

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Aidan Howard

(b) County of Residence of First Listed Plaintiff Allegheny
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

C. James Zeszutek, Nicholas J. Godfrey; Dinsmore & Shohl LLP; One Oxford Centre, Suite 2800, 301 Grant Street, Pittsburgh PA 15219; 412.281.5000

DEFENDANTS

University of Virginia, Teresa A. Sullivan, Craig Littlepage, Marques Hagans, Famika Anae, Doni Dowling, and David Eldridge

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
20 U.S.C. 1681 - 1688; 29 U.S.C. 794; 42 U.S.C. 12131 - 12134; 42 U.S.C. 1983

Brief description of cause:
Civil Rights Violations

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
75,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/14/2016

SIGNATURE OF ATTORNEY OF RECORD

/s/ C. James Zeszutek

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44A REVISED June, 2009

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. ☐ This case is related to Number _____ . Short Caption _____.
2. ☒ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit
EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Select the applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas corpus
4. ☒ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: 10/14/2016

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

for the

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V.

Civil Action No.

To: *(Defendant's name and address)* David Eldridge
University of Virginia
McCue Center
P.O. Box 400837
Charlottesville, VA 22904

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title


Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania 

Aidan Howard

Plaintiff(s)

v.

University of Virginia, Teresa A. Sullivan, Craig
Littlepage, Marques Hagans, Famika Anae, Doni
Dowling, and David Eldridge

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Marques Hagans
University of Virginia
McCue Center
P.O. Box 400837
Charlottesville, VA 22904

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

C. James Zeszutek, Esq.
Nicholas J. Godfrey, Esq.
Dinsmore & Shohl LLP
One Oxford Centre, Suite 2800
301 Grant Street
Pittsburgh, PA 15219

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title


Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania 

Aidan Howard

Plaintiff(s)

v.

University of Virginia, Teresa A. Sullivan, Craig
Littlepage, Marques Hagans, Famika Anae, Doni
Dowling, and David Eldridge

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Craig Littlepage, Director of Athletics
University of Virginia
McCue Center
P.O. Box 400846
Charlottesville, VA 22904

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

C. James Zeszutek, Esq.
Nicholas J. Godfrey, Esq.
Dinsmore & Shohl LLP
One Oxford Centre, Suite 2800
301 Grant Street
Pittsburgh, PA 15219

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

for the

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—

3

To: *(Defendant's name and address)* Teresa A. Sullivan, President
University of Virginia
President's Office
Madison Hall
P.O. Box 400224
Charlottesville, VA 22904

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
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 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

EXHIBIT A



Howard, Aidan

Status: Complete Release

NLI RELEASE REQUEST FORM

Howard, Aidan is requesting relief from penalties associated with not fulfilling the National Letter of Intent signed with University of Virginia in the sport of Football for the 2016-2017 academic year.

Date NLI was signed: 02/03/2016
Date of Birth: 06/05/1997
NCAA ID: 1507230757
Email: vernehoward@comcast.net

NLI PENALTY: The NLI Penalty for not attending the above named institution for one academic year (two full-time semesters or three quarters) is the loss of one season of competition in all sports and a required one academic year in residence at the next NLI member institution before being able to represent another NLI institution in intercollegiate athletics competition. While serving the NLI penalty the student-athlete is permitted to practice and receive athletics aid.

Student Address and Phone Number

Street 1: 119 Coventry Court
City: MONROEVILLE
Country: United States Of America
State: Pennsylvania
ZIP/Postal Code: 15146
Phone: 4129262984

Alternate Email Address:**Signee Reason for Release Request** Other**COMMENT:**

Conduct of others within the university.

Once you submit your NLI release request, your request is sent electronically to the signing institution and the NLI office. Your release request decision will be PENDING until the institution submits the release to the NLI office. Once the NLI office verifies the receipt, you will receive your NLI release decision by email to the address provided when you submitted your release.

The institution must return the release request to the NLI office no more than 30 days from the date the request is submitted through this electronic process. The NLI release will be granted by the NLI office if the release request is not returned by the deadline (30 days). However, please note this is not an automatic complete release if not received by the 30 day deadline. The NLI office must determine why the institution did not respond to the release request before any action is taken. An institution can request an extension if circumstances exist preventing the institution from responding within the designated timeframe.



Howard, Aidan

Status: Complete Release

Student: Read and check below.

I certify that I am the person whose name appears on this form and that I have read and agree to the statement outlined above.

Student Requesting Release:

☒ I agree to requesting a release and my stated reason(s) for the request.

Date Signed: 08/18/2016

Parent/Legal Guardian: Read, check and provide your name below, if the student is under the age of 21.

I certify that I am the parent/legal guardian of the person whose name appears on this form and that I have read and agree to the statement outlined above on my behalf and on the student's behalf.

Parent or Legal Guardian:

☒ I agree to the student requesting a release and the stated reason(s) for the request.

Date Signed: 08/18/2016

Parent/Legal Guardian First Name:

Verne

Parent/Legal Guardian Last Name:

Howard

Parent/Legal Guardian Email:

vernehoward@comcast.net

Disclaimer: The NLI office sends emails to you at appropriate times during the NLI release request process but we cannot guarantee the delivery of e-mail notifications due to any possible technical issues. Please be advised to log back in regularly to check the status of your NLI release request.

Below Section to be completed by Institution

The Director of Athletics (or designee) must mark one of the options below and submit a copy of this form to **the NLI Office**. This request form must be returned to the NLI office **no more than 30 days** from the date the form is received by the NLI Office. The NLI release will be granted by the NLI Office if the release request form is not returned by the deadline (30 days). If circumstances exist preventing the institution to respond within the designated timeframe, an extension may be requested to the NLI Office. Once the NLI office verifies the release request, the institution's release decision will be sent electronically to the student with notification also to the institution that the release decision is posted.

Please note the NLI release decision will be sent in email format to the student and NLI office.



Howard, Aidan

Status: Complete Release

☒ **Complete Release**

A Complete Release permits the student to attend any NLI institution without being subject to the NLI Basic Penalty. It releases both the institution and the student from any further NLI obligations. The NLI release is not the same as NCAA permission to contact (i.e., releases are not specific to schools). Additionally, the NLI Recruiting Ban is no longer in effect, allowing the student to be recruited by other NLI member institutions.

Institution can provide further comments if granting a Complete Release but disagrees with the facts provided by the student requesting the NLI Release.

COMMENT BOX:

NA

☐ **No Release**

Selecting the No Release option keeps the NLI in tact, thereby requiring the student to lose one season of competition in all sports and to serve one academic year in residence at the next NLI member institution. The student may appeal to the NLI Policy and Review Committee. The appeal has to be submitted to the NLI Office within 30 days of this No Release decision. In that event, the student must complete the NLI Appeal form located on the NLI website. The institution will be contacted by the NLI office to provide any additional documentation supporting its decision to the NLI office.

☐ **NLI Recruiting Ban Removed** (If checking this selection, must also check the "no release" above.)

By removing the NLI Recruiting Ban from this student, contact with coaches is permissible without granting a Complete Release. The recruiting ban would be lifted for all NLI member institutions and cannot be restricted to specific institutions

Must select reason for a NO RELEASE decision and must provide additional comments.

Institution Reason for No Release:

COMMENT BOX:

NA

I am :

☐ Director of Athletics ☒ Designee

Director of Athletics (or designee) First Name:

Eric

Director of Athletics (or designee) Last Name:

Baumgartner

Phone Number:

4349825158

E-mail Address

ebaum@virginia.edu

Director of Athletics (or designee): Read, check and provide your name below

I certify that I am the Director of Athletics (or designee).



Howard, Aidan

Status: Complete Release

Director of Athletics (or designee)

☒ By checking this box, I verify that I have read and completed this form correctly.

Date Signed: 08/18/2016

Note: All NCAA rules related to academic and athletics eligibility must still be met regardless of any NLI appeals decision.

EXHIBIT B



HRM-041: Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence

Date: 03/30/2015 Status: Final

Last Revised: 05/10/2016

Policy Type: University

Contact Office: Equal Opportunity and Civil Rights (Office for)

Oversight Executive: President of the University

Applies To: Academic Division (including all off-site locations) and the Medical Center.

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Definition of Terms in Statement:

Policy Statement:

I. STATEMENT OF POLICY

The University of Virginia, consisting of its eleven Schools in Charlottesville, its Medical Center, and all Academic Centers, wherever located (collectively, the “University”), is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (“Title IX”); Title VII of the Civil Rights Act of 1964 (“Title VII”); and/or the Virginia Human Rights Act. Such behavior also requires the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering the University’s Community of Trust, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. Employees or Students who violate this policy may face disciplinary action up to and including termination or expulsion. The University will take prompt and equitable action

to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions.

This policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this policy. Where the date of the Prohibited Conduct precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

II. TO WHOM THIS POLICY APPLIES

This policy applies to Students who are registered or enrolled for credit- or non-credit-bearing coursework ("Students"); University employees, consisting of all full-time and part-time faculty, University Staff, Medical Center employees and classified staff, wage (including temps), professional research staff, and post-doctoral fellows ("Employees"); and contractors, vendors, visitors, guests or other third parties ("Third Parties"). This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

- (1) the conduct occurs on University Grounds or other property owned or controlled by the University;
- (2) the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
- (3) the conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on University Grounds or other property owned or controlled by the University or in any University employment or education program or activity.

