

BUCS MISCONDUCT CASES DECISIONS 2022-23

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To aid transparency of BUCS's disciplinary processes, upon the conclusion of initial, full and final Misconduct/Disciplinary Hearings, BUCS publishes a summary of each case, including the findings and penalties imposed. Published cases do not carry the names of any institution/Playing Entity or individuals involved.

This document contains summaries of all Misconduct Cases ruled on in the 2022-23 season to date. Where there is a gap in the numbering, this will be because of a REG 5 charge having been withdrawn before it was ruled on.

Please note:

- A. Whilst these case summaries may be helpful for institutions/Playing Entities to refer to when considering whether to submit an REG 5, and the BUCS Disciplinary Panel will refer to previous cases of a similar nature when making a ruling, it is important to note that every case is different and so however similar cases may seem, no specific outcome is guaranteed.
 - B. The rules and regulations stated herein are valid at the time of publication and remain subject to future review and potential amendments.
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Sport: Football

Regulation(s): REG 5

Summary of the Charge:

The Charge was brought by Institution A who have submitted a formal complaint regarding the conduct of members of Institution B.

The complaint cited that: "The Institution B's football team displayed an extreme level of threatening and aggressive behavior towards Institution A's team in the changing rooms following the completion of the fixture" and that "Institution B's players entered their changing room with balaclavas on and seriously insinuated to our players that they had concealed weapons on their person in the form of knives. As per the statement you can see that the behavior of the Institution B players is assumed to have been triggered by an on-field incident that occurred with 30 minutes remaining of the game. We are currently internally investigating this on-pitch incident as we have a zero tolerance for racism."

Decision:

The Panel upheld the complaint and found Institution B to be in breach of Reg 5 as a result of the players entering the [REDACTED] dressing room and behaving aggressively.

The Panel noted that the allegations of balaclavas, weapon possession and threatening behavior in the corridors have not been sufficiently proven by the parties.

Institution B expressed that they were disappointed in the outcome and criticised the Panel composition and the outcome.

Institution B queried what evidence had been provided that assisted the decision, factoring that the only objective evidence is the video and the sanction of the team.

The Chair explained that there is no dispute that three or more players entered the dressing room and acted inappropriately.

Sanction(s):

- Ban from BUCS competitions/events – The Panel concluded that Institution B will be banned from participating in the competition for the remainder of the season. This results in the remaining 5 fixtures not being played by the Institution B, meaning walkovers will be conceded and a total of £150 be amounted in fines as a result.
- Suspended sentence – The Panel concluded that a suspended sentence be applied and therefore should an incident of a similar nature arise again with the team, the team will be suspended for that season and the following season.

Sport: Football

Regulation(s): REG 5

Summary of the Charge:

Institution A have submitted a formal complaint regarding the conduct of a member of the Institution B's Football Team at the BUCS & ALDI Men's Football fixture.

The complaint cited that: "During the fixture, there was a tackle which resulted in a coming together between a player from each team. It is then alleged that the number 6 from Institution B made the following comment to one of our players; "fuck off brown boy, get off the fucking pitch".

Following this, our player caused an altercation as he was upset and then decided to leave the pitch on his own accord. The referee claimed he did not hear the comment but decided to book the Institution B number 6."

Decision:

Based off the evidence provided by both parties the Panel were unable to prove and therefore conclude that the alleged comment had been made. Due to this the Panel will not be upholding the complaint raised by Institution A against Institution B.

The Panel has recommended that Institution B complete an education piece with their football team outlining the seriousness of allegations, BUCS disciplinary proceedings and the potential outcomes of these. The Panel requested that progress on this is reported by Institution B to the BUCS discipline team.

In reaching their conclusion the Panel felt there was a lack of supporting evidence provided by Institution A in support of their witness testimony to corroborate their statement and their location.

The Panel felt that Institution B had been thorough in their investigation with the evidence available to them at the time.

The Panel also felt that it would have been of benefit to have individuals present at the incident in the hearing on the day and therefore made the recommendation to BUCS that additional guidance is provided to institutions surrounding individual attendance at hearings.

Institution A asked for future what evidence would the Panel have wanted to see. The Chair expressed that additional witness statements confirming the alleged event did take place or additional statements / evidence supporting the witness testimony would have benefited the Panel.

Institution B expressed that inclusion is an area which they are always wanting to improve on and specific EDI training with respect to sport is taking place.

Sanction(s):

- N/A
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Sport: Volleyball

Regulation(s): REG 5

Summary of the Charge:

Institution A have submitted a formal complaint against Institution B regarding the conduct of spectators which was abusive in nature at the BUCS fixture.

Decision:

The Panel determined that they did not feel that it was evidenced that the comments being made negatively impacted the performance of Institution A, however noted that the comments were of an unacceptable nature.

The Panel commended Institution B on the thorough investigation that had been completed and action taken off the back of this.

The Panel gave the recommendation that Institution B should continue with the active bystander training and embed this as standard practice every season.

