberations of the DSC shall be taken in private and remain confidential.
- b) All questions shall be decided by the majority of the members present. The quorum for the decision is three members. By default, the Chairman and two members deal with cases. If a member is not available or an arbiter or player from the same federation is involved in the case, a substitute shall be used.
- c) The decision shall state in a written form the reasons on which it is based. It shall contain the names of the members of DSC who have taken part in the decision. If the decision does not represent in whole or in part the unanimous opinion of the members of the DSC who heard the matter, any dissenting member shall be entitled to deliver their dissenting opinion as part of the written decision.
- d) A written copy of the decision of DSC shall be delivered to ARB Chairman and Secretary, and to each party by e-mail, no later than twenty days after the decision.

### **Article 6: Appeal Process**

6.1 The unsuccessful party, whether complainant or respondent, has the right of appeal to FIDE Council.

6.2 Such right to appeal against the decision of DSC must be exercised within 15 calendar days from the date on which the appealable decision is communicated to the party concerned. It is not possible to extend of the time to bring an appeal.

6.3 An appeal should be delivered to the DSC Chairman and the payment of an appeal fee of 300 € shall be made to the FIDE Accounts Department. The DSC Chairman delivers the appeal to the other party, which is allowed to submit materials within 15 days. The DSC Chairman is responsible for submitting the appeal with all materials to the appellate body.

6.4 The appeal will be decided based upon the statements filed before the DSC, together with the DSC's decision and appeal documents referred to in 6.3. In addition, the appellate body has the right to make procedural rulings and make any enquiries of the parties it considers necessary to decide the appeal.

6.5 The appeal fee should be returned to the appellant if the appeal is at least partially successful.

### **Article 7: Other Matters**

7.1 All final decisions of the ARB DSC and appeals decisions of the ARB or EDC shall be published on the FIDE ARB website in the section reserved for the DSC, unless the DSC Chairman rules that there are good reasons not to publish the decision at all. The decision concerned should be published in

redacted form and the identity of any party to the proceedings should be kept secret in the published decision.

7.2 The FIDE Office shall keep all correspondence received from complainants, respondents, ARB or DSC.

7.3 In the event of a suspension being imposed against an arbiter, an appropriate entry will be made against the name of the arbiter concerned on the FIDE Rating Server in order to render the suspension effective.

7.4 People who are presently sanctioned by the FPL, EDC or DSC are ineligible to be a member of DSC.

### **Article 8: Coming into Force**

8.1 These rules come into effect on 01/02/2023 and are applicable to all facts occurring and all violations under these rules committed on or after that date.

8.2 Offences committed prior to these rules coming into effect will be subject to the FIDE Arbiter Disciplinary Regulations in force at the relevant time, unless all parties to the DSC proceedings agree to submit themselves to the provisions of these rules.