

## **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. While ACC has jurisdiction as detailed under Section II, National Federations are expected to create their own Anti-Cheating regulations and systems.
5. 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 Anti-Cheating Commission (ACC) has jurisdiction in all cheating-related matters, including false accusations. People subject to ACC 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 ACC jurisdiction.
3. All cheating incidents occurring in tournaments that require maximum and increased levels of protection (as defined in the Anti-Cheating Protection Measures) must be reported to ACC. However, ACC 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 ACC.

### 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) ACC initiative;
  - c) a request by ETH 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 ACC 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 ACC 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. ACC 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 ETH or any other body of Fide authorized by Statute, ACC shall act as an Investigatory Chamber for the triggering body.

10. All information about complaints and investigations shall remain confidential until an investigation is completed by the ACC. In case of breach of confidentiality requirements by complainants or the Chief Arbiter or any other person with knowledge of the complaint or the investigation before the investigation is completed, the ACC can refer all offenders to the ETH.

#### **IV. INVESTIGATION PROCEDURE**

1. When a cheating incident is brought to the attention of the ACC under III.A, an Investigatory Chamber (IC) can be nominated to investigate it.
2. ACC 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 ACC may reject it by a majority vote.
4. The IC will consist of three ACC members, nominated by the ACC Chairman, based on rotation system. The nominated IC members then select an IC Chairman. The Chairman and the Secretary of the ACC cannot be IC members.
5. The IC is an independent body and is not subject to directions from any other party.
6. The IC 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. Players, organizers, arbiters, national federations and other parties are all required to cooperate with the IC. Failure to do so may result in referral to ETH.
8. The IC should investigate each case within a reasonable time.
9. 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 probability but less than proof beyond reasonable doubt.
10. If the IC 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 Chairman and the Secretary of ACC, 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.
11. When a conclusion other than unanimous dismissal is reached, at the end of the investigation the IC 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 IC; and
  - ii) present the decision and report to ACC for consideration. ACC may ask the IC to consider additional facts and/or carry out further investigations.
12. Once a report is deemed final by the IC, ACC decides by a majority vote if the case is to be forwarded to ETH for judgement. If the case is not forwarded to

ETH, it is considered to be dismissed. The ACC 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.

13. When the IC is acting on behalf of ETH, it shall present a preliminary report to ACC for consideration. ACC may ask the IC to consider additional facts and/or carry out further investigations. Once the report is deemed final by the IC, ACC shall transmit it to ETH.
14. 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 ACC of their decisions together with the evidence considered during the proceedings. The ACC may adopt this NF decision and/or refer the case to ETH. If the ACC 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 ACC determines that an ITC or a PTC is manifestly unfounded, the complainant can receive a warning by the ACC. 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 ACC 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 ACC will forward the case to ETH 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 IC is English. The IC may, at the request of any party, authorize a language other than English to be used by the parties involved. In that occurrence, the IC may order any or all of the parties to bear all or part of the translation and interpreting costs. The IC 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 IC 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 IC 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, ACC 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.

