



## **NCAA GENDER VIOLENCE POLICY**

### **I. Introduction**

It is the goal of the National Collegiate Athletic Association (NCAA) to promote an environment free from sexual harassment and gender violence. Sexual harassment and sexual violence are unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment and/or gender violence or retaliation against individuals for cooperating with an investigation of a sexual harassment or gender violence complaint is similarly unlawful and will not be tolerated. To achieve our goal of promoting an environment free from sexual harassment and gender violence, the conduct described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, in a prompt and equitable manner.

Because the NCAA takes allegations of sexual harassment and gender violence seriously, it will impose such corrective action as is necessary, including disciplinary action where appropriate. Failure of a member school to enforce NCAA's discipline may lead to loss of NCAA membership for that school, and all the privileges associated therewith.

Please note that while this policy sets forth our goals of promoting an environment free from sexual harassment and gender violence, it is not designed or intended to limit the NCAA's authority to take remedial action for conduct which we deem unacceptable under other provisions, regardless of whether that conduct satisfies the definition of sexual harassment.

### **II. Definition of Sexual Harassment/Gender Violence**

"Sexual harassment" means "severe or pervasive" conduct based on sex or gender, such as sexual advances, sexual assault, any form of stalking or dating violence, unwanted sexual contact, requests for sexual favors, and verbal or physical conduct of a gendered or sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of academic study/athletic status or as a basis for academic/athletic decisions and/or as quid pro quo for any benefit related to NCAA activities; or



(b) such advances, requests or conduct have the purpose of unreasonably interfering with an individual's school or work performance by creating an intimidating, hostile, humiliating or sexually offensive environment in an educational or work environment or in an environment related to NCAA activities.

Under these definitions, direct or implied requests for sexual actions in exchange for actual or promised benefits constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to males or females may also constitute sexual harassment.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances including the severity of the conduct or its pervasiveness:

- Sexual assault, rape, unwanted indecent touching or any criminal act of a sexual nature;
- Unwelcome sexual advances-whether they involve physical touching or not;
- Physical violence in a dating relationship;
- Stalking;
- Sexual "bullying" – such as gossiping about a person, whether in person or via electronic means or in an on-line venue;
- Sexual or gendered epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- Comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Retaliation against an individual who has complained about sexual harassment, and retaliation against any individual for cooperating with an investigation of a sexual harassment complaint, is unlawful and may constitute sufficient evidence to establish a separate complaint for sexual harassment, even if the evidence is insufficient to prove sexual harassment regarding the original allegation.

### **III. Complaints of Sexual Harassment**



If any person believes that he or she has been subjected to sexual harassment, they have the right to file a complaint with the NCAA. This may be done in writing or orally.

A complaint may be filed by contacting [Name, address and telephone number of the appropriate individual to whom complaints should be addressed. Such individuals may include Dean of Students, Athletic Director, Coach, Chancellor, President, NCAA Board Member, NCAA legal counsel or other appropriate supervisory person]. [This person] [these persons] [is/are] also available to discuss any concerns you may have and provide information to you about our policy on sexual harassment and our complaint process.

#### **IV. Sexual Harassment Investigation**

When the NCAA receives the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with relevant witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will provide to the person filing the complaint, and the person alleged to have committed the conduct, the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate, we will also impose disciplinary action. Results of any investigation will be shared with the complainant.

#### **V. Disciplinary Action**

If it is determined that sanctionable conduct has been committed by one of our NCAA member student-athletes or employees, we will take action as appropriate under the circumstances. Such action may include counseling, suspension or expulsion from any NCAA member team, imposition of a fine, and such other forms of disciplinary action as we deem appropriate under the circumstances.