The University's Office of Equal Opportunity Programs ("EOP") administers two separate policies that address other forms of discrimination and harassment: (1) the Preventing and Addressing Discrimination and Harassment Policy (the "PADH Policy"), and (2) the Preventing and Addressing Retaliation Policy (together, the "EOP Policies"). This policy supersedes any conflicting provisions contained in the EOP Policies. Where Prohibited Conduct violates this policy and also violates either or both of the EOP Policies, the University's response will be governed by the procedures referenced in this policy. Questions about which policy applies in a specific instance should be directed to the University's Title IX Coordinator at (434) 924-3200.

III. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the Respondent's relationship to the University (Student, Employee, or Third Party). Each set of procedures referenced below is guided by the same principles of

fairness and respect for Complainants and Respondents. "Complainant" means the Student, Employee or Third Party who presents as the victim of any Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy. "Respondent" means the Student, Employee or Third Party who has been accused of violating this policy.

A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The procedures referenced below provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the Preponderance of the Evidence standard when determining whether this policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that a policy violation occurred.

A. WHERE THE RESPONDENT IS A STUDENT

The procedures for responding to reports of Prohibited Conduct committed by Students are detailed in Appendix A: Investigating and Resolving Reports of Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence Committed by Students.

B. WHERE THE RESPONDENT IS AN EMPLOYEE

The procedures for responding to reports of Prohibited Conduct committed by Employees are detailed in Appendix B: Investigating and Resolving Reports of Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence Committed by Employees.

C. WHERE THE RESPONDENT IS BOTH A STUDENT AND EMPLOYEE

- the Student-Respondent procedures (Appendix A) will apply if the Respondent is a full-time Student but not a full-time Employee;
- the Employee-Respondent procedures (Appendix B) will apply if the Respondent is a full-time Employee but not a full-time Student; or
- if there is a question as to the predominant role of the Respondent, the University's Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the Prohibited Conduct). Further, where a Respondent is both a Student and an Employee, the Respondent may be subject to any of the sanctions applicable to Students or Employees.

D. WHERE THE RESPONDENT IS A THIRD PARTY

The University's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this policy.

IV. **TITLE IX COORDINATOR**

Under Title IX:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The Title IX Coordinator is charged with monitoring the University's compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

Concerns about the University's application of Title IX, VAWA, Title VII, the Clery Act, or the Virginia Human Rights Act may be addressed to the Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000).

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours:

Catherine Spear, Assistant Vice President/Acting Title IX Coordinator
O'Neil Hall, Room 037
P.O. Box 400211
Charlottesville, Virginia 22904
Phone: (434) 924-7179
Email: ccs9a@virginia.edu or titleixcoordinator@virginia.edu

Akia Haynes, Deputy Title IX Coordinator
Title IX Office
O'Neil Hall, Room 037
P.O. Box 400211
Charlottesville, Virginia 22904
Phone: (434) 297-7988
Email: aah6n@virginia.edu

Chrisopher Tate, Deputy Title IX Coordinator
Title IX Office
O'Neil Hall, Room 037
P.O. Box 400211
Charlottesville, Virginia 22904
Phone: (434) 297-7988
Email: crt2b@virginia.edu

V. **RESOURCES AND REPORTING OPTIONS**

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting

Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment:

- Students should refer to the Student Resource Guide (Appendix A-1);
- Employees should refer to the Employee Resource Guide (Appendix B-1); and
- Third Parties should contact the Title IX Coordinator to discuss available University and/or community resources and reasonably available assistance.

A. REMEDIAL AND PROTECTIVE MEASURES

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

B. PRIVACY AND CONFIDENTIALITY

The is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The University also is committed to providing assistance to help Students, Employees and Third Parties make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy and confidentiality have distinct meanings under this policy:

Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of University Employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the University's response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's FERPA

policy. The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA and by Virginia's Health Records Privacy Act, Va. Code § 32.1-127.1:03. Access to an Employee's personnel records may be restricted in accordance with the Virginia Freedom of Information Act, and, where applicable, Department of Human Resources Management ("DHRM") Policy 6.05 Personnel Records Disclosure and DHRM Policy 6.10 Records Management.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. The University has designated individuals who have the ability to have privileged communications as "Confidential Employees." When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Employee Responsibility to Report Student Disclosures or Information about Prohibited Conduct:

An Employee's responsibility to report incidents of Prohibited Conduct is governed by the University's separate reporting policy ("Reporting Policy"). Under the Reporting Policy, every Employee is designated as either a "Confidential Employee" or a "Responsible Employee."

A "Confidential Employee" is (1) any Employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a Student ("health care providers"); and (2) any Employee providing administrative, operational and/or related support for such health care providers in their performance of such services. A Confidential Employee will not disclose information about Prohibited Conduct to the University's Title IX Coordinator without the Student's permission (subject to the exceptions set forth in the Confidentiality section of this policy).

A "Responsible Employee" is any University Employee who is not a Confidential Employee. A Responsible Employee is required to report to the University's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Responsible Employees include Resident Assistants, Graduate Teaching Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees. Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"), or (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"). The University may provide information about Students' Title IX rights and about available University and community resources

and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all Student subjects of IRB Research.

Responsibility to Report Prohibited Conduct where Either the Complainant or the Respondent is an Employee: Under this policy, supervisors, management and human resources professionals are required to report to the University's Title IX Coordinator all relevant details about an incident of Prohibited Conduct where either the Complainant or the Respondent is an Employee. Reporting is required when such supervisors, management and human resource professionals know (by reason of a direct or indirect disclosure) or should have known of such Prohibited Conduct. For academic faculty, supervisors include department chairs, deans, and other unit administrators.

Reporting of Any Prohibited Conduct on Certain University Property: Consistent with the requirements of Va. Code §23-9.2:15 (the "Virginia Reporting Statute"), Responsible Employees are also required to report to the Title IX Coordinator all information obtained, from any source, about alleged Prohibited Conduct that occurs anywhere on University Grounds (including residence halls); on any contiguous (off-Grounds) property owned or controlled by the University; on any property controlled by a Student organization (including fraternity houses) or frequently used by Students, wherever located; and public property (including streets, sidewalks and parking facilities) that is within or immediately adjacent to, and accessible from, Grounds. These reporting obligations, and the Virginia Reporting Statute, are described in the Reporting Policy.

Reporting to Law Enforcement: Under the Virginia Reporting Statute, the University is required to report information about certain allegations of Prohibited Conduct to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

Clery Act Reporting: Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to Students and Employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

C. CONFIDENTIAL RESOURCES

Consistent with the definition of Confidential Employees and licensed community professionals, there are a number of resources within the University and Charlottesville communities where Students and Employees can obtain confidential, trauma-informed counseling and support. These resources include the Sexual Assault Resource Agency ((434) 977-7273), pursuant to a separate Memorandum of Understanding with the University; the Shelter for Help in Emergency ((434) 293-8509); and the Family Violence and Sexual Assault Virginia Hotline ((800) 838-8238, or text at (804) 793-9999).

Students can also obtain such counseling at Counseling and Psychological Services within Student Health and at the Women's Center ((434) 982-2903). For a complete list of University and community-based confidential resources for Students, see the Student Resource Guide (Appendix A-1).

Employees can also obtain such counseling through the Faculty and Employee Assistance Program ((434) 243-2643). For a complete list of University and community-based confidential resources for Employees, see the Employee Resource Guide (Appendix B-1).

D. REPORTING

There are multiple channels for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action. The University will support Complainants in understanding, assessing and pursuing these options.

(1) **Law Enforcement**

Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Complainants to report Prohibited Conduct ***immediately*** to local law enforcement by contacting:

- 911 (for emergencies)
- Albemarle County Police ((434) 977-9041) (for non-emergencies)
- City of Charlottesville Police ((434) 970-3280) (for non-emergencies)
- University Police ((434) 924-7166) (for non-emergencies)

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders. Although a police report may be made at any time, Complainants should be aware that a one-year statute of limitations may apply to certain misdemeanors in Virginia. The University will assist Complainants in notifying law enforcement if they choose to do so.

(2) **The University**

The University also urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident ***immediately*** to the University through the following reporting options:

- By contacting the University's Title IX Coordinator or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in Section IV, above; or
- Through *Just Report It*, the University's website for online reporting (which also allows for anonymous reporting).

There is no time limit for reporting Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The University will not pursue disciplinary action against Complainants or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection

with a good faith report or investigation of Prohibited Conduct. Complainants may simultaneously pursue criminal and University complaints.

VI. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the Complainant or Respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity, and Retaliation.

A. SEXUAL ASSAULT

Sexual Assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Affirmative Consent.

(1) Sexual Contact is:

- Any intentional sexual touching
- However slight
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.

(2) Sexual Intercourse is:

- Any penetration
- However slight
- With any object or body part (as described below)
- Performed by a person upon another person

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

(3) Affirmative Consent is:

- Informed (knowing)
- Voluntary (freely given)
- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

Affirmative Consent cannot be obtained by Force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

(a) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

(b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically,

to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

(c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

(d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

The University offers the following guidance on Affirmative Consent and assessing incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.

Affirmative Consent may be withdrawn at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated? and if not*, (2) *Should a sober, reasonable person in the same situation have known that the other party was incapacitated?* If the answer to either of these questions is “YES,” Affirmative Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?”

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

Being impaired by alcohol or other drugs is no defense to any violation of this policy.

B. SEXUAL EXPLOITATION

Sexual Exploitation is purposely or knowingly doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give Affirmative Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images);
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Prostituting another person; or
- Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

C. INTIMATE PARTNER VIOLENCE

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.¹ Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

D. STALKING²

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

¹ Intimate Partner Violence includes "dating violence" and "domestic violence," as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

²This definition is consistent with VAWA.

