



Policy on Title IX Attestations in Athletics

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Policy Owner	Vice President of Student Life
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Policy Statement

Goshen College Athletics prohibits all forms of sexual discrimination and harassment from its student athletes. Furthermore, Goshen College prohibits acts of sexual violence, interpersonal violence and other acts of violence, per the College's Student Handbook and Policy on Sexual Harassment and Assault.

In alignment with the Educational Amendments Act of 1972 (Title IX) and in support of Goshen College's Student Handbook and Policy on Sexual Harassment and Assault, the College's Athletics Attestations policy requires that all students (prospective, current, or transfer) participating in intercollegiate athletics annually disclose whether they have engaged in conduct that resulted in discipline through a Title IX or sexual misconduct proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Transfer student-athletes also must disclose whether a Title IX or sexual misconduct proceeding was incomplete at the time of transfer.

The Policy

Goshen College will take reasonable steps to confirm whether student-athletes have been disciplined or convicted for such conduct and, upon written release, will share relevant disciplinary information when a student-athlete attempts to enroll in a different institution.

Goshen College will collect and confirm this information in a manner consistent with federal and state law and may choose to collect additional information based upon the College's policies and procedures.

Overarching Principles

1. Intercollegiate athletics departments should be informed on and integrated in overall campus policies and processes addressing sexual and interpersonal violence prevention and acts of sexual violence, particularly those related to adjudication and resolution of matters related to sexual and interpersonal violence.
2. Intercollegiate athletics departments should review annually the most current policies and procedures, using it as a guide with resources to conduct ongoing, comprehensive education for student-athletes, coaches and athletics administrators.
3. Intercollegiate athletics programs should utilize their platform to serve as leaders on campus through engagement in and collaboration on efforts to support campus-wide sexual and interpersonal violence prevention initiatives. This includes involving student-athletes in prevention efforts in meaningful ways across the campus, including encouraging use of leadership roles on campus to support such efforts.

Goshen College will attest annually that:

1. The athletics department is informed on, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual and interpersonal violence.
2. The institutional 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 student-athletes, coaches and staff have been educated each year on sexual violence prevention, intervention and response, to the extent allowable by state law and collective bargaining agreements.
4. All incoming, continuing and transfer student-athletes have completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence.** Transfer student-athletes also must disclose whether a Title IX proceeding was 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 as determined by Goshen College.
5. Institutions have taken reasonable steps to confirm whether incoming, continuing and transfer student-athletes have been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal or other acts of violence.** In a manner consistent with federal and state law, Goshen College share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other institutions when a student-athlete attempts to enroll in a new college or university.

6. An institution choosing to recruit an incoming student-athlete or accept a transfer student-athlete must have a written procedure that directs its staff to gather information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left the institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal or other acts of violence.**

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

* For international members and schools that do not receive federal funding, or are otherwise exempt from Title IX, the signature should be from the Title IX coordinator or institutional staff member with comparable responsibilities

**A person who has been disciplined through a Title IX proceeding or criminally convicted, regardless of the degree, and whether the result of a plea or court determination, of any of the following, as defined below.

Definitions

The following definitions are provided to identify scope for the attestations process.

- **Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
- **Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.
- **Other Acts of Violence:** Crimes including murder, manslaughter, aggravated assault, or any assault that employs the use of a deadly weapon or causes serious bodily injury.

Additional relevant definitions regarding sexual misconduct, interpersonal violence, and other acts of violence are available in the Student Handbook and the College's Policy on Sexual Harassment and Assault.

Policy for Collection and Review of Attestation Findings

All students participating in athletics annually disclose whether they have engaged in conduct that resulted in discipline through a Title IX or sexual misconduct proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Transfer student-athletes also must disclose whether a Title IX or sexual misconduct proceeding was incomplete at the time of transfer. College athletes who do not submit the required disclosure form will not be permitted to participate in team activities, including tryout, practice, and competition.

When a disclosure form response conveys a prior disciplinary, a criminal conviction, or an open matter at a prior institution:

- The Athletics Department will report the disclosure to the Title IX Office to confirm this information.
- Goshen College will approach each case individually and consider the context of the behavior in question holistically based on an evaluation by the Title IX Office and the Athletics Department, if applicable.
- As part of this holistic review, Goshen College will consider, among other information, the nature of the misconduct in question, the passage of time since the misconduct, and the conduct record since the misconduct.
- In such cases, the Title IX Office will contact the college athlete and determine whether it is appropriate to take further action as detailed in the College's Student Handbook and Policy on Sexual Harassment and Assault.
- The Title IX Office will approach each case individually and consider the context of the behavior in question holistically based on an evaluation by the Title IX Office and the Athletics Department, if applicable.
- In more severe circumstances, Goshen College may take other actions, as appropriate, to ensure the safety of the larger college community.

