

	<b>Category</b> <i>Select one or more:</i>	
	<b>Sector:</b> <b>Dept:</b>	<i>Athletics</i>
	<b>Approved By:</b>	
	<b>Effective date:</b> <b>Revision date:</b>	<i>July 1, 2022</i>
<b><i>Serious Misconduct and Division I Athletics Participation</i></b>		

### **PURPOSE:**

Niagara University is committed to a culture of care and considers the dignity of the human person in forming a mission-driven community. This policy enhances the safety of Niagara University through the admission and enrollment process and is in accordance with the NCAA's policy on campus sexual violence.

### **SCOPE:**

Niagara University's Policy on Serious Misconduct and Division I Athletics Participation requires all current and incoming student-athletes to annually attest to their compliance with screening questions regarding their conduct.

### **TERMS AND DEFINITIONS:**

For the purpose of this policy, serious misconduct is defined as interpersonal violence, sexual violence, or other acts of violence. Student-athletes who have been found responsible, convicted, or pleaded no contest, may not be able to participate in Division I Athletics.

### **MAIN PROVISIONS:**

All prospective and current student-athletes will complete the screening questions on an annual basis through the ARMS digital platform. The screening questions are included as part of this policy. The completion and review of this document is required before a student-athlete may begin actively participating. For student-athletes transferring from another institution, the former institution's Title IX officer must complete a transfer tracer stating if the prospective student-athlete was a respondent in a Title IX proceeding and the final decision or current status of the proceeding.

### **PROCEDURES:**

The athletics compliance office will review all documents and a thorough review will be conducted on any student-athlete who answers "Yes" to any of the questions. Upon initial review, the athletics department's Senior Woman Administrator will refer the application to the Serious Misconduct review

panel. The prospective or current student-athlete will be notified of the inquiry into their status as a prospective student-athlete at Niagara University.

The Serious Misconduct review panel will meet within 10 business days of the notification and decide whether or not to allow for participation in Division I Athletics. The panel's decision and supporting report will be provided to the Director of Athletics. The Director of Athletics has five business days to support or refute the panel's decision and forward information to the University's final decision review panel for final decision. The Vice President for Diversity, Equity & Inclusion will convene a three-person panel comprised of the Vice President for Diversity, Equity and Inclusion; the Vice President for Student Affairs; and the Vice President for Human Resources; and the Executive Vice President to render the final decision within five business days. The prospective or current student-athlete will be notified of the final decision by the Director of Athletics.

A serious misconduct advisory committee may assist athletics administration or the serious misconduct review panel during their deliberations but will not be a decision-making entity.

### **ADDITIONAL INFORMATION:**

#### **Serious Misconduct Review Panel**

The serious misconduct review panel, with consultation from the University General Counsel's office, renders the initial decision on the application of the prospective student. The review panel will review all facts and information that has been provided based on the individual's circumstances.

The serious misconduct review panel is comprised of:

- Title IX Coordinator
- Dean of Students
- Faculty Athletics Representative
- Department of Athletics Senior Woman Administrator

#### **Serious Misconduct Advisory Committee**

The serious misconduct advisory committee may assist at any point throughout the process. The advisory committee will not have the authority to make decisions, however, they will advise based on expertise and situational circumstances.

Niagara's serious misconduct advisory committee is comprised of:

- Deputy Title IX Coordinator
- Director of Violence, Prevention & Education
- Mental Health Counselor, Student-Athlete Liaison
- Director of Campus Safety

## Screening Questions

Prior to participating in Division I Athletics, student-athletes must answer the following questions. This attestation will be made on an annual basis; however, student-athletes are under a continuing obligation with respect to this attestation. If a student-athlete's answer to any of these questions change, the student-athlete must immediately notify the Director of Athletics.

At a minimum, each prospective student-athlete is required to answer the following questions before being able to actively participate:

1. Do you have any criminal or juvenile delinquency charges pending against you? **Yes** **No**
2. Do you have any civil lawsuits pending against you? **Yes** **No**
3. Have you been convicted of, pleaded guilty to, pleaded no contest or been found a delinquent to any crime or delinquency involving:
  - a. Sexual Violence? **Yes** **No**
  - b. Rape? **Yes** **No**
  - c. Sexual Assault? **Yes** **No**
  - d. Domestic Violence? **Yes** **No**
  - e. Dating Violence? **Yes** **No**
  - f. Stalking? **Yes** **No**
  - g. Sexual Exploitation? **Yes** **No**
  - h. Sexual Harassment? **Yes** **No**
  - i. Incest? **Yes** **No**
  - j. Hate Crimes? **Yes** **No**
  - k. Assault with a Deadly Weapon? **Yes** **No**
  - l. Assault that caused Serious Bodily Injury? **Yes** **No**
  - m. Murder? **Yes** **No**
  - n. Manslaughter? **Yes** **No**
4. Have you ever been charged with a crime:
  - a. Sexual Violence? **Yes** **No**
  - b. Rape? **Yes** **No**
  - c. Sexual Assault? **Yes** **No**
  - d. Domestic Violence? **Yes** **No**
  - e. Dating Violence? **Yes** **No**
  - f. Stalking? **Yes** **No**
  - g. Sexual Exploitation? **Yes** **No**
  - h. Sexual Harassment? **Yes** **No**
  - i. Incest? **Yes** **No**
  - j. Hate Crimes? **Yes** **No**
  - k. Assault with a Deadly Weapon? **Yes** **No**
  - l. Assault that caused Serious Bodily Injury? **Yes** **No**
  - m. Murder? **Yes** **No**
  - n. Manslaughter? **Yes** **No**
5. Have you ever been expelled, dismissed, suspended, or placed on probation by any school/educational institution for any behavior involving violence or harm to others?  
**YES** **NO**

6. At any of your previous educational institutions, were you the subject of a pending proceeding or disciplinary allegation that could have resulted in being expelled, dismissed, suspended, or placed on probation?  
YES NO

If a student-athlete answers Yes to any of these questions, they must submit a detailed explanation of their circumstances.

By checking the boxes and signing below, you certify:

☐

I have read and understood this form.

☐

All my answers are truthful to the best of my knowledge.

☐

I give Niagara University permission to obtain records and/or other information (i.e., verbal responses) concerning any of the above-disclosed matters or any disciplinary and/or Title IX matters.

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**Signature of Student-Athlete or Parent/Guardian**

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**Printed Name of Signatory**

**Additional Section for Transfer Student-Athletes**

This section must be completed by the prospective student-athlete's current institution's Title IX Coordinator or their equivalent, as well as any previous collegiate institution(s) that the student-athlete attended.

Please check the boxes that correspond with correct answers.

In regard to any Title IX cases, I certify that the student-athlete named above

☐

Was a respondent and found responsible

☐

Was a respondent and found NOT responsible

☐

Was NOT a respondent

☐

Withdrew, pending resolution

Additional Comments:

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**Signature of Title IX Coordinator**

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**Printed Name of Signatory**

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**Date**

If more than one previous institution:

Please check the boxes that correspond with correct answers.

In regard to any Title IX cases, I certify that the student-athlete named above

- ☐ Was a respondent and found responsible
- ☐ Was a respondent and found NOT responsible
- ☐ Was NOT a respondent
- ☐ Withdrew, pending resolution

Additional Comments:

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**Signature of Title IX Coordinator**

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**Printed Name of Signatory**

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**Date**