

 UNIVERSITY OF DENVER	UNIVERSITY OF DENVER POLICY MANUAL STUDENT-ATHLETE SERIOUS MISCONDUCT ATTESTATION POLICY	
<u>Responsible Department:</u> Athletics & Ritchie Center Operations <u>Recommended By:</u> Vice Chancellor for Athletics & Ritchie Center Operations, Provost <u>Approved By:</u> Chancellor	<u>Policy Number</u> ATHL 6.10.030	<u>Effective Date</u> 10/__/2022

I. INTRODUCTION

- A. The University of Denver (“the University”) is committed to the overall well-being and safety of our student-athletes and the University community. The National Collegiate Athletics Association (“NCAA”) requires member institutions to (1) annually administer a disclosure form to all first-time first-year, continuing, and transfer student-athletes related to the student-athlete’s conduct that resulted in discipline through a Title IX, sexual misconduct, or student conduct proceeding or a criminal conviction for sexual violence, interpersonal violence, or other act of violence; and (2) take reasonable steps to confirm whether first-time first-year, continuing, and transfer student-athletes have been disciplined through a Title IX, sexual misconduct, or student conduct proceeding or have a criminal conviction for sexual violence, interpersonal violence, or other acts of violence.
- B. The requirements below are subject to modification based on changes in federal or state law, and/or NCAA legislation. The University reserves the right to amend this Policy at any time, and the Policy becomes effective upon adoption.

II. POLICY OVERVIEW

- A. All first-time first-year, continuing, and transfer student-athletes must complete the required annual disclosure form related to their conduct that resulted in discipline through a Title IX, sexual misconduct, or student conduct proceeding or in a criminal conviction for sexual violence, interpersonal violence, or other acts of violence. For first-time first-year and transfer student-athletes the form is to be completed prior to signing a National Letter of Intent (“NLI”) or a written offer of athletic aid and then again annually. Continuing student-athletes and/or incoming first-time first-year or transfer student-athletes who are not receiving athletically-related financial aid must complete the form annually.
- B. The Athletic Department Compliance Office or its designee is responsible for confirming that the required forms have been submitted, reviewed, and verified.

- C.** The University must inform prospective student-athletes who verbally commit to attend the University and participate in activities related to intercollegiate athletics that offers are conditioned upon the prospective student-athlete's completion of the applicable disclosure form and the University's review and verification of such form.
- D.** A student-athlete who fails to make full and accurate disclosures as required by this Policy may lose eligibility to participate in activities related to intercollegiate athletics and/or athletically related financial aid.
- E.** If the University determines, after due diligence review of the required forms, that a student-athlete has engaged in serious misconduct, the student-athlete could lose the eligibility to participate in activities related to intercollegiate athletics and/or athletically related financial aid. Athletics will make this decision in consultation with the applicable coaching staff, Athletics staff, the Deputy Title IX Coordinator, and the Director of Student Rights & Responsibilities
- F.** If the University determines, after due diligence review of the required forms, that a student-athlete has unresolved Title IX, sexual misconduct, student conduct or criminal proceedings related to acts of serious misconduct, the student-athlete could lose the eligibility to participate in activities related to intercollegiate athletics and/or athletically related financial aid. Athletics will make this decision in consultation with the applicable coaching staff, Athletics staff, the Deputy Title IX Coordinator, and the Director of Student Rights & Responsibilities.
- G.** The University shall establish an Athletics – Serious Misconduct Review Committee to review student-athletes' appeals of loss of eligibility to participate in activities related to intercollegiate athletics and/or athletically related financial aid that resulted from the University's due diligence review of serious misconduct attestation forms. The committee will be comprised of the Associate Vice Chancellor / Deputy Athletic Director, Associate Vice Chancellor for Equal Opportunity & Title IX / Title IX Coordinator, Dean of Students, Director of Campus Safety, or their respective designees. The determination of the appeal committee is final and not subject to further appeal.
- H.** A student-athlete's loss of eligibility to participate in activities related to intercollegiate athletics and/or loss of athletically related financial aid shall not affect the academic status or standing of a student at the University. However, the individual is still subject to applicable proceedings under the University policies implicated by the underlying facts that resulted in loss of eligibility to participate in activities related to intercollegiate athletics and/or athletically related financial aid.

