

# British Universities Lifesaving Clubs' Association

Disciplinary Policy Version 2 –  
September 2023





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### 1. BULSCA Aims, Standards and Principles

- 1.1. BULSCA aims to promote lifesaving within UK Universities and build stronger links to organisations concerned with lifesaving. To do this it is vital that BULSCA clubs and the individuals involved in the organisation behave in a way that does not bring the organisation or the universities it represents into disrepute and maintain high standards of behaviour at all times.
- 1.2. This policy is being introduced to ensure there is a fair and competent process for dealing with complaints of misconduct. This policy serves to clarify the role of BULSCA and its committee in a disciplinary situation and to inform all clubs of the procedures that should take place should a situation arise. At its basis, this policy is designed to uphold the welfare of all members and ensure BULSCA is a safe and welcoming environment for all lifesavers. This policy does not replace competition rules, and minor offences committed during competition events are subject to the usual competition rules. This is at the discretion of the head referee and competition officials may refer any incident they feel is unable to be dealt with under the competition manual to the committee to apply this disciplinary policy.
- 1.3. The BULSCA committee recommends that wherever possible, minor discipline issues should be resolved informally.
  - 1.3.1. Coaches, judges and teammates where appropriate, should talk about the improvement in conduct or performance that is required. In some cases, additional training, coaching and advice may be what is needed.
  - 1.3.2. There will be situations where matters are more serious or where an informal approach has been taken and has not achieved the required results. In these cases, if informal action does not bring about an improvement, or the misconduct is considered too serious to be classed as minor, then coaches, helpers, judges or competitors may choose to take a formal approach.
- 1.4. The principles that guide and govern this policy are:
  - 1.4.1. Consistency and fairness with all members to be treated with respect and dignity.
  - 1.4.2. Individuals' rights and responsibilities being respected.
  - 1.4.3. Openness and transparency.
  - 1.4.4. Recognition of the role and importance of education, guidance and support
- 1.5. The purpose of this policy is to ensure consistency in the application of disciplinary situations and to ensure consistency, trust and confidence in how the organisation deals with allegations or incidents of misconduct.

### 2. Club Level Responsibility

- 2.1. The policy is designed to encourage clubs to take accountability for their members. Sanctions are usually applied at a club level unless the club can demonstrate they had no ability or knowledge which could have prevented such an incident from occurring. Where the conduct in question is solely that of an individual the club-level responsibility shall be absolved if the member club can demonstrate to the satisfaction of the BULSCA committee that it had no reasonable means of controlling or advising on the conduct of the individual.



- 2.2. If a club has concerns about an individual's behaviour they need to consider carefully whether it is appropriate to raise this through their university reporting and disciplinary system and subsequently if it is appropriate to bring these individuals to BULSCA competitions, representing their club and university.

### **3. Code of Conduct for Clubs**

- 3.1. This is a non-exhaustive list, and any activity deemed serious enough by the BULSCA committee to amount to misconduct may be treated as such. The BULSCA chair has the final say on disciplinary matters.
- 3.2. Each club is responsible for ensuring that its student-athletes, officials and all persons purporting to be its supporters or followers conduct themselves in an orderly fashion whilst attending or taking part in BULSCA-related events. They shall also be responsible for ensuring that its student-athletes, officials and all persons purporting to be its representatives do not conduct themselves in a way, or print/publish any material, which will bring the organisation into disrepute, including on social media.
- 3.3. Clubs must not engage in organised cheating at BULSCA competitions.
- 3.4. Clubs will ensure any grievances with the BULSCA committee, other BULSCA clubs, or officials are raised through the appropriate channels.
- 3.5. Clubs will ensure that all BULSCA policies and directives are complied with by their club members.
- 3.6. Clubs must ensure they comply with RLSS Child Protection and Safeguarding Policies at all times
  - 3.6.1. Clubs hosting competitions will comply with requests from the welfare officer relating to safeguarding in a prompt manner.
- 3.7. Clubs must not encourage or support a disabled competitor to intentionally misrepresent themselves to receive adjustments.
- 3.8. Clubs must not seek to intentionally breach the rules set out by their own student or athletic union nor the event organisers during a competition.
- 3.9. Club members found to be entering, or attempting to enter the venue of a BULSCA competition while in possession of recreational drugs or under the influence of alcohol will be automatically disqualified and may face further disciplinary action.

