

SET THE EXPECTATION

THE TRACY RULE

A current or prospective¹ student-athlete who has been convicted of, pleaded guilty or no contest to a felony or misdemeanor involving Serious Misconduct, has been found a delinquent in relationship to a juvenile code equivalent, or has been disciplined by the university or athletic department at any time during enrollment at any collegiate institution (*excluding temporary disciplinary action during an investigation*) due to Serious Misconduct shall not be eligible for athletically-related financial aid², practice or competition at [LONG NAME OF UNIVERSITY] (“[SHORT NAME OF UNIVERSITY]”). [SHORT NAME OF UNIVERSITY] shall require all current and prospective student-athletes to complete the [SHORT NAME OF UNIVERSITY] Minimum Expectations for Due Diligence Inquiries questionnaire regarding Serious Misconduct and if warranted, conduct an appropriate inquiry prior to providing athletically-related financial aid to a current or prospective student-athlete or allowing them to participate as a part of [SHORT NAME OF UNIVERSITY] Department of Intercollegiate Athletics. Additionally, each prospective student-athlete, who is transferring to [SHORT NAME OF UNIVERSITY] from another collegiate institution, is required to have their current school’s Title IX Coordinator, as well as any previous collegiate institution(s) that the student-athlete attended, complete an additional question on the [SHORT NAME OF UNIVERSITY] Minimum Expectations for Due Diligence Inquiries for Transfers questionnaire regarding whether or not the prospective student-athlete was a respondent in any matter and if they were found responsible. The completed additional question will have to be accompanied by the signature of the Title IX Coordinator. All completed [SHORT NAME OF UNIVERSITY] Minimum Expectations for Due Diligence Inquiries questionnaires must be sent to the [SHORT NAME OF UNIVERSITY] Athletic Compliance Office. Finally, [SHORT NAME OF UNIVERSITY] shall conduct a criminal background check and internet search of every prospective student-athlete, and every current student-athlete that answers “yes” on the [SHORT NAME OF UNIVERSITY] Minimum Expectations for Due Diligence Inquiries questionnaire.

For purposes of this provision, “**Serious Misconduct**” is defined as any act of incest, rape, sexual assault, sexual violence, sexual harassment, domestic violence, dating violence, stalking, sexual exploitation³, 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 misconduct⁴, 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.

A current or prospective student-athlete or their representative may request a waiver from The Tracy Rule by submitting their written request to the [SHORT NAME OF UNIVERSITY] Tracy Rule Review Panel, defined below. A waiver will be granted when:

- (1) A panel from [SHORT NAME OF UNIVERSITY] consisting of the University’s Title IX Coordinator or designee, Director for Student Conduct and Community Standards or designee, Faculty Athletics Representative, Athletic Executive Staff Member, and Senior Woman Administrator (“**The Tracy Rule Review Panel**”) with counsel from the Office of Legal Affairs, following a review of the pertinent facts and written waiver request, concludes that compelling exceptional circumstances exist for a waiver of The Tracy Rule;

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

² If applicable.

³ Sexual Exploitation includes but is not limited to sharing or distributing sexually explicit images of a person without that person’s consent.

⁴ **NOTE TO EDITOR:** If your institution has defined “sexual violence” in code handbook, please replace this footnote with, “As defined in [INSERT CITATION TO SECTION OF CODE HANDBOOK THAT DEFINES ‘SEXUAL VIOLENCE’]”

SET THE EXPECTATION

- (2) The Tracy Rule Review Panel submits a written report to the University President, or his/her designee who shall be a Vice President outside the Athletic Department or the President's Chief of Staff, and the Athletic Director that describes the basis for its conclusion; and
- (3) Both the President, or his/her designee who shall be a Vice President outside the Athletic Department or the President's Chief of Staff, and the Athletic Director review and approve The Tracy Rule Review Panel's report granting a waiver from The Tracy Rule.

A [SHORT NAME OF UNIVERSITY] Tracy Rule Advisory Committee will provide advisory opinions (*as requested*) on the application of The Tracy Rule to assist in the consideration of a current or prospective student-athlete's unique case. The Tracy Rule Advisory Committee, appointed by the President, shall include one person who is knowledgeable of trauma as it relates to survivors of Serious Misconduct (*e.g.*, Director and Prevention Coordinator, University Counselor, etc.).

###