

UCI Protocol for Implementation of the NCAA Policy on Campus Sexual Violence and UC Framework

A. Introduction

In April 2022, the University of California implemented the UC Framework for Compliance with NCAA Policy on Campus Sexual Violence (the UC Framework). This document outlines the campus protocol for implementing the UC Framework at UC Irvine (UCI). This protocol should be read alongside the [NCAA Policy on Campus Sexual Violence](#) (NCAA Policy), the [UC Policy on Sexual Violence and Sexual Harassment](#) (*SVSH Policy*), the UC Framework, and accompanying template forms. This protocol is implemented by the Office of Equal Opportunity and Diversity (OEOD) and Intercollegiate Athletics (ICA).

The University is committed to maintaining a community free of sexual harassment, sexual violence, retaliation, and other behavior prohibited by the *SVSH Policy* and the NCAA Policy. These procedures were created to address the University's responsibilities and protocol to ensure an equitable education environment for all students and student-athletes.

B. Purpose and Scope

This protocol:

1. Implements the UC Framework at UCI.
2. Details the University's responsibilities and procedures related to University and student-athlete attestations required annually by the NCAA Policy on Campus Sexual Violence.
3. Applies to:
 - a. University student-athletes, including admitted and non-admitted prospective student-athletes; incoming first-year, transfer and graduate student-athletes; and continuing student-athletes.
 - b. UCI.

C. General

1. The NCAA Policy requires that each member institution, including UCI, take steps to elicit information about possible past misconduct by incoming, continuing and transfer student-athletes; respond to such requests they receive from other NCAA schools; and have a written procedure related to the same.
2. Implementation of the UC Framework and this protocol satisfy the requirements of Attestations 4-6 of the NCAA Policy.
3. The UC Framework and this protocol satisfy the written procedure requirement of Attestation 6 of the NCAA Policy.
4. The Athletic Director and Title IX Officer (or their designees), and their respective offices, will work collaboratively to ensure compliance with these written procedures.

D. Response to Information Requests from Other Schools

1. The University will respond to requests from other schools in accordance with Attestation 5 of the NCAA Policy, Section A of the UC Framework, and these procedures.
 - a. The Athletic Director and Title IX Officer (or their designees) are responsible for reviewing and responding to any requests for information from other schools.
2. The University will respond to requests for information from other schools using the UCI Response to Request for Information form.
 - a. Prior to sending a complete form to another school, the ICA will confirm the identified student-athlete previously completed and signed their relevant attestation forms, allowing UCI to share the requested information.
3. Substantiated SVSH Allegations and Incomplete Title IX Processes. The University will disclose findings and discipline imposed through a formal Title IX investigation, as well as any incomplete formal Title IX investigations as a result of transfer. Upon request, the University will share the following information, when true, as outlined in Section A.1 of the UC Framework:
 - a. that the University determined, through a formal investigation and adjudication process that is final, that the student engaged in conduct prohibited by the *SVSH Policy*, and the specific category of conduct (for example, Sexual Assault–Contact, Stalking, Relationship Violence, etc.);
 - b. that the student is a Respondent in a pending formal investigation and adjudication process to determine whether they engaged in conduct prohibited by the *SVSH Policy*, and the specific category of conduct; or
 - c. that there is no pending formal investigation or adjudication process to determine whether the student engaged in conduct prohibited by the *SVSH Policy*.

Per the *SVSH Policy*, the University completes all initiated investigations and adjudication processes and makes determinations of responsibility even when the Respondent leaves UC. The University will share this information upon receipt of request for information from other schools.

An *SVSH Policy* formal investigation and adjudication process is final when the matter is completely resolved under the [applicable SVSH investigation and adjudication framework](#).¹

¹ Under *PACAOS-Appendix E* or *PACAOS-Appendix F*, this means the period for submitting an appeal has lapsed, or the appeal process is complete. Under the *Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel*, which could apply to student-employees, this means the University has either decided to take no further action, reached an informal resolution, or issued a Notice of Intent to take corrective action or terminate.