Sanction(s):

- A 2-year suspended sentence will be issued to all of Institution B's men's and women's volleyball teams. This means that should there be a proven breach of REG 5 by Institution B's volleyball (that is, any team or any of that team's supporters) within the next 2 seasons, this would result in a ban of that team for the remainder of the season and the following season.
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Sport: Korfball

Regulation(s): REG 4/REG 4.6/REG 5/KOR 3.5

Summary of the Charge:

After the BUCS Korfball Preliminaries, an allegation was made that a player X from Institution A did not meet BUCS eligibility requirements (REG 4) due to not being enrolled in a course for the current academic year. BUCS requested the team's registration form from the event and discovered that Student X's Card ID was recorded and marked as checked, though his eligibility was in question. Contacting Institution A for confirmation and evidence, it was revealed that X's studies were suspended, rendering him ineligible. Despite this, video evidence showed he participated in matches.

As per KOR 3.5, teams with ineligible players face disqualification and potential further disciplinary action. Institution A's team were disqualified and barred from the Qualifier event. REG 4.6 confirms that allowing ineligible participants could lead to misconduct charges against the institution and additional disciplinary action under REG 5. A charge was raised, leading to a Disciplinary Panel hearing for appropriate action.

Later, Institution A acknowledged another breach involving their 1st team player, Player Y, who was in a similar position and had participated in two events before the charges were raised. Both teams were disqualified.

Decision:

Factoring in these considerations, the Panel arrived at a verdict. Noting that both teams had already been disqualified as a result of confirmed breaches of KOR 3.5 being confirmed, a suspended fine amounting to £250 was determined as appropriate. This suspended fine shall remain in force for a designated period of two seasons (2023-24 and 2024-25), contingent upon the absence of any subsequent violations of the same regulations within the specified timeframe. The suspended fine was seen as a mechanism to dissuade future breaches while encouraging heightened vigilance and accountability among team members and administrators.

Institution A was advised to communicate the Panel's decision to team captains and to integrate it into their training protocols, fostering a greater awareness and adherence to the regulations.

As part of its recommendations, the Panel proposed that BUCS disseminate the anonymised decision within their system. Such a dissemination would serve as a valuable educational tool for other institutions, promoting a better grasp of eligibility regulations and their implications.

Sanction(s):

- Suspended Sanction of £250 in force for a designated period of two seasons (2023-24 and 2024-25), contingent upon the absence of any subsequent violations of the regulations noted in this hearing within the specified timeframe.

Sport: Football

Regulation(s): REG 5

Summary of the Charge:

Institution A have submitted a REG 5 charge against Institution B regarding the violent behaviour of Institution B's Football team.

Decision:

The Panel accepted that Institution B had imposed an appropriate sanction on the player in question. The Panel concluded that no additional sanctions would be issued.

The Panel recommended that Institution B review their training for both player and committee members ahead of next season.

The Panel concluded that it would not be appropriate in this instance to punish a whole team for the actions of one player, and therefore no sanction was imposed on the team. The Panel concluded that the official process via the referee should support addressing future issues that may occur.

The Panel recommended that Institution B should highlight to the team the potential consequences of their actions and the severity of the BUCS Reg 5 process.

Sanction(s):

- N/A
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Sport: Futsal

Regulation(s): REG 5

Summary of the Charge:

Institution A have submitted a REG 5 charge pertaining to Person X who allegedly physically assaulted their striker, used verbal and physical provocation throughout the match, and verbally abused the goalkeeper with discriminatory intent.

Institution A fully accept the result of the match, as ████████ deserved the win, however we ask for disciplinary action to be taken with regards to ████████ player, Person X.

Decision:

The Panel were unable to conclude from the evidence provided that verbal racial abuse had occurred.

The Panel felt that following the issue, the Institution B had taken appropriate action in imposing a 3-match ban and escalating this through the institution disciplinary channels. It is felt that the sanctions as a result of the institution disciplinary investigation are appropriate and proportionate.

The Panel concluded that the issue had been appropriately dealt with by Institution B and no further action is mandated by the Panel.

Sanction(s):

- N/A

Sport: Rugby Union

Regulation(s): REG 5

Summary of the Charge:

This REG 5 claim relates to a serious accusation of racism from an Institution B spectator at a recent BUCS Conference Cup match.

Decision:

The Panel acknowledges that it may be a challenge for Institution B to control spectators who are not members of the club, however note that BUCS regulations does place responsibility for them on the institution.

The Panel commended Institution A for the Bystander training that is delivered by the Institution to all students. The Panel recommended that Institution B explore implementing bystander training with their club and committee members, and possibly wider students. The offer was extended for Institution B to speak to Institution A on how to deliver this. The Panel requested that Institution B update BUCS on the progress of this.

The Panel strongly feels that hate crimes need to be addressed and are unacceptable.

