

# SET THE EXPECTATION

## **[LONG NAME OF UNIVERSITY]**

### **MINIMUM EXPECTATIONS FOR DUE DILIGENCE INQUIRIES**

**[LONG NAME OF UNIVERSITY]** (“**[SHORT NAME OF UNIVERSITY]**”) is required to use due diligence to gather pertinent information regarding the prior conduct of any current or prospective<sup>1</sup> student-athlete, including a graduate student, who seeks to enroll and participate in intercollegiate athletics at **[SHORT NAME OF UNIVERSITY]**.

At a *minimum*, each current and prospective student-athlete is required to answer the following questions prior to the student-athlete practicing, competing, or receiving institutional financial aid:

- |  |            |           |
|--|------------|-----------|
| 1. Do you have any criminal or juvenile delinquency charges pending against you?   | <b>Yes</b> | <b>No</b> |
| 2. Do you have any civil lawsuits pending against you?   | <b>Yes</b> | <b>No</b> |
| 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?  | <b>Yes</b> | <b>No</b> |
| b. Rape?   | <b>Yes</b> | <b>No</b> |
| c. Sexual Assault?   | <b>Yes</b> | <b>No</b> |
| d. Domestic Violence?  | <b>Yes</b> | <b>No</b> |
| e. Dating Violence?  | <b>Yes</b> | <b>No</b> |
| f. Stalking?   | <b>Yes</b> | <b>No</b> |
| g. Sexual Exploitation?  | <b>Yes</b> | <b>No</b> |
| h. Sexual Harassment?  | <b>Yes</b> | <b>No</b> |
| i. Incest?   | <b>Yes</b> | <b>No</b> |
| j. Hate Crimes?  | <b>Yes</b> | <b>No</b> |
| k. Assault with a Deadly Weapon?   | <b>Yes</b> | <b>No</b> |
| l. Assault that caused Serious Bodily Injury?  | <b>Yes</b> | <b>No</b> |
| m. Murder?   | <b>Yes</b> | <b>No</b> |
| n. Manslaughter?   | <b>Yes</b> | <b>No</b> |
| 4. Have you ever been named a suspect in a law enforcement investigation involving:  |            |           |
| a. Sexual Violence?  | <b>Yes</b> | <b>No</b> |
| b. Rape?   | <b>Yes</b> | <b>No</b> |
| c. Sexual Assault?   | <b>Yes</b> | <b>No</b> |
| d. Domestic Violence?  | <b>Yes</b> | <b>No</b> |
| e. Dating Violence?  | <b>Yes</b> | <b>No</b> |
| f. Stalking?   | <b>Yes</b> | <b>No</b> |
| g. Sexual Exploitation?  | <b>Yes</b> | <b>No</b> |
| h. Sexual Harassment?  | <b>Yes</b> | <b>No</b> |
| i. Incest?   | <b>Yes</b> | <b>No</b> |
| j. Hate Crimes?  | <b>Yes</b> | <b>No</b> |
| k. Assault with a Deadly Weapon?   | <b>Yes</b> | <b>No</b> |
| l. Assault that caused Serious Bodily Injury?  | <b>Yes</b> | <b>No</b> |
| m. Murder?   | <b>Yes</b> | <b>No</b> |
| n. Manslaughter?   | <b>Yes</b> | <b>No</b> |

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<sup>1</sup> Prospective student-athletes include but are not limited to high school student-athletes and transfer student-athletes.

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*If you answered “Yes” to Question 1 or 2 or any portion of Question 3 and 4, please provide a detailed explanation on the attached Exhibit A of this form for each such matter including but not limited to the court in which each such matter is pending or was adjudicated, the case number and the date of the filing or disposition.*

5. Have you been disciplined, suspended or placed on probation for any reason at any Collegiate Institution<sup>†</sup>? *If yes, please provide a detailed explanation on the attached Exhibit A of this form.*
6. At the time you ceased enrollment at a previous Collegiate Institution<sup>†</sup>, were you the subject of a pending proceeding of any sort that could have resulted in disciplinary action, suspension, expulsion or probation? *If yes, please provide a detailed explanation on the attached Exhibit A of this form.*
7. Have you ever provided the information requested in this matter to any other Collegiate Institution<sup>†</sup>? *If yes, please list those institutions on the attached Exhibit A of this form.*

Answers to these questions, at a minimum, must be provided by each current and prospective student-athlete even when [SHORT NAME OF UNIVERSITY] has no Independent Reason to suspect the current or prospective student-athlete may have engaged in conduct that would trigger application of The Tracy Rule. Current and prospective student-athletes shall be notified that failure to disclose any kind of Serious Misconduct<sup>2</sup> may result in disciplinary action, up to and including expulsion from [SHORT NAME OF UNIVERSITY]. When [SHORT NAME OF UNIVERSITY] has an Independent Reason to inquire into a current or prospective student-athlete’s prior conduct, the institution shall conduct a thorough inquiry designed to gather all information needed to assess the situation, including but not limited to a background check and internet search. An Independent Reason to inquire into a student-athlete’s prior conduct exists for all prospective student-athletes, and all current student-athletes that have answered “yes” to any question on the [SHORT NAME OF UNIVERSITY] Minimum Expectations for Due Diligence Inquiries questionnaire. [SHORT NAME OF UNIVERSITY] shall ask the student-athlete and others who might possess pertinent information to provide any such information, and where appropriate, to request authorization from such persons to obtain pertinent documents and information from third parties. When a question exists whether the student-athlete has triggered the application of The Tracy Rule, the [SHORT NAME OF UNIVERSITY] Tracy Rule Advisory Committee shall be notified prior to making the decision to provide aid or allow the student-athlete to practice or compete. All information provided will be kept confidential to the extent authorized by applicable law.

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<sup>†</sup> The term ‘Collegiate Institution’ includes but is not limited to any two-year college (e.g., junior college or community college) and any four-year college or university.

<sup>2</sup> By reference to The Tracy Rule, Serious Misconduct is defined as any act of incest, rape, sexual assault, sexual violence, sexual harassment, domestic violence, dating violence, stalking, sexual exploitation, hate crime, murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury. Serious Misconduct includes any equivalent violation of the student code including but not limited to sexual misconduct, including sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Serious Misconduct would also include any other felony or misdemeanor considered equivalent to those listed above in any jurisdiction where current or prospective student-athlete was convicted or pleaded guilty or no-contest. See SET THE EXPECTATION, *The Tracy Rule* at 1.

# SET THE EXPECTATION

By checking the boxes and signing below, you certify:

- I have read and understand this form.
- All my answers are truthful to the best of my knowledge.
- I give [SHORT NAME OF UNIVERSITY] permission to look into any of the above-disclosed matters.

\_\_\_\_\_  
**Signature of Student-Athlete**

\_\_\_\_\_  
**Printed Name of Signatory**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Parent/Guardian (if student-athlete is under 18)**

# SET THE EXPECTATION

## EXHIBIT A

### DETAILED EXPLANATION

Please use this space to provide the requested additional information in the inquiries above.

Court/Collegiate Institution: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date of Filing/Disposition: \_\_\_\_\_

Detailed Explanation of Events: *(attach additional sheets to this form if needed for further explanation)*

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Court/Collegiate Institution: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date of Filing/Disposition: \_\_\_\_\_

Detailed Explanation of Events: *(attach additional sheets to this form if needed for further explanation)*

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