E. SEXUAL OR GENDER-BASED HARASSMENT

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

Gender-based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "*quid pro quo*" harassment); or

(2) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating

whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

F. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

G. COMPLICITY

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

VII. VIOLATIONS OF LAW

Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the Commonwealth of Virginia criminalizes and punishes some forms of Sexual Assault, Intimate Partner Violence, Sexual Exploitation, Stalking, and Physical Assault. The criminal statutes that may apply in cases of Physical Assault and Intimate Partner Violence are found in various sections of Chapter 4, Articles 1 (Homicide) and 4 (Assaults and Bodily Woundings), of Title 18.2 of the Code of Virginia. The criminal statutes relating to Sexual Assault are found in Sections 18.2-61 to 18.2-67.10 of the Code of Virginia. Section 18.2-60.3 of the Code of Virginia defines and identifies the penalty for criminal stalking. Finally, Sections 18.2-386.1 and 18.2-386.2 of the Code of Virginia provide for criminal penalties in some cases of Sexual Exploitation. This compilation of criminal statutes is not exhaustive, but is offered to notify the University community that, some forms of Prohibited Conduct may also constitute crimes under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

VIII. PREVENTION AND AWARENESS PROGRAMS

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related education. For a description of the University's Prohibited Conduct prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see Appendix C.

IX. TRAINING

The University provides training to Students and Employees to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination. For a description of the University's training related to this policy, see Appendix C.

X. RELATED POLICIES

A. Students

Standards of Conduct

Rights of Students at the University of Virginia Pursuant to the Family Educational Rights and Privacy Act (FERPA)

B. Employees

Reporting by University Employees of Sexual Misconduct Disclosures Made by Students (Reporting Policy)

C. Employees and Third Parties

Preventing and Addressing Discrimination and Harassment
Preventing and Addressing Retaliation

XI. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University's Honor Code and disciplinary action under the appropriate Employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XII. ANNUAL REVIEW

This policy is maintained by EOP. The University will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed). The Title IX Coordinator shall certify to the State Council of Higher Education for Virginia that this policy has been reviewed and updated, as appropriate, in accordance with Virginia law.

Related Information:

Sexual Violence Education & Resources

Major Category: Human Resource Management

Next Scheduled Review: 06/30/2018

Approved by, Date: President of the University, 03/30/2015

Revision History: Updated 5/10/16, revised 6/30/15.

Source URL: <http://uvapolicy.virginia.edu/policy/HRM-041>

EXHIBIT C

FOOTBALL AND ATHLETICS DEPARTMENT

2016-17 TEAM RULES

Aidan Howard

Standards of Conduct

All team members are expected to abide by the following rules and policies. Violation of team rules will initiate the Player Accountability/Strike Policy and may lead to team suspension or dismissal from the team.

1. Player Accountability – The strike policy will be implemented as a means of personal accountability for each player. When a player violates a team rule, the coach or individual working with the player will issue a strike to that player. The player will be notified and the strike policy will be implemented immediately (swift and certain).

First strike	Personal accountability with the strength & conditioning staff. Parent/guardian is notified of strike.
Second strike	Player and his task unit will have accountability with the strength and conditioning staff. Parent/guardian is notified of strike.
Third strike	Player and his position group will have additional accountability with the strength and conditioning staff. Parent/guardian is notified of strike.
Fourth strike	Coach Mendenhall will determine appropriate consequence on a case-by-case basis. Parent/guardian is notified of strike.

2. You must abide by all team, local, state, federal, University and Athletic Department rules and policies regarding drugs, alcohol, and tobacco products. The possession or use of illegal or controlled substances is strictly prohibited. Mandatory random drug testing will occur year round. The legal drinking age is 21. Refer to the Athletic Department Drug Policy and the Student Athlete Handbook and University's Undergraduate Record (<http://records.ureg.virginia.edu>).
3. The University of Virginia prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated. Incidents of domestic abuse, sexual abuse, assaults, bullying or fights will not be tolerated. NO offensive or abusive behavior will be accepted; respect and tolerance for differences (e.g. race, gender, religion, sexual orientation) is expected.
4. You are expected to arrive on time and attend all scheduled commitments including, but not limited to classes, study halls, labs, tutorial sessions, or any academic, athletic or personal appointments. You MUST contact your trainers, advisors, professors and/or coaches in advance if any conflicts arise.
5. You are expected to remain in good academic standing at all times.
6. Walk-ons must maintain a 2.5 cumulative GPA, never earning below 2.5 in any given semester. Any given semester below a 2.5 GPA will result in immediate removal from the team.
7. You are expected to be on time and attend all practices, weight training sessions, training room appointments, team and position meetings, mandatory meals, etc. You must be prepared and dressed appropriately as stated in the UVA Football Policy Manual.
8. In the rare situation where it is necessary to miss a workout, you must 1) receive approval from the position coach, 2) receive approval from the coordinator, and 3) receive final approval from Coach Mendenhall.
9. In the situation where you are ill and unable to attend a scheduled academic commitment or appointment, you must 1) meet in person with Kelli Pugh or Keith Thomson (Sports Medicine) *at least 30 minutes before* your scheduled appointment to receive evaluation and proper care. Kelli and/or Keith will then communicate your situation to the appropriate people. Once well, you are expected to immediately re-schedule and follow up with any missed appointments.
10. You must be a starter on Special Teams to be a starter on Offense or Defense.
11. A fifth year of participation on the UVA Football Team must be earned. The successful 5th year candidate will have adhered to team rules, have demonstrated success on the field, and have met the following qualifications: 1) graduated in four years/eight semesters, 2) be a starter or two deep on the roster, 3) be in good academic standing, and 4) be in good standing with the Head Coach, Athletics Departments, and University of Virginia. Coach Mendenhall will make the final decision regarding a fifth year on the team.

12. A player may not live in off-Grounds housing until he has resided in university housing for two years. The following standards must be met: 1) must have a minimum GPA of 3.0 (3 years) or 2.75 (4 years), 2) must meet designated conditioning and body composition standards, 3) must have had no discipline issues, and 4) must have had no positive drug tests. Players must go through the Director of Player Development (Pat Hickman) to receive approval and, if approved, choose off-Grounds housing from the approved list.
13. You are expected to participate fully in assigned Community Service activities.
14. Mopeds/motor scooters are permissible, however, you must obey traffic laws and University regulations regarding the operation and use of such vehicles. It is mandatory that you wear a helmet and abide by all laws and regulations. In addition, it is mandatory that you park in designated areas only.
15. First-years are not allowed to have automobiles on Grounds unless approved by the First Year Residence Life Dean. Returning/transfer students must ensure that automobiles (and mopeds) are registered with Compliance. In addition, it is mandatory that you park in designated areas only.
16. The University requires that all student-athletes have health insurance while in attendance at the University. Students are required to prove they have health insurance. Failure to complete this requirement will result in the student-athlete being billed for the UVA medical insurance of \$2,613. The UVA Athletic Department will pay medical bills beyond the coverage of the player's insurance policy that result from football related activities. All medical referrals must have the written authorization of the team athletic trainer or the team physician.
17. The Training Room is for the treatment and prevention of injuries. All treatments prescribed are mandatory. Respect all Training Room treatments and policies.
18. Do not provide any information about the team or status of players (including yourself) to anyone outside the program; including but not limited to media, fans, social network sites, fellow students, and friends.
19. Only student-athletes approved by the Head Coach may conduct interviews with the media. Media requests must be routed through Jim Daves in Media Relations.
20. You must immediately report any contact with any law enforcement agency or legal issues (arrests, citations, summons, speeding tickets or criminal convictions) to the Head Coach or Gerry Capone (no later than within 24 hours). An arrest must also be reported to the Office of the Dean of Students within 72 hours of the incident.
21. No hazing or initiations. No Rookie Night.
22. It is a violation of NCAA rules to sell or exchange your awards (rings, jackets, blankets, etc.) equipment (helmets, etc.) or apparel (jersey, shirts, gloves, etc.) that you receive for your athletics participation for items of value or money.
23. Gambling is prohibited and is in violation of the NCAA ethical conduct rules. Be alert to anyone, including students, attempting to solicit information from you or team members. Any suspicious activities must be reported to the Head Coach.
24. Make sure you understand all rules and regulations as they pertain to official and unofficial visits for recruits whether you are the official host or not. Ask questions before engaging in any activity that might be inappropriate or against NCAA, ACC, and the University of Virginia rules and regulations. In particular, the use of money other than the host money to entertain prospects is against NCAA regulations. Hiring entertainers or going to establishments that provide adult entertainment is specifically against team rules and department expectations. The use of host money to purchase alcohol is strictly prohibited.
25. In your last year of eligibility you are expected to keep your academic, financial, medical, and team obligations in good standing. Failure to do so will result in your restriction from post-eligibility football activities; to include but not limited to use of Football weight room, participation in Pro-Timing Day, Senior Awards Dinner, and other privileged activities.
26. You have or will be provided an access code to the locker room and office within the McCue Center. This is a personal code for you only. You will be in violation of team rules if you give your code to another athlete, family member, friend, etc.
27. Lying, cheating and stealing are in violation of the University Honor Code and will not be tolerated by the University, Athletic Department or Coaching Staff.

28. You must obey all ACC and NCAA rules, as well as all University policies, honor codes, and athletic and academic standards. ACC & NCAA questions can be answered by the Compliance Department on the 3rd floor of McCue (434-982-5158). University Policies and Honor Code can be found in the University's Undergraduate Record, <http://records.ureg.virginia.edu>.
29. All rules contained in the Student-Athlete Handbook apply including the Student-Athlete Conduct Policy.
30. Abide by additional team rules distributed by the Head Coach.