The Panel acknowledged that the issue was not involving a member of the team on the field and therefore did not want to sanction the team for action they did not commit, however felt that some action is needed.

The Panel will be issuing a £750 fine to Institution B and recommend that this outcome is shared with the University to support their investigation.

The Panel also recommended to BUCS that this disciplinary case is anonymised and made available as a case study to highlight the implications of actions such as those addressed today.

Sanction(s):

- Institution B will be issued a £750 fine by BUCS.

Sport: Basketball

Regulation(s): REG 4/REG 5

Summary of the Charge:

As part of match appeal proceedings relating to the [REDACTED] fixture between Institution A and Institution B on [REDACTED], it was brought to the attention of the BUCS Executive that Institution B's men's 1 basketball team had breached REG 4 by fielding ineligible players. The two players who have been identified by the BUCS Executive as ineligible are [REDACTED]. These two players are deemed ineligible as Institution B stated that their "student access ended on 31st December 22".

BUCS has therefore identified this as a breach of REG 4 as both players are deemed ineligible to play the fixtures post their studies. This in accordance with REG 4.6 raises REG 5, as an act of misconduct.

Decision:

The Panel upheld the charge brought by BUCS, confirming that Institution B did breach regulation 4. However, the Panel acknowledged Institution B's perspective and decided to focus solely on the match in question, refraining from imposing sanctions on any additional fixtures or wider than this fixture.

After careful deliberation, the Panel reached a decision regarding the case of the breach of regulation by Institution B's men's 1 basketball team. The charge stemmed from the [REDACTED] fixture between Institution A and Institution B on [REDACTED], where it was discovered that Institution B had fielded ineligible players, namely [REDACTED], who were deemed ineligible as their "student access ended on 31st December 22" according to [REDACTED] statement.

Considering the circumstances and the absence of any intent to violate the rules or regulations, the Panel expressed its reluctance to impose excessive punishment on the institution. The decision was reached to penalise Institution B with a walkover solely for the unintentional breach in the specific fixture under scrutiny. This decision was based on the regulation's potential ambiguity, and BUCS was advised to revise the wording to eliminate any potential misinterpretations.

Advice was given to BUCS to consider the language of regulation 4.2.2 to remove ambiguity.

Sanction(s):

- Walkover conceded by Institution B Men's 1s resulting in a win for Institution A Men's 1s.

Sport: Rowing

Regulation(s): REG 5/ROW 4

Summary of the Charge:

Institution A is alleged to have breached BUCS regulations at the BUCS [REDACTED] event held in [REDACTED]. The alleged breach involves changing crew members in the Men's Intermediate 4+ and

Men's Intermediate 8+ events without following the proper substitution procedure outlined in the Event Guide. Specifically, Individual X, the then President of Institution A University Boat Club, was replaced by Individual Y in both crews. This change was not officially registered as per the required process.

The charge of misconduct against Institution A is based on their breach of ROW 4 and REG 5, which pertains to the behaviour and conduct of institutions, clubs, student-athletes, and officials at BUCS competitions.

Decision:

After thorough review and careful contemplation of the testimonies and viewpoints presented, the Panel rendered its decision.

Noting that a confirmed breach of ROW 4 already brings a penalty of disqualification of the crews in question, the Panel determined that an imposition of a suspended financial penalty amounting to £500 shall be levied upon Institution A. This suspended financial penalty shall remain in force for a designated period of two seasons (2023-24 and 2024-25), contingent upon the absence of any subsequent violations of the same regulations within the specified timeframe.

Importantly, should a breach of regulations occur during the stipulated two-year period, the suspended financial penalty shall be invoked and enforced. The decision's publicising shall be conducted in an anonymous manner, in adherence with established guidelines outlined within the misconduct page. It is noteworthy that the publication of the decision shall avoid explicit reference to the suspended financial penalty to ensure an informed yet non-lenient approach. This information is intended for publication in the entry guide or informational materials as well aimed at ensuring all institutions comprehend the consequences that arise from non-compliance with technical regulations.

Institution A acknowledged the Panel's decision and thanked them for their time. Institution A also noted that they didn't believe they would have been the only institution to have breached these regulations and asked that BUCS consider whether additional steps could be put into place by BUCS to reduce the likelihood of such incidents occurring in future, sharing more responsibility with the institutions for ensuring the correct individuals are on the water. Institution A highlighted the examples of procedures currently in place at BUCS athletics and swimming events, which they felt could be considered to see if viable for rowing, as they felt these provided practical illustrations of how event organisers, from their perspective, can play a further part in ensuring only the correct individuals compete. The BUCS representatives acknowledged this suggestion and noted that they would discuss this with the Rowing Event Management Group.

Sanction(s):

- The Panel has determined that an imposition of a suspended financial penalty amounting to £500 shall be levied upon Institution A. This suspended financial penalty shall remain in force for a designated period of two seasons (2023-24 and 2024-25), contingent upon the absence of any subsequent violations of regulations within the specified timeframe.
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