III. PROCESS OVERVIEW & DUE DILIGENCE REVIEW

- A. All prospective first-time, first-year, and transfer student-athletes must complete the Student-Athlete Serious Misconduct Attestation Institutional Disclosure Form prior to signing an NLI or athletic aid agreement.
- B. All prospective first-time, first-year, transfer, and continuing student-athletes must complete the Student-Athlete Serious Misconduct Attestation Form in ARMS, an online software system, on an annual basis.
- C. All student-athletes must promptly notify the Athletic Department Compliance Office of events requiring updates or other modifications to a previously-submitted Student-Athlete Serious Misconduct Attestation Form and must complete a new Student-Athlete Serious Misconduct Attestation Form as required by this Policy.
- D. Athletics, in consultation with the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator, the Director of Student Rights & Responsibilities, and other University officials as needed, will take reasonable steps to confirm, review, and verify whether first-time first-year, continuing, and transfer student-athletes have been disciplined through a Title IX, sexual misconduct, or student conduct proceeding, or have a criminal conviction for serious misconduct and whether the student-athletes are subject to any incomplete or pending proceedings.
- E. Student-athletes must cooperate with the University's efforts to verify information related to serious misconduct, including but not limited to prompt completion of necessary consent forms and releases of information required by another Institution or entity to allow the University to timely obtain applicable records.
- F. Student-athletes may appeal determinations made by Athletics as a result of due diligence review regarding their eligibility to participate in activities related to intercollegiate athletics or receive athletically related financial aid to the Athletics – Serious Misconduct Review Committee as provided by this Policy.

IV. DEFINITIONS

- A. **“Student-athlete”** means any first-time first-year, or transfer or continuing student who has been invited to participate or is currently participating in intercollegiate athletics for the University.
- B. **“Serious Misconduct”** means sexual violence, interpersonal violence, or other acts of violence, or other felony convictions for conduct, including but not limited

to those categorized generally under the following (or other applicable terms under the relevant policies and procedures of the respective institution):

1. **Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
2. **Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.
3. **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.

V. RESOURCES:

- A. **ARMS:** <https://my.armssoftware.com/arms/login>
- B. **NCAA Resources:** [NCAA Campus Sexual Violence Policy.pdf](#)
- C. **Student-Athlete Serious Misconduct Attestation Institutional Disclosure Form**
- D. **Student-Athlete Serious Misconduct Attestation Form**
- E. [University Policy EOIX 3.10.010 - Discrimination and Harassment](#)
- F. [Office of Equal Opportunity & Title IX \(EOIX\) Title IX Sexual Harassment Procedures](#)
- G. [Office of Equal Opportunity & Title IX \(EOIX\) Comprehensive Discrimination and Harassment Procedures](#)
- H. [University of Denver Honor Code](#)

Revision Effective Date	Purpose

Student-Athlete Serious Misconduct Attestation Institutional Disclosure Form

The University of Denver is committed to the overall well-being and safety of our student-athletes and University community. The National Collegiate Athletics Association ("NCAA") requires member institutions to (1) annually administer a disclosure form to all first-time first-year, continuing, and transfer student-athletes related to the student-athlete's conduct that resulted in an investigation or discipline through a Title IX, sexual misconduct, or student conduct proceeding or a criminal conviction for sexual violence, interpersonal violence, or other act of violence; and (2) take reasonable steps to confirm whether student-athletes have been disciplined through a Title IX, sexual misconduct, or student conduct proceeding or have been criminally convicted of sexual violence, interpersonal violence, or other act of violence. Current and prospective student-athletes at the University of Denver must complete the questions below to the best of their knowledge on an annual basis. Providing false information may result in ineligibility for participation in intercollegiate athletics and athletically-related financial aid, as well as referral to the Office of Student Rights & Responsibilities for action under the University of Denver Honor Code. For more information, please see the Student-Athlete Serious Misconduct Attestation Policy.

Instructions

- Each incoming or transfer potential student-athlete must fill out the top portion of this form.
 - A potential student-athlete must fill out a separate form for each K-12 and post-secondary institution they have attended in the past five years.
 - The University of Denver will then send this form to the identified institutions.
- Please contact Jason Kesner (Jason.Kesner@du.edu) if you have any questions.

To be completed by the incoming or transfer potential student-athlete:

First Name: _____ **Last Name:** _____ **DOB:** _____

Authorization: I authorize _____ (former institution) to release disciplinary and/or criminal information from my education records to University of Denver including records related to the crimes and incidents addressed in the NCAA Policy on Campus Sexual Violence. I agree to execute any necessary documents to permit the institution to provide such information to the University of Denver.

Student Signature: _____ **Date:** _____

To be completed by former institutions the student attended in past five years:

Note: This section must be completed by a school/college/university official with access to student's disciplinary records. If the institution has a policy that prevents it from responding, or the institution otherwise seeks to discuss this request, please contact Jason Kesner at Jason.Kesner@du.edu.

