



## SUNY Poly’s Student-Athlete Disclosure Policy

The [NCAA Board of Governors Policy on Campus Sexual Violence](#) was updated in April 2020 to include a requirement for student-athletes to make disclosures of their prior conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence. Pursuant to that policy and in support of the College’s commitment to prevent sexual and interpersonal violence, SUNY Polytechnic Institute (“SUNY Poly”) has developed and adopted the policy and procedure contained herein. This policy becomes effective August 25, 2022.

### **Definitions:**

“Director of Community Standards” refers to the Director of Community Standards and their designee(s).

“Discipline/conduct” refers to any action that a school takes in a Title IX or similar campus proceeding after a student has a final finding of responsibility for any form of interpersonal, sexual or other act of violence. Discipline may include but is not limited to probation, suspension, or expulsion as well as informal resolutions that result from a final finding of responsibility for sexual violence, interpersonal violence, or other acts of violence.

“Interpersonal Violence” refers to violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.

“Other Acts of Violence” refers to crimes and/or conduct including murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury.

“Sexual Violence” is a term used to include both forcible and nonforcible sex offenses.

“Student-athlete” is a term used to encompass any current/returning, prospective, or transfer student, including a graduate student, who seeks to participate in intercollegiate athletics. For the purposes of this policy only, an individual will be considered a student after they have received their letter of acceptance/readmission from the Office of Admissions and/or Registrar at SUNY Poly and have met their enrollment deposit obligation.



# SUNY POLYTECHNIC INSTITUTE

---

“Title IX Coordinator” refers to the Title IX Coordinator(s), Deputy Title IX Coordinator(s) and their designee(s).

“Title IX Proceeding” includes traditional Title IX proceedings as defined by the Office of Civil Rights, as well as other conduct-related proceedings that involve forms of interpersonal violence, sexual violence, or other acts of violence.

“Vice President for Student Affairs” refers to the Vice President for Student Affairs and their designee(s).

## Requirements

All incoming, current/returning and transfer student-athletes are required to complete an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction (regardless of the degree, and whether the result of a plea or court determination) for sexual violence, interpersonal violence or other acts of violence, as defined in this policy.

Transfer student-athletes also must disclose whether a Title IX proceeding was incomplete at the time of transfer.

If a student-athlete was found innocent or not responsible through a Title IX proceeding or a criminal conviction process, the student-athlete does not have to disclose the conduct.

## Procedure

**For incoming student-athletes**, SUNY Poly’s Student-Athlete Attestation Form and SUNY Poly’s Student-Athlete Disclosure Consent Form(s) must be completed and submitted by the student-athlete by the date outlined in the calendar posted to the Student-Athlete Disclosure Policy page on SUNY Poly’s Title IX website (<https://sunypoly.edu/titleix/student-athlete-disclosure-policy>). These forms should not be submitted until the student-athlete has received their letter of acceptance/readmission from the Office of Admissions and/or Registrar at SUNY Poly and have met their enrollment deposit obligation.

**For current student-athletes or walk-ons**, the Student-Athlete Attestation Form and Student-Athlete Disclosure Consent Form(s) must be completed, submitted, and processed prior to participation in competition. These forms must be submitted on an annual basis.



No student-athletes are permitted to compete until the Student-Athlete Attestation Form and Student-Athlete Disclosure Consent Form(s) have been completed and SUNY Poly has certified that the student-athlete is compliant with this policy.

Once the Student-Athlete Attestation Form and Student Athlete Disclosure Consent Form(s) have been submitted, the Title IX Coordinator and/or the Director of Community Standards will review the information provided and take reasonable steps to confirm the information. The Title IX Coordinator and/or Director of Community Standards may contact prior institutions to request confirmation of the information provided and/or gather additional information.

In cases in which the student-athlete has disclosed that they have been disciplined through a Title IX proceeding or criminal conviction, or in cases in which a student-athlete failed to make an accurate and complete disclosure, the information will then be shared with the SUNY Poly's NCAA Disclosure Committee ("the Committee"). The membership of SUNY Poly's NCAA Disclosure Committee is available on Student-Athlete Disclosure Policy page on SUNY Poly's Title IX website (<https://sunypoly.edu/titleix/student-athlete-disclosure-policy>).

The NCAA Disclosure Committee will review the information. At their discretion, the Committee may request to speak with and/or collect a written statement from the student-athlete regarding the conduct. The Committee will then make a determination as to whether or not the student-athlete will be eligible to participate in intercollegiate athletics at SUNY Poly. When making its determination regarding athletic eligibility, the Committee will consider factors that include, but are not limited to the following:

- student-athlete's age at the time of the conduct
- recentness of the conduct
- nature and severity of the conduct
- factors underlying the conduct
- impact and/or cumulative effect of conduct or information
- evidence of accountability and/or rehabilitation
- student-athlete's candor in the disclosure process
- materiality of any omissions or misrepresentations
- reliability of the information concerning the conduct
- other relevant information as related to the student-athlete's conduct



If the NCAA Disclosure Committee determines that the student-athlete is ineligible to participate in intercollegiate athletics at SUNY Poly, a notification will be sent to the student in writing to their SUNY Poly assigned e-mail.

If information SUNY Poly requires in order to make a determination about the student-athlete's eligibility is pending or unavailable, then it is up to SUNY Poly to determine whether or not that student will be eligible to participate in athletics.

## **Appeals**

A student who has received a student-athlete ineligibility determination shall be entitled to appeal the decision. The student-athlete may initiate an appeal of the determination by submitting a written request with supporting documentation to the Vice President for Student Affairs. The decision of the Vice President for Student Affairs shall be made within 10 business days of the receipt of the written request. The decision of the Vice President for Student Affairs shall be final. The student-athlete shall be notified of the athletics eligibility decision in writing.

## **Consequences**

Failure to make a full and accurate disclosure could result in loss of eligibility to participate in intercollegiate athletics at SUNY Poly. Additionally, prospective and current student-athletes who fail to fully or accurately disclose information may be subject to action under the SUNY Poly's Student Code of Conduct, which could impact their student status.