

Statements on Sexual Discrimination/Harassment/Violence

Messiah University Statement: As an expression of our Christian values, Messiah University is committed to creating an atmosphere of dignity and respect free from any form of harassment, sexual, racial, or otherwise. It is also the University's responsibility to uphold existing laws regarding a learning, living, and working environment free of harassment and discrimination. Further, Messiah University prohibits crimes of violence, including sexual violence, dating violence, domestic violence, stalking and hate crimes.

NCAA Statement: The NCAA is a voluntary membership organization dedicated to promoting and developing its core values of academics, well-being and fairness among the 1,100 member schools and more than 450,000 student-athletes who participate in college sports. Sexual discrimination, sexual harassment and sexual violence violate human decency and the Association's core values.

Messiah University Contact Information:

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Messiah University Athletics Interpersonal and Sexual Violence Prevention Policy and Procedures

Messiah University Athletics policies prohibit all forms of power-based violence and work in tandem with University policies and procedures to prevent, address, and remedy harm when it occurs in our community. To that end, Messiah University Athletics prioritizes compliance with Title IX of the Education Amendments of 1972 (which prohibits discrimination on the basis of sex), the Violence Against Women Act of 1994 (which addresses the need to provide consistent and accessible options to complainants), the Clery Act of 1990 (which requires documentation, reporting, and publicizing of crime statistics), and the NCAA Policy on Campus Sexual Violence (which addresses the need to provide additional accountability and support to collegiate athletics programs).

In accordance with the Association's sexual violence prevention efforts, the NCAA Board of Governors adopted this Association-wide policy, recommended by the NCAA Commission to Combat Campus Sexual Violence, in August 2017 to reinforce previous Association efforts. As this policy is reviewed and revised, institutions are required to adjust policies and procedures accordingly to maintain compliance.

The policy requires institutions to focus on sexual violence prevention each year by requiring annual attestation to be completed by the university President, Director of Athletics and Title IX Coordinator. Annual attestation must confirm:

1. The Messiah University Athletics Department is fully knowledgeable about, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual violence. The Messiah University Interpersonal Violence and Sexual Misconduct Policy can be found at:
https://www.messiah.edu/download/downloads/id/4729/Interpersonal_Violence_Sexual_Misconduct_Policy.pdf
2. Messiah University policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX Coordinator, are readily available within the department of athletics, and are provided to student-athletes.
3. All Messiah University student-athletes, coaches, and staff are required to attend annual education on sexual violence prevention, intervention, and response, to the extent allowable by state law.

Further, the athletics department will cooperate with University investigations into reports and matters related to sexual violence involving student-athletes and athletics department staff in a manner compliant with institutional policies for all Messiah University students.

In the 2021 edition of the policy, the NCAA has included three additional requirements for annual attestation to go into effect in the 2022-2023 academic year:

4. All incoming, continuing and transfer student-athletes are required to complete an annual disclosure related to their conduct that resulted in discipline through an interpersonal violence (including hazing) and/or sexual misconduct (including Title IX) proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence. ** Transfer student-athletes also must disclose whether such proceedings were 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 and/or expulsion from the University as determined by the member institution.
5. Messiah University is required to take reasonable steps to confirm whether incoming, continuing and transfer student-athletes have been disciplined through an interpersonal violence (including hazing) and/or sexual misconduct (including 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 including information regarding incomplete relevant proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.
6. Messiah University chooses to recruit incoming student-athletes and accept transfer student-athletes, and as such has written procedures to gather information from the former institution(s) regarding student-athletes' discipline and/or pending processes related to interpersonal violence (including hazing) and/or sexual misconduct (including Title IX). Likewise, Messiah University is required to have a process that reasonably yields information to put any recruiting institution on notice that a transferring student

has left Messiah University with an incomplete interpersonal violence (including hazing) and/or sexual misconduct (including Title IX) proceeding, was disciplined for interpersonal violence (including hazing) and/or sexual misconduct (including Title IX) and/or has a criminal conviction related to sexual, interpersonal or other acts of violence.** Failure to establish and follow such policies and procedures could result in penalties for Messiah University.

To maintain compliance, Messiah University Athletics fulfills the NCAA policy attestation requirements through the following procedures:

Messiah University Athletics NCAA Disclosure Committee was established in 2022 to review the policy and corresponding procedures annually. The committee includes:

- Athletic Compliance Officer
- Director of Athletics
- Title IX Coordinator or Interpersonal Violence and Sexual Misconduct Office designee
- Student Conduct Officer

This committee is engaged in the administration of the policy and is expected to conduct itself with integrity, fairness to all student-athletes, and in accordance with institutional policies. Bias or conflicts of interest are not tolerated, and no committee member may hold an additional role (such as coach) that may influence the eligibility of a student-athlete. Committee members are trained in institutional policies and procedures, including expectations of privacy and information protection.

Messiah University Athletics Education

- a. All coaches and staff within the Athletics department are required to attend in-person Interpersonal Violence and Sexual Misconduct training provided by the Coordinator for Interpersonal Violence Prevention and Education.
- b. All first-year or transfer student-athletes are required to attend the Interpersonal Violence and Sexual Misconduct orientation session during Welcome Week.
- c. All upper-class or returning student-athletes are required to attend the Interpersonal Violence and Sexual Misconduct compliance session that is integrated into the beginning of the year meetings through Athletics Compliance.
- d. Any students or staff members unable to attend the presentations are required to meet in person with the Athletics Compliance officer and/or review materials provided via digital platforms that include informative presentation and mandatory response elements.

