

## **Rules for discipline of members**

- a) In general terms FIDE lay down the “Rules of behaviour” during tournaments and the procedures to be followed in the event of a breach of those rules, (as contained in the “Laws of Chess”) whereas the ICU lay down the rules for membership of the ICU. These are not mutually exclusive and both sets of rules may apply to any particular situation. Where this happens those involved shall use their best judgment in the matter.
- b) The Executive Committee's power to discipline an appropriate member is provided for in Article 13 of the Constitution. The procedure for this disciplinary action is set out hereunder.
- c) These procedures cannot cover all circumstances that occur but it is incumbent on all involved to act in the interests of natural justice and fair play.
- d) The complainant must be informed of any action taken or planned, or if no action is warranted. This must be done in a timely fashion.
- e) The person who is accused of a breach may not be informed of this immediately(or at all) but must be informed if the person receiving the complaint is either going to take action on it himself or going to pass it to others.
- f) Any member or interested party (parent for example) may report any member for alleged breach of conduct.
- g) If the alleged breach occurs during a tournament then the complainant should report this to the Arbiter/Organiser in the first instance.
- h) If the alleged breach occurs at any other event (coaching session etc.) then the complainant should report this to the person responsible for that event.
- i) If the alleged breach is by the organiser or the complainant is unhappy with how their complaint is being dealt with then they may report the matter to the ICU Executive Committee.
- j) During a tournament if there is any breach of the rules it is the duty of the arbiter to deal with the matter as he sees fit. He may apply any sanction as laid by the “Laws of Chess”, “ICU rules” and any “Terms & Conditions” that apply to that tournament.

- k) If the Arbiter feels that the matter should be reported to the ICU for further action he should do so.
- l) On receiving a complaint the secretary or other official of the ICU should bring this to the attention of the chairman/vice-chairman as soon as is reasonably practicable.
- m) The complaint should in all cases be reported and considered at the next committee meeting and noted in the minutes.
- n) The Executive Committee may decide to deal with the matter itself and inform the parties (complainant/person complained about) of their decision which may involve sanction as set out in Article 13. However either party may avail of the appeals procedure set out in this document.

Where the Executive Committee feels that further action is required they shall proceed as set out below.

- 1) A three person disciplinary sub-committee will be formed. At least one member of this sub-committee shall be drawn from the members of the current executive committee of the Irish Chess Union. The current chairman of the ICU will not sit on this sub-committee.
- 2) The “terms of reference” of this sub-committee shall be in writing stating the motion that was adopted at the meeting of the Executive Committee.
- 3) The disciplinary sub-committee should furnish the individual with details of the complaint being made against him/her and afford him/her the opportunity of providing a response verbally and/or in writing.
- 4) Written records of all complaints should be safely and confidentially kept and procedures will be defined for the possession of such records in the event of election of new officers.
- 5) Where the sub-committee feels that the matter concerns “Child Welfare” they should immediately inform the Child Welfare Officer/Executive Committee of their concerns in this matter. In this case the sub-committee should continue their work unless instructed otherwise by the Executive Committee.
- 6) The sub-committee shall meet and order their business as they see fit, giving all parties sufficient time to give their input on the matter on hand with the overriding consideration of due process and fair play.

- 7) When the sub-committee feels that it has all the information on the matter to hand they shall write a report to be submitted to the Secretary of the Executive Committee.

This report shall outline:

- a) The complaint made.
  - b) The evidence to substantiate the said complaint
  - c) Any evidence to contradict the said complaint.
  - d) Any other information they think pertinent to this matter.
  - e) The action (if any) recommended to be taken by the Executive Committee
  - f) Should the above be not the unanimous view of the sub-committee they must include a minority view of the matter.
  - g) This report shall remain confidential to the Sub-committee and the Executive Committee and only the decision of the Executive Committee shall be conveyed to others.
- 8) Any decisions made by the sub-committee are not binding on the Executive Committee, further; the sub-committee cannot last longer than the Executive Committee which appointed it. Should the work of the sub-committee not be complete by the AGM the incoming Executive Committee must re-appoint it if that is their wish.
- 9) Having received the report of the sub-committee the Executive Committee shall proceed as they think fit, but they must inform the complainant and the accused of this in a timely fashion.
- 10) The Executive Committee may invoke sanction as outlined in Article 13 of the ICU Constitution.
- 11) Should either the complainant or the accused wish to appeal either the findings or the sanction (if any) the following procedure shall apply:
- a) They shall submit in writing within 28 days which part of the ruling they wish to appeal and this, and only this, can be considered by the Appeals Committee.
  - b) The Arbitration Officer shall be appointed as chairman of the appeals committee. (Should the Arbitration Officer be unable to

fulfil this function the Executive Committee shall ask a member of the ICU who holds an arbitration title awarded by FIDE to take his place.)

- c) He shall appoint two others to assist him.
- d) These persons shall have not have been party to the incident(s) concerned.
- e) They may not necessarily be members of the ICU but must have a standing making them suitable for such a role.
- f) The Appeals Committee will meet and act as it sees fit.
- g) The Appeals Committee shall invoke due process, fair play and act in a timely fashion.
- h) The Appeals Committee may make findings of fact.
- i) The Appeals Committee may alter any sanction imposed.
- j) The Appeals Committee will submit a report to all concerned (i.e. the complainant, the accused and the Executive Committee) and their decision shall be final and binding.