Coach and Player Decorum

While the Conference believes that one of the problems confronting intercollegiate athletics is the lack of adherence and enforcement of rules of decorum, it is cognizant that the majority of coaches, players, band members, cheerleaders, mascots, officials and administrators make a real effort to ensure contests will be conducted and played in a sportsmanlike manner. Coaches and administrators have the responsibility to set the tone for responsible behavior on the part of their teams and followers. It is an infraction of the rules for coaches, squad members, team attendants, band members, cheerleaders or mascots to conduct themselves in an unsportsmanlike manner. Acts violating coach and player decorum rules shall include, but not be limited to, the following and may subject violators to reprimand or suspension from additional contests as the Commissioner deems appropriate. (Note: Person, for the purposes of this section, means coaches, squad members, team attendants, band members, cheerleaders or mascots.):

1. Any person who strikes or physically abuses an official, opposing coach, player or spectator;
2. Any person who intentionally incites participants or spectators to violent or abusive action;
3. Any person who uses profanity, vulgarity, taunts, ridicules or makes obscene gestures;
4. Any person who publicly criticizes any game official, conference personnel, a member institution or institutional personnel;
5. Any person who engages in negative recruiting by making statements which are unduly derogatory of another institution or its personnel to a prospective student-athlete, parents, high school coach, or other person interested in the prospective student-athlete;
6. Any person who enters the competing area for an unsportsmanlike purpose;
7. Any other act of unsportsmanlike conduct not specifically prescribed.

I have read, understand and will comply with these rules, as well as the policies contained in the 2016 Football Players' Manual, 2016 Student-Athlete Handbook, and the Undergraduate Record. I fully understand that failure to abide by these policies and rules could result in disciplinary action to include, but not limited to, suspension from practice, suspension from competition, loss of my scholarship, and/or dismissal from the team and are effective immediately.

I acknowledge that I have received two copies of these policies – one to be signed and returned to the football office and one for my records. I understand that the same policies can be found in the 2016 UVA Football Players' Manual, which I will receive in August 2016. If I have questions regarding the policies at anytime, I understand that I must see Coach Mendenhall or Gerry Capone for clarification.

Sport: Football



Aidan Howard, Student-Athlete

7-26-16

Date



Bronco Mendenhall, Head Coach

7-22-16

Date

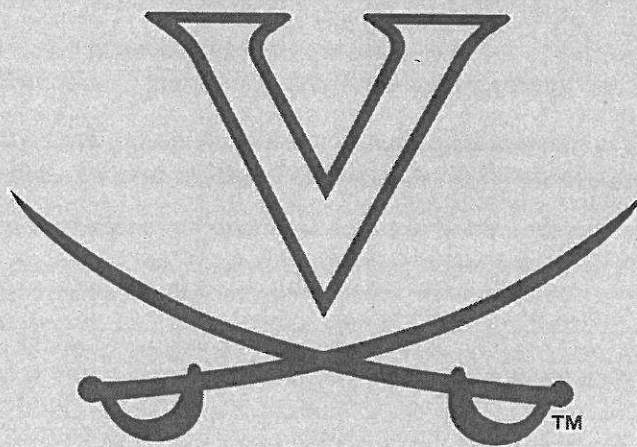
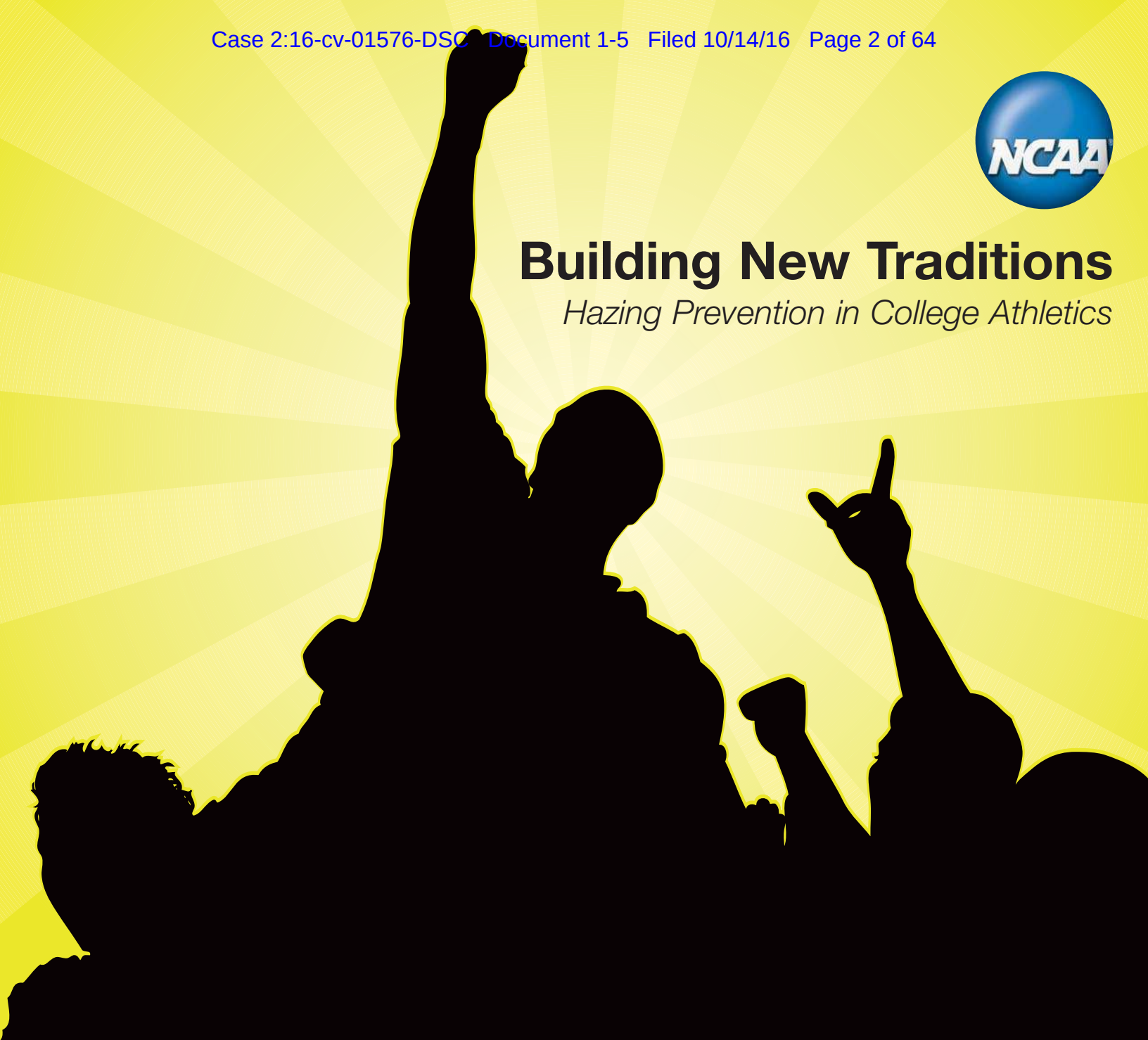


EXHIBIT D



Building New Traditions

Hazing Prevention in College Athletics



POSITIVE ATTITUDES. POSITIVE RESULTS.

Positive challenges build strong teams and prevent hazing.

End Hazing Now. Visit www.NCAA.org/health-safety

Positively Challenging



Building New Traditions

Hazing Prevention in College Athletics



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

P.O. Box 6222
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2007

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Positively Challenging

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1 Introduction

NCAA legislation describes a [shared responsibility](#) between the NCAA national office and the NCAA member institutions [to protect the health and safety](#) of all student-athletes!

This shared responsibility demands attention to the **‘Culture of Hazing’** on our campuses. Every year, NCAA schools experience hazing incidents that result in serious physical or emotional injury. Students seeking acceptance on their new team become victims! Each incident is disguised in the inappropriate and misguided concept of a **traditional initiation**. Traditions that harm must be replaced with ones that build character and strengthen teams.



Administrators, coaches, and student-athlete leaders and captains need to know:

- What hazing is;
- Why athletes and teams haze - **the myths**;
- What hazing actually does - **the truth**; and
- Educational programs and positive approaches to team building.

This handbook provides information and resources for NCAA administrators, coaches and student-athletes so that each campus can maintain a healthy and safe environment for all its student-athletes!

**“Traditions that harm
must be replaced with
ones that build
character and
strengthen teams.”**

Introduction

A departmental approach to hazing prevention can create just such an environment. The effort to create a change in attitudes and behavior will be worth the effort if it prevents one student-athlete from a humiliating or degrading experience, physical injury or psychological harm, as a result of a hazing incident!

Critical Concepts in Hazing Prevention:

- Pre-emption and prevention is much more effective than reaction.
- Defining hazing helps overcome denial.
- Hazing is denied by using aliases: pranks, stunts, antics, traditions, initiations, rites of passage, bonding, etc.
- Secret meetings are feeding grounds for hazing activities.
- Alcohol reduces inhibitions and the ability to resist or protest.
- “Severity” is not always measured in observed harm — mental distress can be just as devastating to the individual as physical injury.
- Tolerance for little hazing usually leads to Big Hazing.
- Where there is a power imbalance, there is a risk of coercion.
- Many quit and walk away from careers in athletics rather than telling about the hazing they faced.
- Open honest discussion, coupled with strongly enforced policy, prevents hazing.

Definition of Hazing:

Any act committed against someone joining or becoming a member or maintaining membership in any organization that is humiliating, intimidating or demeaning, or endangers the health and safety of the person.

