



SEXUAL MISCONDUCT POLICY AND PROCEDURE

The NCAA Board of [Governors Policy on Campus Sexual Violence \(“NCAA Policy”\)](#) was adopted in 2017 and revised on April 27, 2021. The State University of New York at Potsdam (“SUNY Potsdam”) has adopted the following local policy and procedure to comply with the NCAA Policy.

POLICY:

NCAA member institutions are required to annually gather information regarding the prior misconduct of any current, prospective, or transfer student, including a graduate student, who seeks to participate in intercollegiate athletics. Specifically, any current, prospective, or transfer student-athlete, including a graduate student, must annually disclose whether they have been disciplined through a campus proceeding or had a criminal conviction for sexual, interpersonal or other acts of violence. This misconduct is defined as:

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.

For purposes of this policy, a campus proceeding shall include both Title IX and alternative proceedings that address sexual violence and result in discipline, including an informal resolution process. Findings of responsibility for sexual violence must be disclosed even where the violation does not meet the statutory criteria for Title IX “sexual harassment” as defined in 34 C.F.R. § 106.30(a). For example, where an institution has a parallel disciplinary process for sexual violence falling outside its Title IX geography, findings of responsibility from that process must be disclosed.

CURRENT STUDENT-ATHLETES

Returning Student-Athletes

All returning student-athletes will annually complete the Student-Athlete Attestation Form as part of the annual Athletics Participation Forms packet. A current student-athlete will not be cleared to practice or compete until the form has been completed. Failure to make a full and accurate disclosure could result in penalties, including loss of eligibility to participate in athletics as determined by SUNY Potsdam.

Additionally, the Office of Student Affairs will provide a report to the Athletics Director or Designee each summer outlining if a student-athlete has been disciplined through a campus proceeding or criminally convicted of sexual, interpersonal or other acts of violence to their knowledge.

Departing Student-Athletes

All departing student-athletes (e.g., transferring out) who complete the Notification of Transfer Form in give their written consent for SUNY Potsdam to disclose if they have been disciplined through a campus 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 campus proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university. This information is not shared through the NCAA Transfer Portal.

For a student-athlete who does not enter the NCAA Transfer Portal or an individual who was not a student-athlete at SUNY Potsdam but is pursuing collegiate athletics at another institution, the student must complete the SUNY Potsdam FERPA Consent form.

Inquiries from other institutions will be handled by the Title IX and the Student Affairs Office.

INCOMING PROSPECTIVE STUDENT-ATHLETES (Freshman, Undergraduate/Graduate Transfers)

Prior to Official Commitment During Recruitment Process

The Head Coach/Designee shall conduct due diligence on any prospective student-athlete who will be attending SUNY Potsdam to participate in intercollegiate athletics.

The Assistant Athletic Director for NCAA Compliance or Designee will request a Statement of Disciplinary Standing (Incoming Undergraduate/Graduate Transfers) form be completed for each educational institution the transfer prospective student-athlete has attended in the last 5 years. If a student replies “yes” on the Statement of Disciplinary Standing regarding covered conduct, the campus standing review committee shall conduct a review of such information. The committee includes, but is not limited to, the following members:

Voting Members:

Title IX Coordinator or Designee
Director of Student Conduct or Designee
Chief of University Police or Designee
Director of Undergraduate Admissions or Designee

Non-Voting Members:

Athletic Director or Designee
Assistant Athletic Director for NCAA Compliance or Designee

To facilitate its review, the committee may ask the student to provide the following materials:

- The specifics of any discipline or potential discipline involving acts defined above as interpersonal violence, sexual violence or other acts of violence;
- A copy of the student’s unsuppressed criminal history record from the NYS Division of Criminal Justice Services (or equivalent document for jurisdictions outside of NYS);

- For students on parole or probation status, references from the NYS Department of Corrections and Community Supervision Division of Parole or the Office of Probation and Correctional Alternatives; and/or
- A personal interview with the committee if deemed necessary to clarify/verify any information collected/provided.

In the event the student fails to timely submit the requisite information for review, the committee may defer decision on the student until all necessary information is received and reviewed.

The purpose of the campus committee is to review all appropriate information and make a decision regarding the student's eligibility to participate in athletics. The committee may also make decisions regarding the conditions of participation for the student, if any. The determination of the committee shall be final.

Any information gathered during this process for a current student athlete regarding potential violations of the Student Community Rights & Responsibilities will result in a referral to the Office of Student Conduct or the Title IX Coordinator.

After Official Admission (Submitted Enrollment Deposit/Enrollment Deposit Waived)

The Head Coach/Designee shall conduct due diligence on any prospective student-athlete who will be attending to participate in intercollegiate athletics.

All incoming prospective student-athletes will complete the Student-Athlete Attestation form as part of the annual Athletics Participation packet. An incoming prospective student-athlete will not be cleared to practice or compete until the form has been completed. Transfer student-athletes specifically must disclose whether a Title IX proceeding was incomplete at the time of transfer to SUNY Potsdam. Failure to make a full and accurate disclosure could result in penalties, including loss of eligibility to participate in athletics as determined by SUNY Potsdam.

Updated 08/31/2022

Approved by PC 10/05/2022