

# APPENDIX 20 BUCS MISCONDUCT COMPLAINTS POLICY AND PROCEDURE

PUBLISHED | 24 SEPTEMBER 2025 (UPDATED 20 FEBRUARY 2026)

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## Introduction

Complaints provide BUCS and its Members with the opportunity to learn, improve and rectify any errors, to ensure that Members, participants, BUCS staff and volunteers, and the public (referred to collectively as Stakeholders) continue to experience a level of service that meets both the Stakeholders' and BUCS' expectations.

BUCS will acknowledge all misconduct complaints received and it is within BUCS' delegated powers to investigate misconduct complaints about its Members and their student-athletes, officials, employees, representatives and anyone reasonably believed to be its supporters or followers, where it is deemed the standards, behaviour or conduct are contrary to the expectations described in BUCS REG 5 or other relevant BUCS general and sport specific regulations.

This policy aims to outline the process for raising a misconduct complaint with BUCS, and against whom a complaint may be raised.

## Scope

Where the nature and content of a complaint is deemed to be outside of BUCS' remit for which it is empowered to investigate, in accordance with its Articles of Association and regulations, BUCS reserves the right to refer the complaint to other agencies or authorities. This may be due to issues relating to legal jurisdiction, safeguarding concerns, or suspected criminal behaviour. BUCS may also make enquiries or recommendations to third parties by way of further support or additional means to assist a complainant, but any subsequent activity such as this, does not constitute part of BUCS' own responsibilities, or the formal resolution of the original complaint.

BUCS is not empowered to and therefore will not investigate complaints about organisations who do not hold a BUCS Membership, or individuals who engage in any BUCS Competition, BUCS Competition Event(s) and BUCS Organised Activity not through a Member.

In the context of the BUCS Misconduct Complaints Policy and Procedure the following definitions apply:

- **BUCS Member:** Inclusive of all BUCS membership categories under the Articles of Association. Complaints relating to Members will be investigated if they relate to a current Member, or a lapsed Member if the complaint related to a point in time in which they were in membership.
- **Stakeholders:** Inclusive of the public, officials, a Member's employees, representatives and anyone reasonably believed to be its supporters or followers who engage in any BUCS Competition, BUCS Competition Event(s) and BUCS Organised Activity. BUCS Organised Activity includes but is not limited to any conferences, events, meetings and residentials organised by BUCS.
- **Participants:** Inclusive of a Member's student-athletes taking part in any BUCS Competition, BUCS Competition Event(s) and BUCS Organised Activity. BUCS Organised Activity includes but is not limited to any conferences, events, meetings and residentials organised by BUCS.

## Process

All misconduct complaints must be submitted through the misconduct complaints form. Reports received over email, will not be acted upon and will be directed to the form.

To access the form and make a complaint please click [here](#). You will be asked for the following information, so please make sure you provide as much detail and evidence as possible to allow for an effective and efficient experience:

- Your full name and contact details (optional)
- A description of your complaint including:
  - Date(s)
  - Time(s)
  - Location(s)
  - Who the complaint relates to
- Complaint details including, where possible, the associated breach in REG 5 or relevant BUCS general and sport specific regulations.
- Copies of related evidence such as recordings, video footage, correspondence or other material which may aid BUCS' understanding of the complaint.
- Any other relevant information which you feel is pertinent to BUCS' understanding of the complaint.
- Your contact details (we will want to keep you updated on progress or may need to contact you to seek further details or clarifications).

We understand that individuals may want to remain anonymous, and they are entitled to do so, however, every BUCS Member Institution/Playing Entity who is accused of an allegation has the right to test the evidence against them. It should be noted that if an individual wants to remain anonymous then this may mean less or little weight can be given to their evidence, which in turn may impact any charging decision or the chance of a charge being proven at a Disciplinary Hearing.

BUCS will acknowledge receipt of a misconduct complaint within five working <sup>1</sup>days of the misconduct complaint being received.

BUCS will review the misconduct complaint to determine if the complaint falls within the remit which BUCS is empowered to investigate, in line with the scope of this policy.

Following receipt of the misconduct complaint, BUCS may seek additional information or clarification of details.

