NCAA - Student Athlete Serious Misconduct Disclosure Policy

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General Description

Policy Summary:

Trinity University is dedicated to engaging in and collaborating on efforts to support campus-wide sexual violence and violence prevention initiatives. Following these prevention efforts and recommendations from the National Collegiate Athletic Association ("NCAA") Board of Governors, Trinity University adopts the following written policy.

Purpose:

This Policy provides Trinity University's policies and procedures in fulfillment of the National Collegiate Athletic Association policy to Combat Sexual Violence ("NCAA Policy"), adopted by the NCAA Board of Governors. The Trinity University Athletics Department is a Division III institution of the NCAA.

The NCAA Policy requires that the University President, Director of Athletics, and Title IX Coordinator attest annually that:

1. The Athletics Department is informed on, integrated in, and in compliance with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual and interpersonal violence.
2. The institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX Coordinator, are readily available within the Department of Athletics and are provided to student-athletes.
3. All student-athletes, coaches, and staff have been educated each year on sexual violence prevention, intervention, and response, to the extent allowable by state law and collective bargaining agreements.
4. All incoming, continuing, and transfer student-athletes have completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence.

Transfer student-athletes also must disclose whether a Title IX proceeding was incomplete at the time of transfer. Failure to make a full and accurate disclosure could result in penalties, including loss of eligibility to participate in athletics as determined by the member institution.

5. Institutions have taken reasonable steps to confirm whether incoming, continuing, and transfer student-athletes have been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal, or other acts of violence. In a manner consistent with federal and state law, all NCAA member institutions must share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.
6. An institution choosing to recruit an incoming student-athlete or accept a transfer student-athlete must have a written procedure that directs its staff to gather the information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left he institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal, or other actions of violence.

The NCAA Policy requires the Athletics Department to cooperate with college or university investigations into reports and matters related to sexual and interpersonal violence involving student-athletes and Athletics Department staff in a manner compliant with institutional policies for all students. Additionally, the NCAA Policy states that if a school is not able to attest compliance with the above requirements, it will be prohibited from hosting any NCAA championship competitions for the next applicable academic year.

Scope:

This policy applies to all incoming, new transfer, and current student-athletes.

Policy Content

Policy Content

All first-time first-year, continuing, and transfer student-athletes must complete the required annual disclosure and attestation forms related to their conduct that resulted in any discipline through a Title IX, sexual misconduct, or student conduct proceeding or in a criminal conviction for sexual violence, interpersonal violence, o rother acts of violence. This includes a student-athlete who: (a) has been convicted of or pled guilty or no contest to a felony or misdemeanor involving Serious Misconduct " or (b) has been subject to official institutional or athletic department disciplinary action at any time during enrollment at any high school or collegiate institution (excluding limited discipline applied by a sports team or temporary disciplinary action during an investigation) due to Serious Misconduct may

not be eligible for athletic practice or athletic competition at Trinity University. Student-athletes must disclose pending investigatory or disciplinary processes involving Serious Misconduct at institutions attended prior to Trinity University.

Disclosures

Trinity University Student-Athlete Serious Misconduct Disclosure and Attestation Forms

The Athletics Department will require all incoming, continuing, and transfer student-athletes to complete annual disclosure and attestation forms (the "TU Serious Misconduct Disclosure and Attestation Forms") related to conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Transfer student-athletes also must disclose whether a Title IX proceeding was incomplete at the time of transfer.

Consent to Verify and FERPA Release

The TU Sexual Serious Misconduct Attestation and Disclosure Forms require the incoming, continuing, and transfer student-athletes to give Trinity University permission to take reasonable steps to confirm and verify the accuracy of the statements, including but not limited to a criminal background check and release of disciplinary information from educational records to Trinity University.

Trinity University may utilize an outside firm or firms to assist it in checking such information, and the TU Serious Misconduct Disclosure form requires that the incoming, continuing, and transfer student-athletes specifically authorize such an investigation by information services and outside entities of Trinity University's choice.

Deadline

All incoming, continuing, and transfer student-athletes **must** complete the TU Serious Misconduct Disclosure and Attestation prior to participating in athletics (including but not limited to practice or competition). For current student-athletes at Trinity University, the University shall require certification to be completed by **June 30** for the Fall Semester and **January 15** for the Spring Semester.