Hazing includes active or passive participation in such acts and occurs regardless of the willingness to participate in the activities! Hazing creates an environment/climate in which dignity and respect are absent.

2 Objectives

1. **To define hazing and the types of activities** that contribute to its existence.
2. **To define the roles of administrators, coaches and student-athletes in hazing prevention.**
3. **To develop** an understanding of **why students participate** and what it is they think they accomplish (myths) and what hazing really does (truth)!
4. **To present resources and strategies** for hazing prevention educational programming.
5. **To develop** a **timeline for an annual checklist of activities** to prevent hazing.
6. **To encourage you to create** your own list of **alternative activities** for your team and campus that will enhance team bonding and leadership.

Hazing vs. Team Building

Hazing

humiliates and degrades

tears down individuals

creates division

lifelong nightmares

shame and secrecy

is a power trip

Team Building

promotes respect and dignity

supports and empowers

creates real teamwork

lifelong memories

pride and integrity

is a shared positive experience!

The Role of Administrators in Hazing Awareness and Prevention

Many of your student-athletes often believe these MYTHS that hazing will:

- o Accomplish team building and bonding;
- o Instill needed humility in new team members;
- o Establish a hierarchy for leadership and decision-making within the team;
- o Allow individuals free choice regarding their participation; and
- o Be fun and harmless!

Your job is to set the record straight!

What Should Athletics Administrators be Responsible for?

1. **A comprehensive approach to hazing prevention.**
 - An **educational** approach is an absolute necessity.
 - Prevention programs should address the issue at many levels — individual, group, institution, community and public policy.
 - Assure that student-athletes have full **ownership** in hazing prevention efforts and full participation in their definition, education, implementation and adjudication processes.
 - Take advantage of campus and national expertise to assist in the design and implementation of **hazing prevention policies** and practices, including policies covering recruiting and hosting.
 - Ensure that **effective programming** by the institution and its athletics department is supported by **appropriate resources** and priority funding. (See **Appendix VIII**, Hazing Prevention Resources.)
2. **Clearly defined sanctions for documented hazing incidents. Be sure to include student-athletes in developing these sanctions and then see that they are communicated and distributed to all students.**
3. **The integration of hazing education into the Life Skills program as another opportunity for discussion and education.**
4. **The establishment of an effective department-wide means for reporting and investigating alleged hazing incidents, and providing documented procedures for the adjudication process.** Investigations should be conducted by a campus entity outside of the athletics department.
5. **Assuring that legal procedures of your institution in an alleged hazing incident are followed.** Connect with campus judicial affairs colleagues and the Dean of Students to establish working relationships and a full understanding of institutional policy.
6. **Be prepared to address inquiries from the media and others with the best public relations procedures and relevant information.**

The Role of Coaches in Hazing Awareness and Prevention

Coaches:

- **Your attitude** and willingness to address hazing will be a major factor in its prevention on your team!
- **Understand the reasons** why hazing happens!
- Know the differences between **what hazing really does** versus **what your student-athletes believe it does!**
- Send an appropriate **anti-hazing** message that spells out the **consequences for non-compliance!**
- Your policies need to be **communicated, distributed in writing, and enforced** openly if an incident occurs!
- Your anti-hazing program must start **during the recruiting process**, and needs to be **emphasized** all year long.
- Be sure that everything you do contributes to an environment of **civility, respect and dignity** for everyone!



What Should Coaches be Responsible for?

- Take an **emphatic position about treating everyone with total respect** at all times from the moment they set foot on your campus, even during recruiting. This message needs to be heard by all team members, frequently! (See **Appendix III**, Anti-Hazing Messages.)

The Role of Coaches in Hazing Awareness and Prevention

- Conduct open discussions to help you understand your team's views and activities. Alumni sources may be willing to elaborate! Confirm that any alumni you engage in programming fully understand hazing issues so that they do not perpetuate harmful traditions.
- Avoid addressing new team members using power terms such as "rookie." This says to the new player, "You're not the same as everyone else!" Avoid any other words or actions that create division between your veterans and new players.
- **Address the issue of hazing annually and consistently**, and put your team rules in writing. It is a "must" conversation for you and your team, regardless of how uncomfortable it may be. Spell out the consequences for non-compliance and what your expectations are for your team members toward each other on and off the field of play! (See the Annual Timeline in **Appendix I.**)
- Involve your team in discussions about this issue and dispel the myths they believe about hazing! Students believe that there is a clear and distinctive difference between someone being **"forced or seriously pressured"** to participate, versus someone who volunteers. They believe if there is no force, it is not hazing! They need to know that **passive participation** can make one a contributor! And that **"consent" does not rule out hazing**.
- Explain that **hazing occurs when there is an expectation**, whether implicit or explicit, that to be accepted or part of the group, student-athletes must participate in the activity. An expectation can subtly coerce athletes to do things they would not normally do.
- Ensure that **your team is involved** with establishing the policies and procedures that deal with this issue. They need to take **ownership** of the definitions.
- **Reinforce the message that what counts most is your players' work and dedication.** The desire to be on your team renders the new athlete powerless when confronted by an upper-class teammate. New students will take the **path of least resistance**. They need to hear you talk about demonstrating a **positive attitude**, having the **initiative** to do what is needed, and displaying a **strong work ethic**. The coach is the determining factor on who makes the team and who plays, not their teammates. **They need to be told to walk away from any hazing and know that you will support their actions!**

The Role of Coaches in Hazing Awareness and Prevention

- Help your team develop **positive traditions** that are **significant** and **meaningful** and that contribute to their bonding and coming together as a group. This important strategy will help reduce the temptation to use hazing as a means of team bonding.
- Support **leadership training** for your captains and define your expectations for their role within the team. Be sure that you have the right person to step up to that responsibility, even if it means you make the captain an appointed position. Other than yourself, the captain will be the most significant person in the prevention of hazing within your team!
- Talk about what it is you expect from your athletes besides what you get on the field. You expect to **build character** — what does it mean? You expect a sense of **good values** — what are they? Demonstrate in your own actions that **caring about one another** may be the most valued characteristic you may want them to acquire. It doesn't happen if you don't care or talk about it!
- Accept this responsibility as part of your job. **Hazing** incidents that end in tragedy or a lawsuit can ruin the careers of athletes and coaches! One hour at the start of each season on hazing prevention could prevent a season of disaster. **Be emphatic, be patient, but be persistent** in your attempt to erase this kind of activity from athletics and all of our campuses.
- Take all of the above **SERIOUSLY!**

“This leadership training program helped me think about myself and my core values — what I believe and want to instill in my teammates. This is very valuable in helping me better understand my teammates, helping me lead in a positive manner, and not to be afraid to ask for help.”

The Role of Student-Athletes in Hazing Prevention

What You Should Know

Hazing

- **Has caused a team's season to be cancelled** at various NCAA institutions!
- **Has caused a student-athlete's institutional eligibility** to be taken away!
- **Has caused student-athletes to be arrested**, because it is **against the law in most states!**
- **Has caused student-athletes to have to appear in the court system at their own expense!**
- **Has caused teams to be torn apart and fragmented!**
- **Has caused serious physical and psychological injuries, and even deaths!**

Team Discussion Questions

1. What makes you feel accepted by your teammates and coach?

Is it playing time?

Is it being socially included at all times?

Is it interest in you as a person from upper-class teammates, aside from being an athlete?

Is it having your coaches give you "the time of day"?

Do you need to have your coaches and teammates talk to you off the field or court?

Do you feel respect from the rest of the institution, or are you looked at as a non-contributing student?

2. Why is it that you chose **to participate** in athletics?

You chose to be involved with athletics to:

- a. Challenge yourself physically and emotionally.
- b. Enjoy the excitement of competition.
- c. Develop friendships and the camaraderie of teammates.
- d. Set goals and work toward accomplishment.
- e. Enhance one's self-confidence and pride.
- f. Build on the value of community.
- g. Enjoy the experience and have fun!

3. What do you think will be the **most positive outcome** of your participation?

The most positive, lasting outcomes of athletics are the relationships established through mutual respect with teammates and coaches, which last a lifetime!

The Role of Student-Athletes in Hazing Prevention

4. What do you know about **traditions** and why do they exist?
Traditions are time-honored acts that repeat the customs and beliefs of a culture. They are honorable and instill a sense of pride in its members!
5. What purpose does **an initiation** serve and what place does it have in athletics?
Initiations are designed to instruct new members in the principles of an organization. They are ceremonial in nature and often carry a spiritual significance, and should be instructive. By joining an athletic team, one should expect to learn customs and procedures, but should never have to prove his or her **right to be respected and treated with dignity at all times**.
6. What do you **believe that the hazing** of a teammate or yourself accomplishes?
 - **Hazing** does not bond a team, quite the opposite it tears it apart!
 - **Hazing** does not instill pride in the team ... it humiliates the victims and the team!
 - **Hazing** does not allow freedom of choice to participate; it creates an environment of expectations, leaving the victim powerless to choose!

Here is a team captain's quote after her softball team was involved in and sanctioned for hazing!

“...The intention was to have a fun night of team bonding, not to humiliate or embarrass anyone.... We realize it didn't benefit us, or improve our skills. It didn't make us close as a team, in fact just the opposite occurred! Our fall season was cancelled as was our Spring Break and our team is on probation. Playing is a privilege not afforded everybody and with the privilege comes a responsibility to our team, our school and ourselves.”

