

 <p style="text-align: center;">University of Dallas</p>	<p style="text-align: center;">Athletics</p> <p style="text-align: center;">NCAA Policy on Campus Sexual Violence</p>	<p>POLICY NCAA Responsible Executive: Executive Vice President Responsible Office: Athletics Issued: 4.27.23 Revised: n/a</p>
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1. PURPOSE

This Policy provides the University of Dallas’s policies and procedures in fulfillment of the National Collegiate Athletic Association Policy to Combat Campus Sexual Violence (“NCAA Policy”), adopted by the NCAA Board of Governors. The University of Dallas Athletics Department is a Division III institution of the NCAA and in the Southern Collegiate Athletic Conference (“SCAC”).

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 compliant 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 information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left the institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal or other acts 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.

2. TRAINING REQUIREMENTS

- 2.1. The Title IX Coordinator or designee shall provide annual training on the institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual and interpersonal violence. This annual training will review the relevant material from the University's Civil Rights Policy 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.
- 2.2. 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.

3. DISCLOSURES

- 3.1. **The UD-NCAA Disclosure.** The Athletics Department will require all incoming, continuing and transfer student-athletes to complete an annual disclosure (the "UD-NCAA Disclosure") 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.
 - 3.1.1. **Consent to Verify and FERPA Release.** The UD-NCAA Disclosure requires the incoming, continuing, and transfer student-athletes to give the University of Dallas permission to take reasonable steps to confirm and verify the accuracy of the statements, including but not limited to a criminal background check and the release of disciplinary information from educational records to the University of Dallas.
 - 3.1.1.1. The University of Dallas may utilize an outside firm or firms to assist it in checking such information, and the UD-NCAA Disclosure requires that the incoming,

continuing, and transfer student-athletes specifically authorize such an investigation by information services and outside entities of the University of Dallas's choice.

- 3.1.2. **Deadline.** All incoming, continuing, and transfer student-athletes must complete the NCAA Disclosure prior to participating in athletics (including but not limited to practice or competition).
- 3.2. **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 "Record of Good 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.
- 3.3. **Information-Sharing.** In a manner consistent with federal and state law, the University of Dallas 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.

4. VERIFICATION

- 4.1. **Confirmation of UD-NCAA Disclosure.**
 - 4.1.1. For incoming, continuing, or transfer student-athletes who have not disclosed 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, each coach will conduct an internet search to confirm whether the information is accurate.
 - 4.1.1.1. Each coach will provide an attestation form to the Athletics Director that he or she conducted an internet search of each incoming, continuing, or transfer student-athlete.
 - 4.1.1.2. The University reserves the right to reach out to the prior institution or conduct a criminal background check for any of the incoming, continuing, or transfer student-athletes.
 - 4.1.1.3. 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.
 - 4.1.2. If an incoming, continuing, or transfer student-athlete discloses he or she has 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 an incomplete Title IX proceeding at the

time of transfer, the Athletics Director will immediately convene the UD-NCAA Review Panel to review the matter.

- 4.2. **UD-NCAA Review Panel.** The UD-NCAA Review Panel will consist of the Athletics Director, the Title IX Coordinator, the Dean of Students, and the Faculty Athletics Representative. The UD-NCAA Review Panel may also include other University officials such as the Assistant Vice President for Enrollment, members of the University counseling team or health professionals, and UDPD officers.
- 4.2.1. The UD-NCAA Review Panel will be tasked with confirming the information from the disclosure and determining appropriate action.
- 4.2.1.1. As part of the confirmation process, the UD-NCAA Review Panel may interview the student, contact the student's prior institution to access records, conduct a criminal background check, or take other necessary action it deems appropriate.
- 4.2.1.2. Appropriate action may include but is not limited to restrictive measures, loss of athletics eligibility, or other measures necessary to keep the University safe or for the benefit of the student.
- 4.2.2. The UD-NCAA Review Panel shall issue a written decision regarding appropriate action to the student within five business days of its first meeting, unless good cause exists for a lengthier time period.
- 4.2.3. The student may appeal the UD-NCAA Review Panel's decision to the Executive Vice President of the University or designee, whose decision shall be final.
- 4.2.3.1. In order to appeal, the student must submit a written request to appeal to the Executive Vice President of the University or designee 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 UD-NCAA Review Panel shall have an opportunity to review the appeal and provide a response to the appeal. The response is due within three business days of the appeal.
- 4.2.3.2. The Executive Vice President or designee shall make an objective evaluation of the appeal and issue a final written decision within five business days of the appeal.

5. FAILURE TO DISCLOSE

5.1. Failure to Disclose

- 5.1.1. 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.

6. DEFINITIONS

- 6.1. **“Athletics Director”** refers to the University Official who has been designated to oversee the Athletics Department.
- 6.2. **Athletes**
- 6.2.1. **“Incoming Student-Athlete”** means a freshman student who seeks to participate in intercollegiate athletics at the University.
- 6.2.2. **“Continuing Student-Athlete”** means a student who participates in intercollegiate athletics at the University and seeks to continue participation.
- 6.2.3. **“Transfer Student-Athlete”** means a student from another academic institution who seeks to participate in intercollegiate athletics at the University.
- 6.3. **“Coach”** refers to a University employee who trains students in intercollegiate athletics at the University.
- 6.4. **“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 designated by the President and 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.
- 6.5. **“Student”** means an individual taking courses at the University, either full-time or part-time, in person, online or studying abroad, including on the Rome campus, and pursuing either undergraduate or graduate studies, including individuals who withdraw from the University during the conduct process; those who are not currently enrolled in courses but who have a continuing relationship with the University and those who have applied for readmission to the University.
- 6.6. **“Student-Athlete”** means a student who participates in intercollegiate athletics at the University.
- 6.7. **“University”** and **“the University”** mean the University of Dallas.

7. RESPONSIBILITIES

Responsible Party	List of Responsibilities
Office of the General Counsel	Monitor compliance with this Policy.

Athletics Department & Title IX
Coordinator

Implement this Policy.

Office of Student Affairs

Review referrals to handle in accordance with the University Student Code of Conduct.

UD-NCAA Review Panel

Convene as necessary to determine appropriate action.

Executive Vice President

Serve as the appeal officer for decisions from the UD-NCAA Review Panel.

8. POLICY ENFORCEMENT

Enforcement

The Athletics Department and Title IX Coordinator will enforce this Policy.

Reporting Violations

Suspected violations of this Policy may be reported to the Athletics Department or Title IX Coordinator. As necessary, the Athletics Department or Title IX Coordinator will consult with the Office of General Counsel.

9. RELATED DOCUMENTS

Policy or Document

Web Address

University of Dallas Student Handbook

<https://udallas.edu/offices/civil-rights/civil-rights-policies.php>

University of Dallas Civil Rights Policies and Procedures

https://udallas.edu/studenthandbook/documents/student-handbook_2022-23_8-18-22.pdf

10. CONTACTS

Subject	Office or Position	Telephone Number	Office Email or URL
Policy Clarification	Office of General Counsel	(972) 721-5363	hlachenauer@udallas.edu
Policy Implementation	Athletics Department	(972) 721-5207	jsamples@udallas.edu
Web Address for this Policy		https://udallas.edu/about/university-policies/index.php	