The complainant will, where reasonably practicable, be notified if their misconduct complaint is deemed to be within or outside of BUCS' remit for investigation within five working days from the date the complaint is acknowledged. In the event the complaint is deemed outside of the remit which BUCS is empowered to investigate, the complainant will be notified as to the reasons why this decision was made. If a complaint is deemed within BUCS' remit, the complainant will be notified of the grounds under which BUCS will undertake its investigation.

In the event a complaint is deemed within BUCS' remit and therefore requires investigation, BUCS aims to complete this process within 20 working days from confirmation that the complaint will be investigated. In circumstances where BUCS does not have the information it needs to continue with the investigation, the investigation timeline will be paused until a time in which the required supporting information has been obtained. Therefore, there may be instances due to circumstances arising from the investigation or unforeseen events, where the investigation takes longer than the intended 20 working days however, BUCS will keep the complainant updated at regular intervals regarding any deviation from the prescribed

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<sup>1</sup> For the purpose of this policy working days refers to Monday-Friday and does not include public holidays, BUCS all staff training days and periods of closure for the BUCS office.

timelines. During the reporting period BUCS reserves the right to contact relevant third parties to support with information gathering. During the investigation, BUCS shall summarise the misconduct complaint and send this to the accused BUCS Member Institution/Playing Entity, along with any supporting information and requests for clarity, information, evidence and points of observation during the investigation period.

### Possible outcomes

Upon completion of the misconduct complaint investigation, it will be deemed that there is either a case to be answered or that the complaint will be dismissed, and the complainant will be notified of the outcome, with confirmation that the complaint process is now complete or closed. Depending on the nature and circumstances of the misconduct complaint, the complainant may be provided with some further details, however, this may not always be the case, particularly where to do so may cause a breach in laws relating to data protection.

Where it is deemed that there is a case to be answered following an investigation, a charge, or charges, of misconduct shall be raised, and BUCS shall convene a Disciplinary Panel to hear the case. The hearing process shall be managed in accordance with the BUCS Misconduct Disciplinary Policy and Procedure.

### What is meant by “a case to be answered”?

A charge, or charges, will be raised, if it is considered that:

1. The evidential test is met, which means that it is considered by the BUCS Executive there is a realistic prospect a Disciplinary Panel would decide, based on the information gathered by the BUCS Executive, that:
  - A. The alleged misconduct took place; and
  - B. The charge is proven.
2. It is in the best interests of BUCS to proceed with a charge or charges. The BUCS Executive will consider any relevant circumstances including, but not limited to the following, when determining this:
  - A. The seriousness of the alleged misconduct.
  - B. The culpability of the BUCS Member Institution/Playing Entity and any individuals, including consideration of any intent/premeditation and/or any disciplinary record(s).
  - A. Any steps taken in mitigation by the BUCS Member Institution/Playing Entity.
  - B. The impact on the reputation of BUCS.
  - C. The time elapsed since the alleged misconduct occurred and/or was brought to the attention of the BUCS Executive.
  - D. Whether the alleged misconduct could have been, should have been, or has been dealt with through an alternative process, for example through the issuing of sanctions by a match official, or through a National Governing Body (NGB) disciplinary process.

### Appeals

If the complainant is not satisfied with the handling of the complaint by BUCS, in line with the terms outlined in this policy, the complainant may submit an appeal on these grounds to BUCS.

Any appeal will only be considered if it is received within five working days of receipt of the original complaint outcome. Details on how to submit an appeal can be found in the BUCS Misconduct Appeals Policy and Procedure (Appendix 22).

### **Summary**

In all circumstances, misconduct complaints will be treated seriously, promptly and confidentially. Information obtained throughout the investigation process will be handled sensitively and in accordance with applicable laws and BUCS' data retention schedule whilst acknowledging that it may be necessary to inform relevant BUCS personnel and other third parties who need to be aware of the investigation, or its outcomes, as described within the scope of this policy.

### **Review**

The BUCS Misconduct Complaints Policy and Procedure will be reviewed annually with the next review in August 2026 unless a change in policy, governance or other circumstance requires a review prior to this date.