The Role of Student-Athletes in Hazing Prevention

What you can do to prevent hazing among your teammates:

1. Review the list of questions that would clarify if activities are hazing. (See **Appendix VII**, The Hazing Test.)
2. Understand what constitutes hazing and insist that this is discussed with coaches and teammates. (See **Appendix V**, The Myths and Truths of Hazing, and **Appendix VI**, Examples of Hazing.)
3. Plan alternative activities for your team that will enhance team bonding and be sure that all players and coaches are involved. (See **Appendix IV**, Alternatives to Hazing.)
4. Make caring about one's teammates a high priority for success and be conscious of any potential hazing incidents that may occur within your team! **Talk about what it means to care!**
5. Discuss among your coaches and teammates how and who you would report potential incidents that could be considered, or lead to, hazing. Any team's problems will reflect poorly on your institution!
6. From day one, understand that acceptance by the team you are joining and your contribution to its success, will be developed through:

- **A strong work ethic;**
- **A positive attitude; and**
- **Your initiative.**



Seek advice from your coaches, administrators, athletic trainers, professors, student affairs officers, Life Skills personnel or even your parents!

The Role of Team Captains in Hazing Prevention

What Should the Team Captain be Responsible for?

1. Your first responsibility is to **meet with your coach and define the expectations** of your position. With the expectations should come the identification of skills and knowledge that you need and how you will acquire the necessary information. You might request a seminar on leadership, administered by your institution, for all captains.
2. As a captain, you can be **held accountable for hazing** activities within your program and as such, could be legally charged in a hazing incident.
3. Be familiar with all the terms that help to understand why hazing occurs:
 - **Passive participation;**
 - **The path of least resistance; and**
 - **Athletic identity.**(See **Appendix II**, The Terminology of Hazing.)
4. Make sure discussions about hazing occur with your team, including the coaches! Encourage members to speak up without fear of retribution! Simply defined, hazing is:
 - Any act committed against a student who is trying to join a new group that is **humiliating or demeaning, or endangers** the student's health and safety.
 - Hazing can occur **regardless of CONSENT or WILLINGNESS** to participate. If you chose not to take part but knew what was going on, you are part of the problem!
5. Become familiar with the myths and truths of hazing and utilize these concepts in team discussions with your coaches! (See **Appendix V**, The Myths and Truths of Hazing.)



The Role of Team Captains in Hazing Prevention

6. Discuss team strategies to welcome new members. Set a **climate and environment** that insists that everyone — from your new members to your veteran seniors — be treated with **dignity** and **respect**. How do you do that and bond together at the same time? (See **Appendix IV**, Alternatives to Hazing.)
7. Ensure that **new members** know you will support them in resisting any participation in hazing activities. Include a discussion about recruiting and hosting and the responsibility of hosts in setting a tone of respect. (See Northwestern University Prospective Student-Athlete Recruiting Policy in **Appendix VIII**.)
8. Create “meaningful” traditions, ones that develop pride among the team and in which everyone’s dignity is respected! (See **Appendix IV**.)
9. Along with your coaches, set guidelines for the team’s conduct and for the reporting of hazing incidents. Reports should ultimately be made to the director of athletics. Reports can be initiated by any of the following:
 - Team Captains
 - Coaching Staffs
 - Athletic Training and Sports Medicine
 - Sports Information
 - Athletics Administration
 - Student Affairs
 - Campus Security or Police
 - Parents
 - Faculty or Staff
 - Equipment Staff
10. Emphasize that coaches do not play an athlete due to his or her willingness to be subjected to **hazing!** Athletes play because they have:
 - a. A **Positive Attitude**;
 - b. A strong **Work Ethic**; and
 - c. An **Initiative** to do what is needed and what is right!
11. Use the **Hazing Test** and **Examples of Hazing** in team discussions. (See **Appendixes VII and VI**.)



The Role of Team Captains in Hazing Prevention

12. Support educational programs on the following topics:

- Understanding Team and Group Dynamics
- How to Effectively Communicate with the Team
- Recruiting/Host Policies
- Intervention Skills
- Listening Skills
- Decision-making Skills
- Health Issues (alcohol and other drugs, eating disorders, injury rehabilitation)
- Conflict Resolution Skills
- Codes of Ethical Conduct
- Expectations for Sportsmanship or Acceptable Standards of Behavior
- Rules and Regulations of the Institution and Community, and State laws

13. Recognize that you have tremendous **power** over the newest members of your team, but it would be wise to use your **influence** with them to encourage their best performance rather than exert your power status in an attempt to maintain a hierarchy!

14. **Understand and accept** your role as a leader and teammate and be **proud** that you were chosen to lead or be on this team. Take the time to reflect upon the reasons why you have ascended to this position and what it will mean to you now and forever!

One team captain's quote after participating in Captains' Leadership Training:

“It helped me to empathize and recognize similarities between myself and others. I gained insight into the many roles and responsibilities we have as leaders in the athletics community. We can make a positive impact!”

Appendix

An Annual Timeline to Address the Issue of Hazing Prevention

During the Recruiting Process

- Provide your institution's and specifically your team's written policy to all recruits and hosts that **defines hazing, consequences of participation**, ways to avoid participation, and methods of reporting incidents without fear of retribution!

Before the Preseason and Throughout the Year

- Conduct a **leadership workshop** and regular meetings for your captains to give them the **knowledge and skills** necessary for being successful and effective team leaders. Include the athletics department's and your team's responsibilities and expectations to fulfill their role as captains.
- **Provide information** on hazing that student-athletes will use as a reference and reminder of what is appropriate student behavior.

At the First Team Meeting

- Discuss, develop and distribute current anti-hazing policies of the team, institution, conference and NCAA.
- Provide student-athletes with a written definition of what constitutes hazing.
- Have each student-athlete sign a Code of Conduct form that includes hazing prevention.

Early During First Week or Preseason

- **Conduct an educational program on hazing** through use of NCAA speakers, your own campus experts, national programs, and/or Power Point presentations. All programming should be designed to generate thought and discussion!
- Provide an **orientation seminar for first-year student-athletes** on this issue and be sure to include written procedures for reporting potential hazing situations and incidents, and methods to be used in avoiding a hazing environment!

Periodically Throughout the Season

- Use constant reminders of the institution's view on anti-hazing through **posters, bookmarks and handouts**, and the resultant consequences for participation in these types of activities.
- Provide anti-hazing **messages on team handouts**, itineraries, game plans, scouting reports and other publications. (See **Appendix III.**)

An Annual Timeline to Address the Issue of Hazing Prevention

Before All Trips and Travel

- Before **spring trips and during semester breaks** when teams spend their time on campus, be sure to reiterate the policies on hazing.
- Remind all team members that hazing policies are in effect **everywhere, 24 hours, seven days a week**.

Start of Second Semester

- At the first team meeting, reiterate your position on team rules and re-emphasize the anti-hazing message. Start with a recent press article from some other institution, which you can find under News at www.StopHazing.org.
- Be sure any **new student, transfer or mid-year admitted students** are provided all written material on hazing and team rules, and that your position is heard very clearly.



End of the Year

- Conduct exit interviews with graduating and departing students for the purpose of hearing about team conduct and behaviors that are related to hazing. Ensure those you have interviewed that the information is for educational endeavors and not punishment or discipline purposes!
- Use information from the interviews in your planning process for new programs and initiatives for the coming year.

Appendix

The Terminology of Hazing

Athletic Identity: This is often defined as an athlete's view of his or her self, in terms of his or her role on the team and the expectations for his or her performance! The stronger the sense of one's athletic identity, the more importance he or she places on being accepted by the athletic environment he or she is attempting to join. Consequently, there is a greater risk of participation in hazing activities in a misguided attempt to reinforce acceptance by teammates.

Bonding: A binding or uniting force. Hazing, however, is divisive and will likely cause new members to be pitted against veterans, causing feelings of alienation and mistrust! These are not factors in establishing unified teams! Nothing bonds a team together more than success on the field, achieved through the sacrifices of hard work and caring for one another!

Bullying: The unacceptable actions of pre-adolescent children exerting power or influence over smaller, younger children. Bullying tactics are often the result of size difference or an intimidating aggressive character! Bullying may be a precursor to hazing.

Climate/Environment: Any setting in which total respect for everyone's dignity is not present can lead to a hazing climate/environment. Policies that deter humiliating, demeaning or endangering activities must be established at all times! A positive athletics environment is a solid foundation to eliminating hazing.



The Terminology of Hazing

Consent: Even if someone agrees to participate in a potentially hazardous action, it may not be true consent because of peer pressure, intentional or unintentional threats, and withholding of information or full disclosure.

Culture: The attitudes, beliefs, behaviors and traditions of a group, which help to define its society. The hazing culture contributes only negatively to an institution or athletics program and does not build. It tears down, it tears apart and it destroys!

Dignity: Defined as “the quality or state of being worthy,” in which everyone is born! Perpetrators of hazing try to discredit their newest members’ sense of self-worth by attacking their dignity through humiliation, guised as an attempt to prove their worthiness to be accepted into the group.

Hazing: Any act committed against someone joining or becoming a member or maintaining membership in any organization that is humiliating, intimidating or demeaning, or endangers the health and safety of the person.

Hazing includes active or passive participation in such acts and occurs regardless of the willingness to participate in the activities! Hazing creates an environment/climate in which dignity and respect are absent!

Subtle Hazing: Behaviors that emphasize a power imbalance between new members and veterans of the group or team. Too often they are mistakenly accepted as “harmless.” Most often they involve ridicule, embarrassment and humiliation, and could even be considered as harassment! Some new members seem to expect such treatment (e.g., name calling, etc.) and endure it for the sake of acceptance!