Record of Good Standing for NCAA Eligibility

Transfer Student-Athletes also must have their current institution's Title IX Coordinator or designee complete a form (the "Statement of Disciplinary Standing for NCAA Eligibility"), which asks the prior institution whether the transfer student engaged in conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or

other acts of violence and whether a Title IX proceeding was incomplete at the time of transfer. If the transfer student-athlete attended more than one prior higher educational institution, the student must complete the Record of Good Standing for NCAA Eligibility for all prior institutions of higher education.

Information Sharing

In a manner consistent with federal and state law, Trinity University will share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.

Failure to Disclose

Upon discovery of information that an incoming, continuing, or transfer student-athlete failed to disclose that he or she engaged in conduct that resulted in discipline through a Title IX proceeding; has a criminal conviction for sexual, interpersonal, or other acts of violence; or has a Title IX proceeding pending at the time of transfer, the Athletics Director will immediately refer the matter to the Dean of Students to handle in accordance with the University Student Code of Conduct.

Verification

Confirmation of Trinity-Sexual Violence Disclosure and Attestation

For incoming, continuing, or transfer student-athletes who do not disclose conduct that resulted in discipline through a Title IX proceeding; a criminal conviction for sexual, interpersonal, or other acts of violence; or an incomplete Title IX proceeding at the time of transfer, the Campus Attestation Designee will use the following reasonable steps to verify the information provided:

A. Incoming Student-Athletesare verified through their application. Even though the Common Application and other application platforms no longer require disciplinary questions, these disciplinary questions are included and required under Trinity's institution questions. In addition, a Secondary School Report or Counselor Recommendation is a required application document whereby the High School Guidance Counselor recommends the student to our institution. If they recommend with reservations, the Office of Admissions will request that the counselor complete a State of Disciplinary Standing Form.
B. Transfer Student-Athlete: At the start of each semester, an NCAA Student-Athlete, Statement of Disciplinary Standing Form is sent to the previous institution's Title IX

Office for new transfers. All forms are kept in a Google folder and shared with the Trinity Title IX Officer.

C. Continuing Student-Athlete: Trinity's Title IX Coordinator cross-checks Trinity's list of students who have been disciplined through a Student Conduct proceeding, Title IX proceeding, or criminally convicted of sexual, interpersonal, or other acts of violence.

The University reserves the right to contact the prior institution or conduct a criminal background check for any incoming, continuing, or transfer student-athletes.

In the event the Athletics Department needs to conduct a criminal background check, the incoming, continuing, or transfer student-athlete is responsible for paying for the background check.

If, at any time, Trinity has reason to believe that a student-athlete has been disciplined through a campus proceeding involving serious misconduct or that student-athlete has been convicted of a criminal involving serious misconduct, whether or not the student-athlete has reported the same via the Attestation, Trinity will take reasonable steps to gather additional information and, when necessary, provide information to the TU Sexual Violence Attestation Review Panel for an eligibility determination.

If an incoming, continuing, or transfer student-athlete discloses they have engaged in conduct that resulted in the discipline through a Title-IX proceeding; has a criminal conviction for sexual, interpersonal, or other acts of violence; or has an incomplete Title IX proceeding at the time of transfer, the Athletics Director will immediately convene the TU Sexual Violence Attestation Review Panel to review the matter.

TU Sexual Violence Attestation Review Panel

The TU Sexual Violence Attestation Review Panel will be tasked with confirming the information from the disclosure and determining appropriate action.

As part of the confirmation process, the Sexual Violence Attestation Review Panel will take reasonable steps to confirm the circumstances of any serious misconduct disclosed in an Attestation. These reasonable steps may include interviewing the disclosing student-athlete, contacting the prior institution, and reviewing any records it provides, criminal background checks, and reviewing public records or other publicly available information, including, but not limited to, court documents, social media, news reports or any other source that may possess information regarding the misconduct in question.

Appropriate action may include but is not limited to restrictive measures, loss of athletics eligibility, or other measure necessary to keep the University safe or for the benefit of the student.

The TU Sexual Violence Attestation Review Panel shall issue a written decision regarding appropriate action to the student within fourteen (14) business days of its first meeting unless good cause exists for a lengthier time period.

The student may appeal the TU Sexual Violence Attestation Review Panel's decision to the Vice President for Enrollment Management, whose decision shall be final.

In order to appeal, the student must submit a written request to appeal to the Vice President for Enrollment Management within five business days of receipt of the written decision. The request to appeal must include a written statement explaining the basis for the appeal. The TU Sexual Violence Attestation Review Panel shall have an opportunity to review the appeal and provide a response to the Vice President for Enrollment Management. The response is due within three days of the appeal.

