

University of Evansville
Policy on Student-Athlete Recruiting and Compliance with the NCAA Policy on Campus Sexual Violence

Policy Statement

The University of Evansville is committed to the safety and well-being of its campus community. As part of that commitment, and in light of requirements set forth in the NCAA Board of Governor's Policy on Campus Sexual Violence, the University has issued this policy to require University personnel to gather and share certain information related to incoming and transfer student-athletes.

Reason for Policy

The University of Evansville is an NCAA Division I institution that provides 17 varsity level men's and women's sports. The NCAA Board of Governors Policy on Campus Sexual Violence requires member institutions to implement processes for vetting incoming and transfer-student-athletes.

Definitions

Interpersonal Violence: Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.

Dating Violence: A type of Interpersonal Violence that includes any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: A type of Interpersonal Violence that includes any act of violence committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under Indiana state law; or by any other person against an adult or minor Complainant who is protected from that person's acts under Indiana state law.

Sexual Violence: A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.

Sexual Assault: A type of Sexual Violence defined as having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see the University of Evansville's [*Title IX and other Sexual Harassment and Misconduct Policy*](#) for the definition of consent, including incapacitation). Sexual contact includes: sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification; or attempts to commit Sexual Assault.

Other Acts of Violence: Crimes including murder, manslaughter, aggravated assault, or any assault that employs the use of a deadly weapon or causes serious bodily injury.

Aggravated assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could or probably would result in a serious potential injury if the crime were successfully completed.

Murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by negligence: the killing of another person through gross negligence.

Student-Athlete Background Checks & Attestations

All student-athletes are required to disclose, on an annual basis, whether they have been disciplined through a Title IX or sexual misconduct proceeding or in a criminal conviction (whether as a result of a plea or court determination) for sexual, interpersonal, or other acts of violence. Student-athletes who have transferred institutions must also disclose whether a Title IX proceeding was incomplete or pending against them at the time of their transfer. The above-required disclosures occur when each student-athlete completes the required Student-Athlete Serious Misconduct Attestation Form ("Attestation Form") each year.

First-year student-athletes are required to complete an Attestation Form within two weeks of their signing to compete at the University. If a student-athlete indicates that they have been disciplined through a Title IX or sexual misconduct proceeding, have been criminally convicted for sexual, interpersonal or other acts of violence, or left a prior institution with a Title IX proceeding incomplete, they will be subject to a background check. Notwithstanding a student-athlete's attestation, if the University otherwise learns of information or has other reason to believe that the student-athlete may have been disciplined through a Title IX or sexual misconduct proceeding, criminally convicted for sexual, interpersonal, or other acts of violence, or left a prior institution with a Title IX proceeding incomplete, the University may choose to initiate a background check. Attestation Forms requiring background checks will be immediately provided to the Senior Associate Athletic Director for Internal Operations. The Senior Associate Athletic Director for Internal Operations will provide a copies to the Assistant Director of Institutional Equity and Title IX Coordinator. The University of Evansville will contact the student-athlete's high school or other previous institution regarding the attested information and may take other steps reasonably designed to yield information about the disciplinary action or the incomplete process. Any outreach will be made by the Assistant Director of Institutional Equity and Title IX Coordinator or their designee. Failure to provide truthful answers on the Attestation Form may result in disciplinary action including suspension or expulsion from the team.

Returning student-athletes are required to complete the Attestation Form by August 1st of each year by of signing with the University at the start of the next academic year. If a student-athlete indicates that they have been disciplined through a Title IX or sexual misconduct proceeding or that they have been criminally convicted of sexual, interpersonal or other acts of violence, they will be subject to a background check. Notwithstanding a student-athlete's attestation, if the University otherwise learns of

information or has other reason to believe that the student-athlete may have been disciplined through a Title IX or sexual misconduct proceeding or criminally convicted of sexual, interpersonal or other acts of violence, the University may choose to initiate a background check. Attestation Forms requiring background checks will be immediately provided to the Senior Associate Athletic Director for Internal Operations. The Senior Associate Athletic Director for Internal Operations will provide a copy of the Attestation Form to the Assistant Director of Institutional Equity and Title IX Coordinator. The University of Evansville may contact the student-athlete's previous institution regarding the attested information and may take other steps reasonably designed to yield information about the disciplinary action or the incomplete process. Any outreach will be made by the Assistant Director of Institutional Equity and Title IX Coordinator or their designee. Failure to provide truthful answers on the Attestation Form may result in disciplinary action including suspension or expulsion from the team.