### **4. Code of Conduct for Individuals**

- 4.1. Every student is individually an ambassador for their own University and the BULSCA organisation, accordingly, they are expected to behave in a way that enhances its reputation. Put briefly, misconduct or improper behaviour by a person(s) is unacceptable.
- 4.2. This code of conduct is non-exhaustive. Any behaviour or activity deemed serious enough by the BULSCA committee to amount to misconduct may be treated as such. The BULSCA chair has the final say on disciplinary matters.
- 4.3. The term individuals will include participants, spectators, officials and helpers who are part of a lifesaving club, non-counting team or those working on behalf of BULSCA including unaffiliated helpers and judges.
- 4.4. Sexual misconduct will not be tolerated by any BULSCA member or individual involved in BULSCA events.
  - 4.4.1. Reports of sexual misconduct or harassment will be dealt with in accordance with the complainant's wishes and the disciplinary policy.



- 4.4.1.1. Sexual misconduct covers a broad range of inappropriate and unwanted behaviours of a sexual nature. It covers all forms of sexual violence, including but not limited to; sex without consent, sexual abuse (including online and image-based abuse), non-consensual sexual touching, sexual harassment (unwanted behaviour of a sexual nature which violates your dignity; makes you feel intimidated, degraded or humiliated or creates a hostile or offensive environment), stalking, abusive or degrading remarks of a sexual nature.
- 4.4.1.2. Harassment can be described as unwanted conduct which has the purpose or effect of violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes unwelcome physical contact, verbal or non-verbal communication or behaviour that worries, troubles or torments any individual. It may also be defined as an act or behaviour that degrades, ridicules, excludes or intimidates.
- 4.4.2. The welfare officer will provide support and signposting to individuals in cases of sexual misconduct. However, disciplinary action remains through the disciplinary policy.
- 4.5. Individuals must not withhold information or details if requested by the investigating officer or welfare officer in relation to safeguarding.
- 4.6. Individuals must not act in a way that endangers the health and safety of themselves or others during BULSCA-related events.
- 4.7. Individuals will not engage in the following behaviours:
- Fighting, physical or sexual assault, violence, threatening behaviour or deliberate and serious damage to people or property
  - Bullying or harassment on the grounds of sex, race, disability, age, sexual orientation, religion or belief or any other protected characteristic of another competitor, judge, helper or any other third party to whom BULSCA has a duty to prevent such discrimination
  - Indecent, offensive or immoral behaviour
  - Offensive use of social media
  - Violent, threatening, abusive, obscene or provocative, conduct or language
  - Disregarding requests/instructions of referees or appointed officials

## 5. Procedures for Dealing with a Disciplinary Incident

- 5.1. If you feel this code of conduct has been breached and you have been either the victim of or witness to an incident a written submission can be made to [secretary@bulsca.co.uk](mailto:secretary@bulsca.co.uk).
- 5.2. If the complaint involves the secretary or it is felt there would be a conflict of interest then complaints can be sent to the BULSCA chair by contacting [chair@bulsca.co.uk](mailto:chair@bulsca.co.uk).
- 5.3. Complaints of such nature shall be regarded as FORMAL and must therefore be treated by all parties appropriately. There shall be no timeframe for BULSCA to receive a complaint of this nature. However, dependent on the nature of the complaint, a valid reason for any considerable delay must be provided. If the timeframe is deemed unjustified, the complaint may be dismissed.



#### **5.4.     *Safeguarding during the Disciplinary Process***

- 5.4.1. If the initial complaint involves someone who is under 18 or considered an 'adult at risk', the welfare officer must be informed as soon as possible and before any investigation takes place who will liaise with the safeguarding team at the RLSS.
- 5.4.2. If the initial complaint involves legalities or alleged criminal behaviour, then advice must be taken and the matter referred to the statutory authorities before proceeding further.
- 5.4.3. If these conditions do not apply the process continues:
- 5.5. BULSCA acknowledges receipt of the said complaint in writing by way of an email reply within five working days of the complaint being received. Following acknowledgement of receipt of the complaint, BULSCA may seek clarification of details or collection of supporting evidence.
- 5.6. The BULSCA secretary will complete a standardised form summarising the complaint which will be forwarded to the accused institution or individual. The accused institution or individual then has five working days from receipt of the complaint to respond to the allegation.
- 5.7. The BULSCA secretary will then appoint an investigating officer who should be an elected member of the BULSCA committee other than the Chair or Secretary.
  - 5.7.1. Ideally, the Club Development Officer will act as the Investigating Officer. However, in instances where they are not available or their involvement would represent a bias or conflict of interest, it may fall to the Treasurer, Data Manager or Communications Officer.
  - 5.7.2. The welfare officer should never be appointed as the Investigating Officer as they must be able to provide support to all parties involved from a welfare and well-being perspective.
- 5.8. The investigating officer will respond in a timeframe appropriate to the complaint, with consideration for the ability of all parties to provide representation at the hearing and take into consideration the potential impact on future BULSCA competitions. The decision(s) reached, and any sanctions applied by the investigating officer shall be communicated verbally immediately following the conclusion of the hearing and subsequently emailed out to all parties in a timeframe appropriate to the complaint.

