

Campus Sexual Violence Policy Recommended Checklist

The NCAA Board of Governors Policy Implementation Task Force created recommendations for NCAA members to use in their application of the [NCAA Board of Governors policy on campus sexual violence](#) (NCAA policy) with the following considerations in mind:

1. That member schools aspire to foster a safe and productive learning environment.
2. That member schools have relevant information about the students who are coming to their campuses and participating in extracurricular activities like athletics.
3. That the NCAA policy's intent is for schools to educate student-athletes, coaches and athletics staff about sexual violence prevention and to receive information from students and prior schools about their conduct, so administrators at member schools can make appropriate decisions for their campus.
4. That the NCAA policy's intent is to remove previous gaps that have existed in information sharing between schools about student conduct, particularly when students are transferring.
5. That the NCAA policy's intent is to respect campus policies and procedures, and state and federal laws.
6. That schools can implement the NCAA policy successfully when information is shared Association-wide, common questions are answered and relevant examples are provided.
7. That individual schools and conferences are best positioned to hold students accountable for conduct that occurs on their campuses in violation of their institutional standards.
8. That presidents/chancellors, directors of athletics and campus Title IX coordinators will continue to annually attest that they have complied with the NCAA policy requirements through the NCAA's attestation process to hold member schools accountable to the NCAA policy.

The task force developed the following checklist to support efforts by athletics administrators and other institutional personnel responsible for evaluating and implementing policies and procedures involving campus sexual violence. These checklist recommendations are intended as a resource for member schools to use in coordination with existing campus policies and procedures, as well as local, state and federal laws. The recommendations encourage cross-campus collaboration and emphasize the importance of transparency to allow schools to make the best decisions for their campuses based on institutional policies, procedures, values and mission. Campuses should continue their current disclosure procedures, to the extent they have them, and should consider earlier implementation if it is feasible.

This checklist is not intended as a practical guideline or legal standard of care and should not be used as a substitute for legal advice. Rather, these materials serve as a guide and, as such, are of a general nature. Individual treatment and reporting obligations may vary by jurisdiction and will depend on the facts and circumstances specific to each individual case.

Recommendations

- **Consider creating a cross-campus collaboration team to assist in reviewing, drafting and implementing your procedures.**
 - » Team members and departments may include the university general counsel, campus Title IX coordinator, dean of students office, student conduct office, president/chancellor, student-athlete representatives, director of athletics, senior woman administrator, compliance officers, admissions officers and others.
 - » In creating the cross-campus collaboration team, ask which staff member outside of athletics (e.g., the Title IX coordinator) might lead or co-lead the effort.
 - » Which staff member will have primary responsibilities and accountability for overseeing the NCAA policy implementation?
- **Consider engaging your cross-campus collaboration team on various items related to the NCAA policy. These may include, but are not limited to, discussing and determining:**
 - » Which current institutional policies and procedures, conference policies and procedures, and state and federal laws are applicable?
 - » How will your institutional procedures be implemented, documented and tracked internally?
 - » How will coaches, athletics staff members and student-athletes be informed of the procedures?
 - » How will you incorporate information about the NCAA policy and your institutional procedures when educating student-athletes, coaches and athletics staff members during your education sessions throughout the academic year?
 - » What do reasonable steps look like for your campus when administrators are confirming information provided by students about incoming, current and transfer student-athletes?
 - » What fair-process mechanisms are in place to apply disclosure procedures consistently to all student-athletes in accordance with your campus procedures?
 - » What considerations need to be in place so the same steps in your disclosure procedures are taken and applied consistently to all student-athletes?
 - » What established process do you have to periodically review and update, as necessary, your procedures?
- **Consider your campus' communication strategy, with a focus on how you will educate relevant constituencies.**
- **Consider designating a staff member as a resource on campus for student-athletes to go to if they have questions about the NCAA policy or your school's procedures.**
- **Consider developing an implementation timeline for your cross-campus collaboration team's work based off the sample timeline the NCAA task force has developed.**
- **Review and consider sample policies and procedures shared through the NCAA website as a resource for member schools and consider collaborating with peer institutions and conferences to share lessons learned and policy and procedure examples when developing your relevant procedures.**
- **Attend educational webinars and other educational sessions about the NCAA policy provided by the NCAA.**

Additional Recommendations for Specific NCAA Policy Items

POLICY ITEM 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.”

- What role, if any, will coaches and those recruiting students have with respect to the disclosure or confirmation of relevant information?**
- Research and review whether any state laws may impact your ability to ask students questions during the admissions process.**
- Before the disclosure process begins, make student-athletes aware of the process, including:**
 - » Clarify for incoming, transfer and current student-athletes what information is required before engaging them in the disclosure process.
 - » Inform student-athletes that they can ask questions about the disclosure process and make relevant contact information for appropriate staff members readily available to them for questions.
 - » Inform student-athletes of privacy protection mechanisms in place throughout your procedures.

POLICY ITEM 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.”

POLICY ITEM 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.

****** Failure to have it written and to gather information consistent with that procedure could result in penalties.”

- Consider asking your general counsel or appropriate campus offices questions related to the Family Educational Rights and Privacy Act (FERPA), institutional policies, state laws, admissions, etc. Questions may include, but are not limited to:**

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- » Would sharing this student information be inconsistent with our school's admissions process?
 - » What applicable state laws and institutional procedures govern the sharing of student information?
 - » If my institution already has a FERPA waiver, is it specific enough to cover releasing this type of information?
 - » Does our conference have any applicable forms or requirements?
 - » Do we need a specific authorization or consent form, signed by the student, to release the student's records or information?
- Consider working with your campus Title IX office or relevant student conduct office to assist in the information-sharing process between athletics recruiting and the Title IX office related to incoming and outgoing transfer student-athletes.**
 - Consider defining what boundaries and steps exist per your institutional procedures to confirm information you receive about incoming, transfer and current student-athletes.**
 - Consider using the NCAA Transfer Portal as one possible tool to facilitate conversations about student conduct between schools and their appropriate offices.**