Transfer student-athletes are required to complete an Attestation Form while attending their previous institution. If a student-athlete indicates that they have been disciplined through a Title IX or sexual misconduct proceeding, that they have been criminally convicted of sexual, interpersonal or other acts of violence, or that they left (or would be leaving) an institution with a Title IX proceeding incomplete, they will be subject to a background check. Notwithstanding a student-athlete's attestation, if the University otherwise learns of information or has other reason to believe that the student-athlete may have been disciplined through a Title IX or sexual misconduct proceeding, criminally convicted of sexual, interpersonal or other acts of violence, or left or would be leaving an institution with a Title IX proceeding incomplete, the University may choose to initiate a background check. Attestation Forms requiring background checks will be immediately provided to the Senior Associate Athletic Director for Internal Operations. The Senior Associate Athletic Director for Internal Operations will provide a copy of the Attestation Form to the Assistant Director of Institutional Equity and Title IX Coordinator. The University of Evansville may contact the student-athlete's previous institution(s) regarding the attested information and may take other steps reasonably designed to yield information about the disciplinary action or the incomplete process. Any outreach will be made by the Assistant Director of Institutional Equity and Title IX Coordinator or their designee. Failure to provide truthful answers on the Attestation Form may result in disciplinary action including suspension or expulsion from the team.

Ongoing Obligation to Report

If any student-athlete engages in behavior that results in disciplinary action under the University's Title IX or sexual misconduct process, or if any student-athlete is criminally convicted (whether as a result of a plea or court determination) for sexual, interpersonal or other acts of violence, that student-athlete must immediately alert the Senior Associate Athletic Director for Internal Operations and Assistant Director of Institutional Equity and Title IX Coordinator. Failure to do so will result in immediate expulsion from their team.

Student Athlete Information Sharing

The Senior Associate Athletic Director for Internal Operations will provide a list of all athletes and their statuses (first-year, returning, transfer) to the Office of Institutional Equity on an annual basis, but no later than the first day of classes in the fall semester of each year. The Senior Associate Athletic Director for Internal Operations and Assistant Director of Institutional Equity and Title IX Coordinator will work collaboratively to gather the appropriate records including completed Attestation Forms from all student-athletes. Failure to provide the appropriate documentation may result in a student-athlete

being banned from practices and/or competitions. Records will be maintained by the Office of Institutional Equity. Records may be shared with appropriate members of the Athletics Department.

Outbound Transfer Student-Athletes

Student-athletes who choose to transfer from the University to another institution may request, in writing, a signed letter from the Office of Institutional Equity regarding the existence or non-existence of any disciplinary actions or records related to any Title IX or sexual misconduct proceedings involving that student-athlete as a respondent. The signed letter will indicate one of the following:

1. The student-athlete has not been subject to discipline through a Title IX or sexual misconduct proceeding at the University of Evansville.
2. The student-athlete was subject to discipline through a Title IX or sexual misconduct proceeding at the University of Evansville.
3. The student-athlete is seeking to transfer from the University of Evansville while a Title IX or sexual misconduct process is incomplete or pending. The incomplete or pending process involves the student-athlete as the respondent.

The student-athlete may, in writing, request that this report is sent via email or mail to their next institution. The student-athlete should be aware that the receiving institution may contact the University of Evansville for further information about the disciplinary action and/or the incomplete process. The University of Evansville will provide information to receiving or prospective institutions as permitted by law.

Requests from Other Institutions

The University's Office of Institutional Equity will respond to all other receiving institutions' inquiries about transfers or attempted transfers while a Title IX or sexual misconduct process is incomplete or pending and about student-athlete discipline issued pursuant to a Title IX or sexual misconduct proceeding, criminal conviction for sexual, interpersonal or other acts of violence. The University will provide information to receiving or prospective institutions as permitted by federal and state laws including FERPA. The Office of Institutional Equity will generally seek written consent from the student-athlete before releasing information, but it reserves the right to seek such information without a student-athlete's written consent where permitted by law.

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