#### **5.9.     *Suspensions***

- 5.9.1. The BULSCA committee reserves the right to suspend a member suspected of serious misconduct if in the interests of the individual or the organisation to do so.
- 5.9.2. Suspension in these circumstances is to ensure an unhindered investigation takes place or to safeguard other members.
- 5.9.3. A suspension is not disciplinary action or sanction and will be for as short a time as possible but for as long as it is considered appropriate while an investigation and any subsequent disciplinary procedures are complete.
- 5.9.4. Any decision to suspend an individual must be agreed upon by a majority of the BULSCA committee. Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the investigation and any subsequent disciplinary proceedings.



- 5.9.5. The wellbeing of all parties during this process is paramount and they should be supported by the welfare officer who is not involved in the disciplinary process.

## **5.10. Sanctions Against Individuals**

- 5.10.1. The following 3 routes can be taken following an investigation into the actions of an individual:
- 5.10.1.1. Route 1: No further disciplinary action is taken however informal mediation, support and education may be beneficial.
  - 5.10.1.2. Route 2: Formal disciplinary action such as a sanction or exclusion is applied against an individual.
  - 5.10.1.3. Route 3: The matter is handed over to the individual's university or, where appropriate, the authorities.
    - 5.10.1.3.1. *Route 3 must be followed in allegations which involve a child or vulnerable adult.*

## **6. Potential Sanctions (Route 2)**

- 6.1. This list is non-exhaustive. However, the investigating officer will seek to determine if the breach is a club-level breach of the code of conduct or an individual.
- 6.1.1. Written Warning
  - 6.1.2. Competition bans (one-off or set period of time).
  - 6.1.3. Fine for property/equipment damages.
  - 6.1.4. Docking of points from the league for the associated team.
  - 6.1.5. Ban from BULSCA-related events (including social events)
  - 6.1.6. Exclusion from the league (set time period).
- 6.2. The primary aim of the disciplinary process is to promote the well-being, safety and enjoyment of all BULSCA members.
- 6.2.1. Sanctions should not be used to make an example of an individual or club but rather to prevent the behaviour from occurring again.
- 6.3. The Secretary will notify all parties involved of the period of time for which the sanction, support or education will remain in force.

## **7. Appeals Procedure**

- 7.1. If you are dissatisfied with the outcome and wish to appeal the decision made, you must progress the matter in writing within 5 working days of the outcome of the decision being confirmed. All appeals must be sent to the Chair.
- 7.2. The BULSCA chair will then take one of the following actions:
- 7.2.1. If the appeal is considered to be invalid, it may be dismissed the appeal will be considered.
    - 7.2.1.1. Grounds for an appeal could reasonably be one or more of the following:
      - The correct process was not followed;
      - The decision maker was biased;
      - The decision was made without considering all the relevant facts; or
      - The decision was not one a reasonable person would have made.





## **8. Additional Information**

- 8.1. Criminal Offences: Where allegations are made that may be of a criminal nature BULSCA will cooperate fully with any police investigations.
- 8.2. Confidentiality: Individuals should only discuss disciplinary matters with those involved in the disciplinary process and breaching confidentiality may result in further disciplinary action being taken. The outcome of a disciplinary hearing will remain confidential to the parties involved.
- 8.3. Time limits: Under normal circumstances, the disciplinary process should be concluded in no more than 2 months. However, it is recognised that more complex cases could take up to 6 months. When any disciplinary process takes more than 20 working days, the secretary conducting the process shall provide a written update to all parties at the 20 working day point, and every 20 working days thereafter until the process is concluded.
- 8.4. Welfare reporting: It is important to note that the separate 'welfare reporting form' that is provided as an avenue to report welfare concerns or issues within the organisation is not part of this disciplinary process. Instead, this is an informal way to raise general concerns. The welfare officer is not in a position to initiate disciplinary action based on information provided through the welfare reporting form.



## **Appendix 1: Summary of Policy for Clubs**

### ***Clubs Must:***

Promote the code of conduct amongst their clubs and any individuals affiliated with their clubs.

Take responsibility for their club members and their behaviour at BULSCA-related events.

### ***Clubs Should:***

Ensure their committee members are familiar with the process of disciplinary action set out in this policy.

Comply with requests from the BULSCA committee regarding disciplinary action in a prompt manner.

### ***Clubs Can:***

Initiate the disciplinary process if they, or any of their members, feel the code of conduct has been breached. This should be done in writing to the BULSCA Secretary.

Appeal the outcome of a disciplinary proceeding and related sanction in writing to the BULSCA chair.