Institution Name: _____ **Institution Official's Name and Title:** _____

Email: _____

Phone: _____

Questions:

<i>If yes to any of the following, please provide further documentation.</i>	Yes	No
1. Has the student ever been found responsible through a Title IX, sexual misconduct, or student conduct proceeding, or a criminal conviction for serious misconduct?		
2. Has the student ever been criminally convicted for sexual, interpersonal or other acts of violence?		
3. Did/does the student have Title IX, sexual misconduct, or student conduct proceeding, or a criminal conviction for serious misconduct when the student left the institution?		

“Serious Misconduct” means sexual violence, interpersonal violence, or other acts of violence, or other felony convictions for conduct, including but not limited to those categorized generally under the following (or other applicable terms under the relevant policies and procedures of the respective institution):

- 1. Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
- 2. Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.
- 3. 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

Are there any Title IX or sexual misconduct violations pending or charged against the student? If Yes, please explain: _____ _____ _____	<input type="checkbox"/> YES <input type="checkbox"/> NO
---	---

Institution Official’s Signature: _____ **Date:** _____

University of Denver Athletic Compliance Office Signature: _____ **Date:** _____

Student-Athlete Serious Misconduct Attestation Form

The University of Denver ("the University") is committed to the overall well-being and safety of our student-athletes and the University community. Consistent with the National Collegiate Athletics Association ("NCAA") requirements of member institutions, the University will (1) annually administer a disclosure form to all first-time first-year, continuing, and transfer student-athletes related to the student-athlete's conduct that resulted in an investigation and/or discipline through a Title IX, sexual misconduct, or student conduct proceeding or a criminal conviction for sexual violence, interpersonal violence, or other act of violence; and (2) take reasonable steps to confirm whether first-time first-year, continuing, and transfer student-athletes have been involved in an investigation or disciplined through a Title IX, sexual misconduct, or student conduct proceeding or have a criminal conviction for sexual violence, interpersonal violence, or other acts of violence.

Requirements

1. Who:

All first-time first-year, continuing, and transfer student-athletes.

2. When:

Every year of intercollegiate athletics participation (includes tryout, practice and competition).

3. What:

Attest (disclose) if the first time first year, continuing, and transfer student-athletes has been involved in conduct that resulted in an investigation and/or discipline through a Title IX, sexual misconduct, or student conduct proceeding or a criminal conviction for sexual violence, interpersonal violence, or other act of violence:

Serious Misconduct means sexual violence, interpersonal violence, or other acts of violence, or other felony convictions for conduct, including but not limited to those categorized generally under the following (or other applicable terms under the relevant policies and procedures of the respective institution):

- Interpersonal Violence: Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
- Sexual Violence: A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.
- 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.

Attestation

____ I attest that I **HAVE NOT** been found responsible for violating a high school, college or university policy in conduct that resulted in an investigation and/or discipline through a Title IX, sexual misconduct, or student conduct proceeding or a criminal conviction for sexual violence, interpersonal violence, or other acts of violence as described above, **AND** that I did not leave any prior institution with conduct charges **PENDING** for such acts.

____ I attest that I **HAVE** been found responsible for violating a high school, college or university policy; or been subject to has been involved in conduct that resulted in an investigation and/or discipline through a Title IX, sexual misconduct, or student conduct proceeding or a criminal conviction for sexual violence, interpersonal violence, or other acts of violence as described above **OR HAVE PENDING** charges through a Title IX, sexual misconduct, or student conduct proceeding.

Was the Title IX, sexual misconduct, or student conduct proceeding complete or pending at the time of your transfer to University of Denver?

____ Complete ____ Pending Institution Name: _____ Date: _____

____ I agree to allow University of Denver through oversight of the Office of Equal Opportunity & Title IX and with assistance of the Athletic Department where applicable, to contact the above institution to gather additional information regarding this disclosure. I agree to execute any necessary documents to permit the institution to provide such information to the University of Denver.

By signing below, I attest that, to the best of my knowledge and belief, that all information attested to on this form is accurate and complete, and that providing false information may result in ineligibility for participation in intercollegiate athletics and athletically-related financial aid, as well as referral to the Office of Student Rights & Responsibilities for action under the University of Denver Honor Code.

Student Name: _____ **Signature:** _____ **Date:** _____

ID#: _____

Athletic Status (circle one): First-time First Year Incoming Transfer Continuing

Sport/s: _____

University of Denver Athletic Compliance Office Signature: _____ **Date:** _____