Actions Per Results of Attestations Review

Should a student-athlete - current or transfer - be identified as being found responsible for violation of Title IX policies at Goshen College or previous institutions, or if the student-athlete is a potential respondent in an incomplete investigation for violation of Title IX policies, the following decisions will be applied. Determination of the actions taken by the Athletics Department will be determined by a panel: the Athletics Director/Assistant Athletics Director, the Title IX Coordinator, and a member of Academic/Student Life Conduct.

Attestation Actions if Found Responsible for Violation of Title IX Policies

Actions include one or more of the following:

- One-year ineligibility for athletic scholarship, with permission to participate in Athletics
- Ineligible for all athletic scholarships, with permission to participate in Athletics
- One-year ineligibility for athletic scholarship and one-year suspension from participating in Athletics
- One-year suspension from participating in Athletics, no athletic scholarship eligibility
- Disqualification from participating in Athletics, no athletic scholarship ability

Attestation Actions if Investigation for Violation Title IX Policies is Incomplete for Transferring Athletes

Actions include:

- Suspension from participating in Athletics, with no athletic scholarship eligibility, until a determination is rendered. Once the resolution is complete and a determination is rendered, a full review must be completed before the student-athlete is permitted to participate.

Appeal of Attestation Action(s)

Should the student-athlete choose to appeal the actions taken by the Athletics Department, the student must submit the appeal in writing to the Title IX Coordinator for delivery to the Appellate Panel. Once the appeal has been reviewed and a determination is rendered, the decision will be final.

Process for Collecting Information on Student Sexual Misconduct or Transfers

Student-Athlete Background Checks & Attestations

All student-athletes are required to disclose, on an annual basis, whether they have been disciplined through a Title IX or sexual misconduct proceeding or in a criminal conviction (whether as a result of a plea or court determination) for sexual, interpersonal, or other acts of violence. Student-athletes who have transferred institutions must also disclose whether a Title IX proceeding was incomplete or pending against them at the time of their transfer. The above-required disclosures occur when each student-athlete completes the required Student-Athlete Misconduct Attestation Form ("Attestation Form") each year.

First-year student-athletes are required to complete an Attestation Form within two weeks of their signing to compete at the college. If a student-athlete indicates that they have been disciplined through a Title IX or sexual misconduct proceeding, have been criminally convicted for sexual, interpersonal or other acts of violence, or left a prior institution with a Title IX proceeding incomplete, they will be subject to a background check.

Notwithstanding a student-athlete's attestation, if the College otherwise learns of information or has other reason to believe that the student-athlete may have been disciplined through a Title IX or sexual misconduct proceeding, criminally convicted for sexual, interpersonal, or other acts of violence, or left a prior institution with a Title IX proceeding incomplete, the College may choose to initiate a background check. Attestation Forms requiring background checks will be immediately provided to the Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator. The Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator will provide copies to the Title IX Coordinator.

Goshen College will contact the student-athlete's high school or other previous institution regarding the attested information and may take other steps reasonably designed to yield information about the disciplinary action or the incomplete process. Any outreach will be made by the Title IX Coordinator or their designee. *Failure to provide truthful answers on the Attestation Form may result in disciplinary action including suspension or expulsion from the team.*

Returning student-athletes are required to complete the Attestation Form by August 1st of each year by signing with the College at the start of the next academic year. If a student-athlete indicates that they have been disciplined through a Title IX or sexual misconduct proceeding or that they have been criminally convicted of sexual, interpersonal or other acts of violence, they will be subject to a background check.

Notwithstanding a student-athlete's attestation, if the College otherwise learns of information or has other reason to believe that the student-athlete may have been disciplined through a Title IX or sexual misconduct proceeding or criminally convicted of sexual, interpersonal or other acts of violence, the College may choose to initiate a background check. Attestation Forms requiring background checks will be immediately provided to the Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator. The Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator will provide a copy of the Attestation Form to the Title IX Coordinator.