Harassment Hazing: Behaviors that cause emotional anguish or physical discomfort that puts unnecessary stress upon the victims (e.g., verbal abuse and threats, etc.).

Violent Hazing: Behaviors that have the potential to cause physical and/or emotional harm (e.g., beating, branding, excessive exercise, forced alcohol consumption, etc.)

The Terminology of Hazing

Hidden Harms: Mental hazing can leave lasting psychological scars. Some hazing victims report that the mental hazing they endured was worse than being physically abused. In addition, because of earlier trauma, what may seem like a prank to some may be emotionally distressing to others.

Initiations: An induction to a group or organization through special ceremonies that hold meaningful relevance. An initiation that asks the victim to sacrifice his or her values and participate in humiliating and endangering activities is misguided and has no relevance in athletics.

Passive Participant: An individual member of the hazing group who stands by and watches the hazing activity perpetrated upon another victim and chooses not to do or say anything that would or could change the course of action. The passive participant becomes as much of the problem as the perpetrators themselves, makes them a contributor and perpetuates the hazing culture!

Perpetrators: Individuals who exercise their power and control over the newest members through subtle, harassing or violent hazing that humiliates, degrades and/or endangers.

Positive Team Building: Team activities that promote team unity and growth through exercises that support the dignity of all members of the team.

Tradition: Traditions are important, and are intended to hand down honorable customs! They instill a sense of value and pride in the existing members. Traditions that are meaningless, such as hazing, have no place in athletics. It is imperative for coaches and team leaders to establish meaningful traditions that are time-honored.

Appendix

Anti-Hazing Messages

These messages can appear on locker-room signs, scouting reports and any team handout, and become part of an athletics department handbook. Add your own anti-hazing messages.

- Everyone deserves **total respect** at all times.
- Hazing **destroys**, it doesn't build.
- Hazing is **adult bullying**.
- Hazing **tears teams apart**. Fragmented teams don't win!
- Are your actions always **dignified**?
- Do you know your parents are **proud** of you? How about your teammates?
- **Friendships** from this team will last forever!
- A hazing incident involving your team will be a total **embarrassment and a painful** experience.
- There is no traditional value in hazing! **None!**
- Any initiation of value has a **meaningful significance to everyone!**
- It takes **courage** to walk away from hazing!
- Courage **comes from the heart** — follow yours!
- It takes **character** to believe in the inherent **dignity of all!**
- People with **character** have good **hearts**, and the **wisdom** to know right from wrong!
- It takes **discipline** to do the right thing, even when it is difficult.
- Deciding to be **honest and true to your values** should never be an issue for you!
- Don't act on **impulse**; question the moment and its purpose!
- **You** are the only one who can **control your attitude and actions!**
- **You** are **responsible for your own actions**, even when a part of a group!
- Being **loyal** to a group should never put a person in a position to be humiliated or endangered!
- **Trusting** each other is the **foundation** on which all good teams are built!
- All good **relationships** are built on trust! No one trusts those who abuse him or her!
- **The benefits of resisting** hazing outweigh the risks to your team and your school if hazing occurs.
- You can **never lie** to yourself!

Appendix IV

Alternatives to Hazing

Meaningful Traditions You Can Start to Replace Hazing Activities!

Purposeful Actions that Can Assist Team Bonding!

- Establish upper-class **mentors** for new student-athletes.
- Design and complete a **community service** project during the preseason.
- Attend a team-building **ropes course** to build unity among new and veteran players.
- Establish a **ceremonial presentation** of game uniforms to new players before the first contest!
- Participate in a **community service project**, followed by dinner (cookout, picnic, etc.).
- Hold a “**Meet the Parents and Families of New Players Day**” before the first contest.
- Hold a community “**Meet the Players Day**,” and hand out team schedules and posters.
- Arrange for community families to **adopt a new player** each year for support at events for which their own family can’t be present!
- Purchase **team jackets** to wear on campus or as a travel outfit.
- Hold a meeting after each game during which upper-class and new student-athletes are recognized for their **contributions to the week’s** event.
- Have seniors take new student-athletes **to dinner** out on the town, accompanied by one of the coaches.
- Establish a tradition of recognizing each **new student-athlete’s birthday** with a pizza party.
- Hold a “**Meet the President, Vice President and Athletic Director Night**” and have an upperclassman introduce the new student-athletes.
- **Send photos** of the current captain and new student-athletes to their local newspaper with a personal story about each!
- **Have veterans call new players** before they arrive on campus as a welcoming gesture.
- Have **holiday-time phone calls** from the captain to all new first-year players.
- **Take the team** hiking, canoeing, rafting or bowling.
- Compete with each other in other **team games**, such as skiing, basketball, hockey and swimming, splitting the team equally between new members and returning members.
- Go to senior/first-year **movie nights**!
- Select a team “**Unsung Hero of the Week**” and publicize his or her contribution to the program.
- Have a veteran and new player together **adopt an elementary class** and visit it periodically to read or share time together! Have the class come to a game.
- Have your team visit the **children’s ward in a hospital**, a nursing home or a homeless shelter!
- Conduct a **team food drive** for the local food pantry.

Alternatives to Hazing



- Create an event (e.g., put on a spaghetti dinner) with another **team from the athletics department** as a fundraiser for a local charity. Have a meal exchange with the other team!
- Have veteran players **invite new players to their place of worship** before the first Sunday of the preseason or academic year.
- **Order team T-shirts** with sayings, such as “Nobody Outworks Us!”, “ We Respect Everyone,” or “Our Courage comes from the Heart!”
- Allow each returning student-athlete time to reflect on what **the organization means to him/her!**
- Have your team sponsor a **Youth Night in the gym for local children**, and pair new and returning student-athletes as teachers/coaches/activity leaders.
- Invite a **motivational speaker** to talk about topics, such as “A Positive Attitude and Work Ethic” and “About Being a Good Teammate.”
- Organize semester breaks for groups to **take part in Habitat for Humanity.**

The opportunities are endless, but they need your courage and creativity!

Appendix

The Myths and Truths of Hazing*

Myth: Initiations are acceptable practices and hazing is synonymous with initiation. So, it is acceptable, correct?

The Truth: No!

Initiations and rituals are elements of any culture, but they are associated with a **ceremonial significance** and **spiritual relevance**. They are **meaningful experiences** in which no one becomes a victim!

Myth: Traditions are important to teams and need to be kept alive!

The Truth: Yes...but,

Traditions should be honorable and instill a sense of pride in its members! There is no pride in hazing someone who becomes a victim! No one would tell his or her children about the “time-honored hazing incident!”



Myth: Hazing is no more than a joke on someone, a foolish prank that sometimes goes awry!

The Truth: Wrong!

Hazing is an act of power and control over new members, usually younger and inexperienced, who are powerless and become victims! This is not a prank; it is about victimization. It is abusive, degrading and sometimes life-threatening!

*The Myths and Truths of Hazing**

Myth: Hazing is an effective way to teach respect and discipline!

The Truth: Hazing is more likely to cause dissension than to build team morale.

Respect in athletics must be **earned through performance** and a work ethic — it can't be **demanded!** Hazing does the opposite — it builds **anger and mistrust!**

Myth: As long as there is **no malicious intent**, a little hazing should be acceptable. It's fun!

The Truth: No hazing is acceptable, and many times what may be considered minor hazing can get out of hand quickly.

Regardless of intent, serious accidents and traumatic actions can occur. No level of hazing is acceptable.

Myth: Everyone participated **voluntarily**, so it can't be considered hazing.

The Truth: Wrong!

The willingness to participate has nothing to do with whether or not hazing took place! **It is the creation of an unhealthy environment or climate** that is void of dignity and respect for everyone that is the determining factor! Peer pressure can coerce participation on the part of both the hazer and the hazed.

Myth: Hazing brings us together as a team or group and helps us to **bond**.

The Truth: Not meaningful bonding!

Hazing is more likely **to divide**. A team is brought together by hard work in practice that leads to success, or through the lessons of victory and defeat during which you learn to count on each other.

*Adapted from Death by Hazing, Sigma Alpha Epsilon, 1998.

By participating in hazing activities you are sacrificing your values!

Appendix

Examples of Hazing*

A. SUBTLE HAZING

Behaviors that emphasize a **power imbalance** between new members and other members of the group or team. They are termed “**subtle hazing**” because they are often **inappropriately taken-for-granted** or accepted as harmless or meaningless. Subtle hazing typically involves activities or attitudes that breach reasonable standards of mutual respect, and place new members on the receiving end of **ridicule, embarrassment and/or humiliation**. New members often feel the need to endure subtle hazing to feel like part of the group or team. (Some types of subtle hazing may also be considered harassment hazing.).

Some Examples:

- Deception
- Assigning demerits with implied consequences
- Silence periods with implied threats for violation
- Deprivation of privileges granted to other members
- Requiring new members to perform duties not assigned to other members
- Socially isolating new members
- Line-ups and drills/tests on meaningless information
- Name calling
- Requiring new members to refer to other members with titles (e.g., Mr., Miss), while they are identified with demeaning terms (rookie, fresh meat, dogs)
- Expecting certain items to always be in one's possession

B. HARASSMENT HAZING

Behaviors that cause **emotional anguish or physical discomfort** required of those new team members joining the group. Harassment hazing **confuses and frustrates, and causes undue stress**, for new members. (Some types of harassment hazing can also be considered violent hazing.)

