

ANTI-CHEATING REGULATIONS

A proposal to the 2020 FIDE Congress

I. PURPOSE, GUIDING PRINCIPLES, DEFINITIONS

1. These regulations deal with the investigation of suspected cheating incidents.
2. “Cheating” in these regulations means:
 - i) the deliberate use of electronic devices (Art. 11.3.2 FIDE Laws of Chess) or other sources of information or advice (Art. 11.3.1 FIDE Laws of Chess) during a game; or
 - ii) the manipulation of chess competitions such as, including but not limited to, result manipulation, sandbagging, match fixing, rating fraud, false identity, and deliberate participation in fictitious tournaments or games.
3. For the purposes of this regulation, attempts at cheating will be considered as cheating.
4. Assumed cheating
 - i) A player may be assumed to have been cheating if the z-score of his play amounts to 4.25 or higher, unless the player can prove on the balance of probabilities that he/she was playing fairly;
 - ii) If, upon request from FPL, the organisers of a FIDE-rated tournament cannot prove on the balance of probabilities that the tournament was not fixed FPL has the right to refer the matter to the Qualification Commission (QC) and the Ethics and Disciplinary Commission (EDC) to the effect that QC may reject norms and/or not rate the tournament and/or EDC may prosecute all parties that took part in the tournament.
5. While FPL has jurisdiction as detailed under Section II, National Federations are expected to create their own Anti-Cheating regulations and systems.
6. False accusation in chess is an abuse of freedom of expression that is prohibited by the Code of Ethics. An accusation of cheating that is manifestly unfounded, i.e. based only on emotion and/or insufficient data, is a false accusation. An accusation of cheating that is based on factual circumstances that would lead a reasonable person to believe that there is a reasonable chance of cheating is not considered a manifestly unfounded accusation.

II. JURISDICTION

1. The Fair Play Commission (FPL) has jurisdiction in all cheating-related matters, including false accusations. People subject to FPL jurisdiction include players, supporting persons and team captains. Supporting persons include, but are not limited to, heads of delegations, seconds, trainers, managers, psychologists, organizers, spectators, relatives, journalists, chess officials, arbiters when involved in cheating incidents.
2. All FIDE-rated over the board games are subject to FPL jurisdiction.
3. All cheating incidents occurring in tournaments that require maximum and increa-

sed levels of protection (as defined in the Anti-Cheating Protection Measures) must be reported to FPL. However, FPL may decide to refer a cheating incident occurred in such tournaments to a National Federation (NF).

4. Subject to the provision in 2 above, cheating incidents occurring tournaments that require standard levels of protection (as defined in the Anti-Cheating Protection Measures) are to be referred to NFs, except when the cheating incident i) affects the awarding of a WFM/FM title, and/or ii) involves a person, either as claimant or respondent, holding the WFM/FM, WIM/IM or WGM/GM title, in which case the incident should be referred to FPL.

III. COMPLAINTS AND INVESTIGATIONS

A. TRIGGERING AN INVESTIGATION

1. Investigations can be initiated based on a complaint:
 - a) an In-Tournament Complaint (“ITC”);
 - b) a Post-Tournament Complaint (“PTC”);
2. Investigations can also be triggered by:
 - a) a report of the chief arbiter of a tournament;
 - b) FPL initiative;
 - c) a request by EDC or any other body of FIDE authorized by Statute.

B. COMPLAINTS

1. Any person having a FIDE Identity Number can file a complaint.
2. All Complaints must be submitted in writing and addressed to the FPL through FIDE Office. Complaints must be filed via the relevant Complaint form (Annexes A-B). The complainant shall provide all the information required in the Complaint Form and must detail the reasons why the Complaint is being made, listing all basis available at the time of filing.
3. Oral or informal Complaints are not accepted.
4. In-Tournament Complaints must be delivered to the chief arbiter. Upon receipt of an ITC, the chief arbiter shall:
 - a) inform the complainant about the penalty for filing a manifestly unfounded ITC;
 - b) take steps to investigate the case in the usual manner, with reference to Article 12.9 for possible penalties;
 - c) forward the complaint and his report including all findings to the FPL through FIDE Office.

If the chief arbiter comes to the conclusion that the ITC is unfounded he may dismiss the complaint during the tournament, subject to his duties under III.B.4.c above. The player retains the right to file a Post-Tournament Complaint on the same incident.

5. When a Post-Tournament Complaint is filed, the complaint must contain explanation of why an ITC was not filed earlier.
6. All Complaints shall list all basis available at the time of filing.
7. All Complaints based solely on the assumption that a person is playing stronger than

- expected due to his/her rating will be considered manifestly unfounded.
8. FPL may initiate an investigation based on any piece of information that may come into its knowledge regarding a possible cheating incident, including false accusation.
 9. When an investigation is triggered by a request by EDC or any other body of FIDE authorized by Statute, FPL shall act as an Investigatory Panel for the triggering body.
 10. All information about complaints and investigations shall remain confidential until an investigation is completed by the FPL. In case of breach of confidentiality requirements by complainants or the Chief Arbitrator or any other person with knowledge of the complaint or the investigation before the investigation is completed, the FPL can refer all offenders to the EDC.