Information Gathering and Review

The Messiah Admissions team reviews student applications for both new students and transfer students. The University application gathers information pertaining to criminal charges for all applicants. In the event that a student-athlete responds in the affirmative to any of those questions that request information regarding potential criminal charges the following will occur:

- a. The admissions counselor reviewing the file automatically sends the file to the admissions committee.
- b. The Director of Admissions works with the student conduct office to determine appropriate next steps.
- c. Depending on the nature of the crime, the student conduct office will potentially interview the student prior to admission decision.
- d. If necessary, Messiah may ask for additional references.
- e. The student conduct office weighs in on the decision to admit students under these circumstances.
- f. Messiah Admissions sends an accepted transfer student a “release of information form” to the current institution to facilitate the disclosure of the student-athlete’s discipline and/or pending processes related to interpersonal violence (including hazing) and/or sexual misconduct (including Title IX) and/or criminal convictions for sexual, interpersonal or other acts of violence. The form must be completed prior to enrollment. The questions pertaining to conduct that are included on the form read as follows:

The following questions are to be completed by the student conduct office at the current institution:

- *Has this student been dismissed from your institution?*
 - *Has this student been subject to any non-academic related disciplinary action?*
 - *Is this student eligible to return to your institution?*
- If the answer to (1) or (2) above is yes or the answer to (3) is no, please explain on a separate sheet of paper.*

Based on the responses Messiah University receives, the student conduct office may be consulted for next steps.

- g. The Assistant Director of Athletics for Compliance and Internal Operations sends tracer forms to all incoming transfer students. This form includes questions to be signed by the Title IX Coordinator or student conduct administrator of the previous institution and serves as a data collection point

to receive information pertaining to any previous investigations involving incoming transfer students.

- h. The Assistant Director of Athletics for Compliance and Internal Operations will introduce all required NCAA education and forms in person at the compliance education session including examples to describe how student-athletes should complete the disclosure form before the first date of competition. This communication will include how the form will be disseminated via a secure link in their email so they can complete it on their own for privacy. Student-athletes sign the forms via dynamic forms. Forms include:

- NCAA Division III Summary of Regulations
- Form 22-3c: Student-Athlete Statement
- Form 22-3f: Drug Testing Consent
- Form 22-4c: Student-Athlete Affirmation of Eligibility
- Form 22-10c: General Amateurism and Eligibility Form for International and Select Student-Athletes (if applicable)
- NCAA Banned Drug list links
- Interpersonal Violence and Sexual Assault Disclosure Form and associated FERPA release

Once forms are submitted, an automatic response will confirm the student-athlete submitted the form and provide a summary of next steps for verification, including a reminder of the deadline for submission – prior to the first competition.

The Assistant Director of Athletics for Compliance and Internal Operations reviews all NCAA and Messiah required paperwork before the first date of competition and follows up with student-athletes if there are any missing signatures.

- a. Student-athlete completing the Interpersonal Violence and Sexual Misconduct Disclosure Form to indicate no discipline and/or pending processes related to interpersonal violence (including hazing) and/or sexual misconduct (including Title IX), will be afforded the same standards of trust extended to other students based on our expectations of integrity.
- b. In the event a student responds with an affirmative response to the disclosure form, the Assistant Director of Athletics for Compliance and Internal Operations will inform the student that the next step is verification and will discuss circumstances with the NCAA Disclosure Committee for next steps once verified.
- c. The NCAA Disclosure Committee Chair or University designee utilizes FERPA release form to reach out to appropriate contacts (i.e., student conduct official, Title IX Coordinator or Deputy Coordinator, prior educational

institution, state records office, law enforcement agency, etc.) to verify information and circumstances student-athlete shared in the affirmative via the disclosure form.

- d. Response will follow institutional procedures for any incoming student who discloses similar information via the University admissions process.
- e. Student-athletes are not allowed to compete until all forms are completed.
- f. The University (via the NCAA Disclosure Committee) may engage specific action steps identified as necessary depending on the information student-athletes may disclose.
- g. Depending on the circumstances under consideration, appropriate follow-up may include (but is not limited to) the following options for individual care and/or community safety:
 - Invitation for a student-athlete to participate in education to support their emotional/relationship health
 - Invitation for a student-athlete to participate in mentorship to support their emotional/relational health
 - Scheduled meeting with student-athlete to discuss confidential resource options available for student-athletes
 - Required risk/threat assessment for student-athlete to join community
 - Impact on participation eligibility and/or limitations, including suspension or removal from team
 - Impact on admission status
- h. The NCAA Disclosure Committee will review the circumstances and what practices and protocols Messiah University has utilized in similar, historic circumstances to develop and document a response to the student-athlete in question.
- i. The NCAA Disclosure Committee will consider the responsibility of admitting student-athletes found culpable of interpersonal harm, given the transfer of liability to Messiah University should that student-athlete perpetrate harm in our community.
- j. The NCAA Disclosure Committee will assign an appropriate response and the Athletic Director will be responsible for engaging accountability measures to ensure effective compliance.
- k. When the University receives a request for verification from a college or university engaging a similar process for student-athletes, the University will verify the minimum information appropriate to comply – the University will only provide what is specifically requested by another University relating to sanctions, outcomes, formal complaints, and/or patterns of behavior. The University will not provide speculation, rumor or unsubstantiated allegations.

- I. Responses will be routed to appropriate campus administrators for review and could include the NCAA Compliance Office, Student Conduct Office, or the Interpersonal Violence and Sexual Misconduct (includes Title IX) Office.

In all circumstances pertaining to the information gathered and reviewed under the NCAA Board of Governors Policy on Campus Sexual Violence, student-athlete privacy will be prioritized and protected. Messiah University reserves the right to alter the procedures set out to comply with this policy as deemed necessary to maintain compliance with federal and state laws.

No student-athlete will be penalized without being afforded reasonable due process appropriate to their circumstances. Messiah University reserves the right to limit the admission, enrollment, and rostering of any student-athlete in response to concerns related to conduct.