4. Unsubstantiated SVSH Allegations. In compliance with federal and state law and UC policy, the University will not disclose that a student was alleged to have violated the *SVSH Policy*, except as stated in Section A.1 of the UC Framework. Thus, the University will not share that a student was a Respondent if the Title IX Office did not formally investigate or if the allegations were unsubstantiated in a formal investigation and adjudication process that is final.
5. Non-SVSH Allegations. The NCAA does not require that schools disclose disciplinary information about conduct other than conduct covered by the *SVSH Policy*. Upon receiving requests for information regarding the NCAA Policy, the University will not provide disciplinary information about non-SVSH conduct.
 - a. For further information regarding requests for disciplinary information outside of the NCAA policy, refer to the UCI Dean's Certification process administered by the Office of Academic Integrity & Student Conduct.
6. Criminal Proceedings. The NCAA does not require that schools share information about criminal proceedings or convictions. In response to crime-related inquiries, and consistent with law and UC policy, the University will share convictions disclosed by student-athletes per the UC Framework, California Education Code 67362,² or both. The University otherwise does not request information regarding criminal proceedings or convictions from student-athletes and thus will not provide responsive information upon requests from other schools.
 - a. The University will not otherwise provide responsive information personally possessed by any University official or their colleagues outside of what is required by the NCAA Policy or the UC Framework.
7. Records. ICA will maintain record of all requests from other schools as well as any completed and submitted responses by the University in the corresponding student-athlete's record. Additionally, ICA will maintain other pertinent communications regarding requests for information as determined when processing the request.

E. Requests for Information from Athletes

1. The University will request information from student-athletes in accordance with Attestation 4 of the NCAA Policy, Section B of the UC Framework and these procedures.
2. Timing
 - a. Prior to the first practice (including pre-season and official season team practices) of each upcoming athletic season, the University will ask incoming (admitted student-athletes – first year, transfer, graduate) and

² In short, [ED Code 67362](#) prohibits UC students from participating in intercollegiate athletics if they are at any time after college enrollment convicted as an adult for certain criminal conduct, until they complete probation or any prison term and parole.

continuing student-athletes to respond to requests for information as outlined in Section B of the UC Framework and the applicable Requests for Information forms.

- b. In summary, prior to participating in University athletics practices or activities, all student-athletes are required to respond to the requests for information as outlined in Section B of the UC Framework and the applicable Requests for Information forms.
 - c. The University will request information from student-athletes and require a response with sufficient time to review responses prior to the first practice.
 - d. For following academic years, the University may decide to require student-athlete attestations prior to admission and/or enrollment.
3. The University will request information from student-athletes using the following forms as applicable:
 - a. The UCI Request for Information from First-Year Student-Athlete Applicant form;
 - b. The UCI Request for Information from Student-Athlete Transfer Applicants and Student-Athlete Graduate Program Applicants form; and
 - c. The UCI Request for Information from Continuing Student-Athlete form.
 4. Student-athletes will receive the applicable form in combination with other annual attestation documentation administered by ICA.
 5. Prior to admission, the University will not ask first-year, incoming transfer or graduate applicants about criminal convictions or proceedings as part of the NCAA Policy inquiry, as this may violate CA Education Code 66024.5. However, following enrollment, the University will request and require all student-athletes to attest to criminal convictions or proceedings in compliance with CA Education Code 67362.
 6. Records. ICA will maintain record of all requests and student-athlete responses in the corresponding student-athlete's record.

F. Requests for Information from Other Schools

1. The University will request information from student-athletes' former schools in accordance with Attestation 5 of the NCAA Policy, Section C of the UC Framework and these procedures.
2. Upon receiving an affirmative attestation from a student-athlete, the Assistant Athletics Director of Compliance will request information regarding student-athlete applicants from other schools using the following forms as applicable:
 - a. The UCI Request for Information from First-Year Applicant's School; or
 - b. The UCI Request for Information from Transfer Applicant's School.