Goshen College may contact the student-athlete's previous institution regarding the attested information and may take other steps reasonably designed to yield information about the disciplinary action or the incomplete process. Any outreach will be made by the Title IX Coordinator or their designee. *Failure to provide truthful answers on the Attestation Form may result in disciplinary action including suspension or expulsion from the team.*

Transfer student-athletes are required to complete an Attestation Form while attending their previous institution. If a student-athlete indicates that they have been disciplined through a Title IX or sexual misconduct proceeding, that they have been criminally convicted of sexual, interpersonal or other acts of violence, or that they left (or would be leaving) an institution with a Title IX proceeding incomplete, they will be subject to a background check.

Notwithstanding a student-athlete's attestation, if the College otherwise learns of information or has other reason to believe that the student-athlete may have been disciplined through a Title IX or sexual misconduct proceeding, criminally convicted of sexual, interpersonal or other acts of violence, or left or would be leaving an institution with a Title IX proceeding incomplete, the College may choose to initiate a background check. Attestation Forms requiring background checks will be immediately provided to the Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator. The Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator will provide a copy of the Attestation Form to the Title IX Coordinator.

Goshen College may contact the student-athlete's previous institution(s) regarding the attested information and may take other steps reasonably designed to yield information about the disciplinary action or the incomplete process. Any outreach will be made by the Title IX Coordinator

or their designee. *Failure to provide truthful answers on the Attestation Form may result in disciplinary action including suspension or expulsion from the team.*

Ongoing Obligation to Report

If any student-athlete engages in behavior that results in disciplinary action under the College's Title IX or sexual misconduct process, or if any student-athlete is criminally convicted (whether as a result of a plea or court determination) for sexual, interpersonal or other acts of violence, that student-athlete must immediately alert the Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator and Title IX Coordinator. *Failure to do so will result in immediate expulsion from their team.*

Sharing Student Athlete Information

The Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator will provide a list of all athletes and their statuses (first-year, returning, transfer) to the Title IX Office on an annual basis, but no later than the first day of classes in the fall semester of each year. The Assistant Director for Athletic Health and Wellness/Deputy Title IX Coordinator and Title IX Coordinator will work collaboratively to gather the appropriate records including completed Attestation Forms from all student-athletes. *Failure to provide the appropriate documentation may result in a student-athlete being banned from practices and/or competitions.*

Records will be maintained by the Title IX Office. Records may be shared with appropriate members of the Athletics Department.

Outbound Transfer Student-Athletes

Student-athletes who choose to transfer from the College to another institution may request, in writing, a signed letter from the Title IX Office regarding the existence or non-existence of any disciplinary actions or records related to any Title IX or sexual misconduct proceedings involving that student-athlete as a respondent. The signed letter will indicate one of the following:

1. The student-athlete has not been subject to discipline through a Title IX or sexual misconduct proceeding at Goshen College.
2. The student-athlete was subject to discipline through a Title IX or sexual misconduct proceeding at Goshen College.
3. The student-athlete is seeking to transfer from Goshen College while a Title IX or sexual misconduct process is incomplete or pending.

The incomplete or pending process involves the student-athlete as the respondent. The student-athlete may, in writing, request that this report is sent via email or mail to their next institution. The student-athlete should be aware that the receiving institution may contact Goshen College for further information about the disciplinary action and/or the incomplete process. Goshen College will provide information to receiving or prospective institutions as permitted by law.

Requests from Other Institutions

The College's Title IX Office will respond to all other receiving institutions' inquiries about transfers or attempted transfers while a Title IX or sexual misconduct process is incomplete or pending and about student-athlete discipline issued pursuant to a Title IX or sexual misconduct proceeding, criminal conviction for sexual, interpersonal or other acts of violence. The College will provide information to receiving or prospective institutions as permitted by federal and state laws including FERPA. The Title IX Office will generally seek written consent from the student athlete before releasing information, but it reserves the right to seek such information without a student-athlete's written consent, where permitted by law.

Policy Purpose

This policy is intended to protect the health and safety of the Goshen College community, reduce risk to the College and community members, and align with other College policies and guidelines.

Associated Policies

Goshen College Policy on Sexual Harassment and Assault
Goshen College Student Handbook

Revision History

Date	Description of Revision
May 9, 2025	Policy established.

Unless specified in the policy, exceptions to the policies in this guide must be approved by the policy owner. It is important to note that the policies in this guide can be changed from time to time. It is the employee's responsibility to ensure understanding of the policies and procedures as well as any revisions.