IV. INVESTIGATION PROCEDURE

1. When a cheating incident is brought to the attention of the FPL under III.A, an Investigatory Panel (IP) can be nominated to investigate it.
2. FPL has the right to perform preliminary investigations with respect to an alleged or possible case of cheating-related violation.
3. If a complaint under III.A.1 is inadmissible or manifestly unfounded on its face, the FPL may reject it by a majority vote.
4. **The IP will consist of two or three FPL members, nominated by the FPL Chairperson. The nominated IP members then select an IP Chairperson on the occasion of the first meeting of the IP.**
5. The IP is an independent body and is not subject to directions from any other party.
6. The IP shall consider the presented physical and observational evidence. It will also consider the statistical evidence gathered as part of the investigation. It can also gather additional evidence in the course of its investigation.
7. **During the course of the investigation, the IP may also hear anonymous witness. The witness may remain anonymous when he/she or his/her family may be in physical danger, and also when there is a perceivable risk to his/her sporting career.**
8. Players, organizers, arbiters, national federations and other parties are all required to cooperate with the IP. Failure to do so may result in referral to EDC.
9. The IP should investigate each case within a reasonable time.
10. **FPL shall have the burden of establishing that a cheating offence has occurred. The standard of proof shall be whether FPL has established a cheating offence to the comfortable satisfaction of the Investigative Panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Article I.4 remains unaffected.**
11. **Where these Fair Play Regulations place the burden of proof upon the Player or other Person alleged to have committed an assumed cheating offence to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.**
10. The standard of proof shall be whether cheating has been established to occur to comfortable satisfaction. This standard of proof is greater than a balance of probabi-

- lity but less than proof beyond reasonable doubt.
11. If the IP comes to unanimous conclusion that (i) no cheating occurred or (ii) there is not enough evidence to meet the standard of proof, it shall dismiss the complaint and inform the Chairperson and the Secretary of FPL, the complainant and the accused person with a brief note. If the National Federation of the accused person was involved, it will be informed as well.
 12. When a conclusion other than unanimous dismissal is reached, at the end of the investigation the IP shall:
 - i) prepare a report indicating: the action that triggered the investigation, the factual circumstances of the incident, the findings of the investigation and a proposed sanction. The report may cover any other breach of FIDE regulations found by the IP; and
 - ii) present the decision and report to FPL for consideration. FPL may ask the IP to consider additional facts and/or carry out further investigations.
 13. Once a report is deemed final by the IP, FPL decides by a majority vote if the case is to be forwarded to EDC for judgement. If the case is not forwarded to EDC, it is considered to be dismissed. The FPL shall forward its findings to the complainant and the accused person. If the National Federation of the accused person was involved, it will be informed as well.
 14. When the IP is acting on behalf of EDC, it shall present a preliminary report to FPL for consideration. FPL may ask the IP to consider additional facts and/or carry out further investigations. Once the report is deemed final by the IP, FPL shall transmit it to EDC.
 15. When an investigation is referred to a NF pursuant to Sections II.3 and II.4, the NF will investigate the case and apply those sanctions they deem proper. NFs are required to notify FPL of their decisions together with the evidence considered during the proceedings. The FPL may adopt this NF decision and/or refer the case to EDC. If the FPL does not adopt the NF decision, then the sanction will only apply at the national level.

V. MANIFESTLY UNFOUNDED ACCUSATIONS

1. Manifestly unfounded accusations (see Section I.5) can arise from two situations:
 - i) a regularly filed ITC or PTC;
 - ii) any accusation made to a third party or in public.
2. When the FPL determines that an ITC or a PTC is manifestly unfounded, the complainant can receive a warning by the FPL. Upon receiving a second warning within a period of 2 years, the complainant can be sanctioned by suspension up to three months; further violations can be sanctioned by suspension up to six months.
3. When the FPL determines that manifestly unfounded accusation was made to a third party or in public, the offender can be sanctioned by suspension up to three months for first violation, up to six months suspension for further violations.
4. In particularly severe cases of unfounded accusations, the FPL will forward the case

to EDC and recommend longer suspensions and other sanctions.

VI. PROCEDURAL RULES

1. The statute of limitation is eight years after the last round of the tournament in question.
2. The working language of the IP is English. The IP may, at the request of any party, authorize a language other than English to be used by the parties involved. In that occurrence, the IP may order any or all of the parties to bear all or part of the translation and interpreting costs. The IP may order that all documents submitted in languages other than English shall be filed together with a certified translation in the language of the procedure.
3. When the IP does not unanimously dismiss a case, the accused person must have been informed in writing (whether by letter, e-mail or otherwise) of the pending case and given the right to present to the IP any statements and documents in support of his/her position.
4. The complainant and the accused person have the right to be represented or assisted by persons of their choice.
5. Documents pertaining to the proceedings should be submitted in writing, preferably by e-mail.
6. Each party involved in an investigation is responsible for its own costs directly or indirectly associated with the case.
7. When a person subject to the disciplinary jurisdiction of another FIDE Commission is a party to an investigation, FPL may provide the relevant information to that FIDE Commission.

VII. SANCTIONS

1. Sanctions for cheating-related offenses are prescribed in the FIDE Handbook (e.g. B.01.045, A.09.3.2). These include, notably: return of awards; a ban up to 15 years on taking part in a chess competition or in any chess-related activity; revocation of titles and sport results; fines up to \$25.000.