3. Records. ICA will maintain record of all requests and responses sent to, and received from, other schools in the corresponding student-athlete's record. Non-NCAA member schools, including high schools, are not obligated by the NCAA Policy to provide responsive information, and thus, the University will not have the ability to maintain such non-responses.

G. Response to Disclosures and Failures to Disclose

1. Decision-Makers. A committee of decision-makers ("UCI NCAA SVSH Review Committee") will review all student-athlete disclosures of information responsive to the NCAA Policy as well as a student-athlete's failure to respond fully or accurately.
 - a. The committee includes the following University officials (or their designees):
 1. The Athletic Director;
 2. The Title IX Officer; and
 3. The Director of the Office of Academic Integrity & Student Conduct.
 - b. The committee may include additional University officials in the decision-making process on an as-needed basis.
2. Notice of Review. At the direction of the committee, OEOD will send a "Notice of Committee Review" to all student-athletes who disclose information responsive to the NCAA Policy or any student-athletes who fail to disclose responsive information.
 - a. The Notice of Committee Review will include:
 1. the disclosure made by the student-athlete;
 2. a notice that the committee will convene to review;
 3. the opportunity for the student-athlete to submit relevant information for review by the committee and the timeframe for submission;
 4. the factors for consideration by the committee as outlined in Section D.3 of the UC Framework related to the underlying case or disclosure;
 5. if there was a failure to disclose, the additional factors the committee will consider related to failures to disclose as outlined in the UC Framework
 6. any interim measures as determined by the committee;
 7. notice that the committee will decide an appropriate response consistent with the UC Framework should any pending proceedings from the student-athlete's former schools result in substantiated sexual or sex-based misconduct;
 8. notice that the committee will decide an appropriate response consistent with the UC Framework and these protocols should a student-athlete's former school choose not to finalize any pending proceedings; and
 9. contact information of the designated non-confidential resource for student-athletes.

3. **Supporting Information.** The committee will review and consider at least any relevant and reliable information provided by the student-athlete and the student-athlete's current or former school.
4. **Criminal Convictions; Substantiated Sexual or Sex-Based Misconduct.**
 - a. **CA Education Code 67362**
 1. If a student-athlete discloses criminal convictions responsive to the information request regarding CA Education Code 67362, the committee will consult with campus counsel and/or the UCI Police Department (UCIPD), and determine whether the statute applies.
 2. If the statute applies, meaning the student-athlete was convicted of violating sections pursuant to CA Education Code 67362 and the student has not yet completed their assigned discipline, the committee will immediately prohibit the student-athlete from participating in athletics until their assigned discipline is complete. The committee will require confirmation of completed discipline prior to reestablishing the student-athlete's eligibility.
 - b. In deciding how to respond to a disclosure of a criminal conviction pursuant to CA education Code 67362, the committee will consider factors outlined in Section D.3 of the UC Framework.
5. **Notice of Determination.** At the direction of the committee, OEOD will send a "Notice of Committee Determination" to the student-athlete.
 - a. The Notice will include:
 1. the reviewed information and factors,
 2. the committee's determination,
 3. any action items for the student-athlete to complete, and
 4. information regarding any appeals process.³

In addition to OEOD records, ICA will maintain record of the committee's determination in the student-athlete's file.

6. **Currently Pending Proceedings**
 - a. Upon disclosure of pending Title IX proceedings or pending criminal proceedings, the committee will determine whether any Interim Measures (as defined in the [SVSH Policy](#)) are appropriate pending any final outcomes.
 - b. The committee will ensure Interim Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden the student-athlete. This includes carefully considering any decisions impacting or revoking a student-athlete's eligibility in athletics or other programs and activities at the University.

³ The committee will confer with counsel as needed to ensure committee determinations are compliant with CA Education Code 66024.5 as well as the UC Student-Athlete Minimum Participation Requirements.