The Vice President of Enrollment Management shall objectively evaluate the appeal and issue a final written decision within five business days of the appeal.

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The Vice President of Enrollment Management shall objectively evaluate the appeal and issue a final written decision within five business days of the appeal.

Record Retention

The following records must be maintained for six years after the student's graduation or date of last attendance: Submitted Disclosure and Attestation Forms, including supporting documentation and FERPA releases; coaches Attestation Forms, the TU Sexual Violence Attestation Review Panel's written decision; appeal materials submitted to the Vice President of Enrollment Management; and the written decision and notification to the student regarding the decision on appeal.

The Campus Attestation Designee is responsible for collecting, maintaining, and retaining the records.

Training Requirements

The Title IX Coordinator or designee shall provide annual training on the violence prevention, intervention, and response. This annual training will review the relevant material from the University's Policy Prohibiting Sexual Harassment and Sexual Misconduct and its relevant procedures. The Athletics Department and the Title IX Coordinator are responsible for ensuring that all student-athletes, coaches, and staff have received this training.

The Athletics Department will ensure that the institutional policies and processes regarding sexual violence prevention and adjudication and the name and contact information for the campus Title IX Coordinator are readily available within the Athletics Department and are provided to student-athletes.

Terms & Definitions

Terms and Definitions:

Term:	Definition:
Athletics Director	refers to the University Official who has been designated to oversee the Athletics Department.
Continuing Student-Athlete	A current student-athlete is an athlete who has been enrolled at Trinity and has participated in intercollegiate athletics while enrolled at Trinity.
Incoming Student-Athlete	A first-year, in incoming student-athlete, is a high school or international athlete who is initially enrolling at Trinity or an athlete who is attempting to engage in intercollegiate competition for the first time at Trinity.
New Transfer Student-Athlete	A new transfer student-athlete is an athlete from another two- or four-year institution initially enrolling at Trinity and attempting to engage in intercollegiate competition at Trinity.
Campus Attestation Designee	refers to a University employee appointed by the Athletic Director to oversee compliance with the NCAA Policy on Campus Sexual Violence disclosure and attestation process.
Coach	refers to a University employee who trains students in intercollegiate athletics at the University.
Interpersonal Violence	The NCAA defines interpersonal violence as violence that is predominately caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
Other Acts of Violence	The NCAA defines other acts of violence as crimes, including murder, manslaughter, aggravated assault, or any assault that employs a deadly weapon or causes serious bodily injury.
Serious Misconduct	Is defined as all prohibited conduct for which a student-athlete has been found responsible or disciplined as a result of included in the Trinity University Policy Prohibiting Sexual Harassment and Sexual Misconduct and as well as murder, manslaughter, aggravated assaultand assault with a deadly weapon or assault that causes serious bodily injury, as defined by the Texas Penal Code. Serious misconduct would also include any other felony or misdemeanor considered equivalent to those listed above in any jurisdiction where a current or prospective student-athlete was convicted or pleaded guilty or no contest.
Sexual Violence	The NCAA defines sexual violence as a term that includes both forcible and nonforcible sex offenses, ranging from sexual battery to

Term:	Definition:
	rape.
Student-Athlete	means a student who participates in intercollegiate athletics at the University.
Title IX Coordinator	refers to the University official who has been designated to coordinate efforts to comply with and implement the University Civil Rights Policy insofar as it prohibits sex discrimination, Non-Title IX Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking. The Title IX Coordinator is the Civil Rights Coordinator for receiving and investigating reports of sex discrimination, including but not limited to Non-Title IX Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking.
Trinity University Student-Athlete Serious Misconduct and Disclosure and Attestation Forms	The disclosure and attestation forms are documents used by the University to demonstrate its compliance with the NCAA Policy on Campus Sexual Violence.
TU Sexual Violence Attestation Review Panel	The TU Sexual Violence Attestation Review Panel consists of the Athletics Director, the Title IX Coordinator, the Dean of Students, and the Faculty Athletics Representative[RE1] . The TU Sexual Violence Attestation Review Panel may also include other University officials, such as the Dean of Admissions, members of the University counseling team or health professionals, and TUPD officers.
University and the University	mean Trinity University.

Revision Management

Revision History Log:

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Vice President Approval:

Name:	Title:
Eric Maloof	Vice President for Enrollment Management