- c. On behalf of the committee, OEOD will send a Notice of Interim Measures to the student-athlete following any relevant determinations. The Notice will include the timeframe of any implemented Interim Measures.
- d. The Athletic department will maintain record of the committee's determination in the student-athlete's file.

7. Incomplete Schools Proceedings

- a. Upon learning of incomplete Title IX proceedings, the committee will determine what steps, if any, are appropriate to prevent recurrence of the alleged conduct, such as providing targeted preventive education the student-athlete.
- b. The committee will utilize the factors outlined in Section D.3 of the UC Framework to determine an appropriate response.
- c. OEOD will send a Notice of Committee Determination following a review of the available information. The Notice will include the reviewed information and factors, the committee's determination and information regarding the appeals process.
- d. The Athletic department will maintain record of the committee's determination in the student-athlete's file.

H. Appeals

- 1. Following a determination by the committee, a student-athlete may submit an appeal for review by the UCI NCAA SVSH Appeal Officer (UCI Director of Investigations, or their designee).
- 2. Grounds for appeal. A student-athlete may appeal the UCI NCAA SVSH Review Committee's determination on one or more of the following grounds:
 - a. there was a procedural error that affected the decision;
 - b. there is new information that was not reasonably available at the time of the Committee's determination that could affect the decision;
 - c. the determination was disproportionate in light of the information reviewed by the Committee; or
 - d. a member of the Committee had a conflict of interest or bias that affected the decision.
- 3. Supporting Information and Appeal Format. If a student-athlete chooses to appeal, they must submit their appeal in writing and include the following:
 - a. clearly identify on which ground(s) they are appealing;
 - b. a statement of appeal;
 - c. any new information, if applicable; and
 - d. if relevant, they may propose an appropriate alternative determination and/or actions they have already taken or may take in response to the review.

4. Timeline. Within five (5) business days of receiving the Committee's determination, the student-athlete needs to submit their appeal in writing to the Assistant Athletic Director of Compliance, who will then provide documentation to the UCI NCAA Appeal Officer.

The Appeal Officer will review the student-athlete's appeal packet including initial information disclosed and reviewed by the Committee, the Committee Notice of Review, the UC Framework, the Committee Decision, and the student-athlete's appeal. The Appeal Officer will issue a final determination, in writing, within ten (10) business days of receiving the student-athlete's appeal from the Assistant Athletic Director of Compliance. The Appeal Officer's determination is final.

5. OEOD and ICA will maintain record of the appeals request, documentation and final determination in the student-athlete's file.

I. Record-Keeping

1. ICA and OEOD will maintain records relevant to the Committee Review and Appeal Determinations to ensure each student-athlete's record accurately reflects their part in this attestation process.
2. The University will maintain copies of the NCAA Policy, the UC Framework, and the UCI protocol, share them with student-athletes under review, and publish them on OEOD's website.

J. Documentation to Senior Leaders

Overall attestation data will be shared with the Chancellor, Athletic Director and Title IX Officer annually so they can determine whether to make the attestations required by the NCAA Policy.

K. Privacy

The University must balance the privacy interests of student-athletes against the need to gather and verify information and ensure a fair and appropriate response to disclosures, consistent with applicable law including FERPA. In this context, campus officials implementing the UC Framework and this UCI Protocol will work to protect student privacy to the extent permitted by law and University policies.

L. Resource for Student Athletes

1. The University designated the following employee(s) to serve as a non-confidential resource for student-athletes related to this procedure and UC Framework: Erica Montebaro, Senior Associate Athletic Director/SWA - Student Services & Internal Affairs, esatterf@uci.edu and Cassie Beucherie, Senior Investigator, OEOD, cbeucher@uci.edu.
 - a. The designated individuals are knowledgeable about and able to explain the NCAA Policy, the UC Framework and UCI Protocol for Implementation.

- b. Either are able to answer questions regarding this topic from student-athletes.
2. The designated individuals' names, titles and contact information exist herein as well as on the OEOD and Athletics websites.

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