Some Examples:

- Verbal abuse
- Threats or implied threats
- Asking new members to wear embarrassing or humiliating attire
- Stunt or skit nights, with degrading, crude or humiliating acts

Examples of Hazing

- Expecting new members to perform personal service to other members, such as carrying books, errands, cooking, cleaning, etc.
- Sleep deprivation
- Sexual simulations
- Expecting new members to be deprived of maintaining a normal schedule of bodily cleanliness
- Expecting new members to harass others

C. VIOLENT HAZING

Behaviors that have the potential to, and frequently do, cause **physical and/or emotional**, or psychological harm.

Some Examples:

- Forced or coerced alcohol or other drug consumption
- Beating, paddling or other forms of assault
- Branding
- Forced or coerced ingestion of vile substances or concoctions
- Burning
- Water intoxication
- Expecting abuse or mistreatment of animals
- Public nudity
- Expecting illegal activity
- Bondage
- Abductions/kidnaps
- Exposure to cold weather or extreme heat without appropriate protection

*From www.Stophazing.org.

Appendix

VII

The Hazing Test

The following questions are intended to help captains of athletics teams and student leaders to think about issues of hazing when planning activities.

- Is this a team or group activity in which members are encouraged or expected to attend and in which minors are consuming alcohol?
- Will current members refuse to participate with the new members?
- Does the activity risk emotional or physical abuse?
- Is there a risk of injury or a question of safety?
- Would you have any reservations describing the activity to your parents, coach, professor or university official?
- Would you object to the activity being photographed for the school newspaper or local television news?



Appendix VIII

Hazing Prevention Resources

Informational Web sites

The National Hazing Study: www.hazingstudy.org

Alfred University Study of Hazing in College Sports:
www.alfred.edu/sports_hazing/executivesummary.html

Cornell University Hazing Prevention: www.hazing.cornell.edu/issues/resources.html

Hank Nuwer's Hazing Journal: hazing.hanknuwer.com

MASH - Mothers Against School Hazing: www.mashinc.org

NCAA Hazing Prevention Resources: NCAA.org/health-safety, see Hazing.

National Hazing Prevention Week: www.nhpw.com

Reel Psychology, LLC (Dr. Susan Lipkins): www.insidehazing.com

San Jose State University Alternative Activities: www.kin.sjsu.edu/faculty/jjohnson

Stop Hazing.org: www.stophazing.org

Sample Campus Policies and Programs (on following pages)

Saint Michael's College

Hazing Prevention Efforts

Southern Methodist University Hazing Policy

Bates College Student-Athlete Agreement

Florida State University Hazing Policy

Northwestern University Hazing
Prevention Program and Recruiting Policy

Rowan University Student-Athlete Agreement

Towson University Student-Athlete
Conduct and Expectations

University of Vermont Student-Athlete Agreement

Pennsylvania State University Code of Conduct

Chalk Talk: Athletic Team Hazing and Sexual or Gender Humiliation



Hazing Prevention Resources

Saint Michael's College Athletics Hazing Prevention Efforts

Saint Michael's College uses a **three-pronged approach** to prevent hazing in its athletics program:

- The hazing policy is included in the Student-Athlete Handbook, which is presented every year at the annual NCAA eligibility meeting in both booklet form and as a PowerPoint presentation.

Hazing Policy (in Student-Athlete Handbook)

Saint Michael's College has a zero tolerance policy on hazing, and the consequences can be severe.

Participation in hazing activities may lead to individual disciplinary action, team disciplinary action and/or termination of the team or student organization.

The College defines hazing as any action or activity that recklessly endangers the physical or mental health of a person, or that violates the dignity of another person. Hazing is further defined as any activity that is expected of someone to join a group or team that humiliates, degrades, abuses or endangers them, regardless of intention or willingness to participate. Initiation activities and initiation parties fall into this category. The College enforcement of hazing will prevail regardless of whether it is conducted on or off the College premises.

Hazing activities may include but are by no means limited to the following team functions: use of alcohol; nudity; paddling in any form; branding or shaving; creation of excessive fatigue; consumption of excessive and/or an unusual combination of food; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities conducted on or off campus; wearing of apparel that is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities that are not consistent with state and local law (including legal drinking age), or the regulations and policies of Saint Michael's College.

Hazing Prevention Resources

- At the NCAA eligibility meeting, students sign NCAA forms and other statements specific to Saint Michael's College. One of those institutional statements is on hazing and is outlined below.

Hazing and Initiations

I have seen the film "Preventing Hazing."

I acknowledge the risks of hazing and initiation activities, have been informed of the zero tolerance of hazing at Saint Michael's College, and understand that there are severe penalties for all parties involved in hazing (including suspension/expulsion from the team or school and cancellation of the season). I certify I will not engage in hazing or initiation activities.

Student-Athlete Signature

Date

- Hazing is addressed in the required social contract for each team each year. The team social contract is discussed and signed by all team members **EVERY YEAR** before competition. Minimum expectations that are expected of all teams are outlined and each team may add to them. Here is the part of the social contract that is specific to hazing.

Hazing and Initiation Issues:

We fully understand the College zero tolerance policy towards hazing and initiation activity. We will not engage in any hazing or initiation activity as defined by the Student-Athlete Handbook. We understand the consequences will be severe, and may result in suspension, probation or expulsion from the team or from the College, the team may be disbanded entirely, and competition may be canceled. We further agree to provide an environment that is free from harassment of any kind.

Additional Team Commitment:

(Each team may include language here that addresses additional expectations.)

Hazing Prevention Resources

Southern Methodist University Hazing Policy

The following section on hazing is from Texas state laws. It is part of the SMU Student Code of Conduct (Section 3.15) and is to be taken extremely seriously.

Hazing means any intentional, knowing or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include, students at an educational institution.

The term [hazing] includes, but is not limited to:

- A. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- B. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity, that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- C. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- D. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection.
- E. Any activity that induces, causes or requires the student to perform a duty or task that involves a violation of the Penal Code.

Personal Hazing Offense

A person commits a [hazing] offense if the person:

- 1. Engages in hazing;
- 2. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

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3. Intentionally, knowingly or recklessly permits hazing to occur;
4. Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution; or
5. Has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report it in writing to the dean of students or other appropriate official of the institution.

Organization Hazing Offense

An organization commits a [hazing] offense if it condones or encourages hazing, or if an officer or any combination of members, pledges or alumni of the organization, commits or assists in hazing.

Consent Not A Defense

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Immunity from Prosecution

1. In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.
2. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from liability, civil or criminal, that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report.
3. This section does not protect a person reporting an incident in bad faith or with malice.

Hazing Prevention Resources

Bates College Department of Athletics

Student-Athlete Agreement Concerning Hazing and Dangerous Initiation Activities

The Athletics Department strictly prohibits hazing of any kind as well as dangerous initiation activities. The Athletics Department defines hazing and/or dangerous initiation activities as

“any action taken, created, or situated which intentionally or recklessly subjects any person to the risk of bodily harm, mental or physical discomfort, embarrassment, harassment, or ridicule; or causing or encouraging any person to commit an act that would be a violation of law or college regulations; for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization.”

Actions and activities which are prohibited by the Athletics Department include, but are not limited to, the following:

1. Any activity or action that creates a risk to the health or safety of another person.
2. Any type of initiation or other activity where there is an expectation of individuals who are joining a particular team to participate in behavior designed to humiliate, degrade, or abuse them, regardless of the person's willingness to participate.

Examples of prohibited behavior include, but are not limited to:

- forcing, requiring or pressuring the consumption of alcohol or other drugs;
- forcing, requiring or pressuring the ingestion of any substance;
- forcing, requiring or pressuring the shaving of any part of the body, including hair on the head;
- forcing, requiring or pressuring the participation in any activity which is illegal, perverse, publicly indecent, or contrary to the individual's genuine moral beliefs, e.g. public profanity, indecent or lewd conduct, or sexual gestures in public;
- forcing, requiring or pressuring an individual to tamper with or damage College property;
- dietary restrictions of any kind;
- sleep deprivation;
- creation of excessive fatigue;

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- paddling, whipping, beating or physical abuse of any kind;
- forced tattooing or branding;
- calisthenics or any type of physically abusive exercise;
- exposure to the elements;
- compulsory servitude;
- work projects without the participation of the full membership;
- road trips, kidnapping, drop-offs, or any other such activities;
- assigned or endorsed pranks, such as borrowing or stealing items, painting property or objects, or harassing other individuals or groups;
- morally degrading or humiliating games or activities;
- verbal or cruel harassment, including yelling and screaming;
- line-ups, kangaroo courts, or any interrogation not consistent with the legitimate testing for information about the purposes and history of the team;
- any activity which interferes with one's ability to study or complete one's course of study;
- forcing, encouraging, or pressuring the wearing of apparel in public which is conspicuous, not normally in good taste, or designed to humiliate the individual(s) wearing it;
- participation in sexual rituals or assaults and/or required nudity;
- mentally abusive or demeaning behavior;
- deception or threat contrived to convince the new member that she/he will not be permitted to join;
- requiring the answering of phones or doors with songs, chants, or riddles;
- requiring yelling or screaming upon entering or leaving a facility;
- requiring new members to "greet" initiated members;
- activities that promote or encourage the violation of state law or college policy;
- collective behavior such as marching;
- requiring members to escort each other on campus;
- dressing alike, etc.; and
- requiring the carrying of items such as bricks, pumpkins, lunch boxes, items for members, etc.

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Name _____ Team _____ Box # _____

I have been given the opportunity to read this policy and understand the following:

(Initial) _____ I understand the policy and regulations of the Athletic Department pertaining to the prohibition of hazing and/or dangerous initiation activities.

(Initial) _____ I understand that if I am found in violation of this policy I will be subjected to the most serious sanction, including suspension from the team. In addition, I am aware that the team may be subject to group discipline that can include team probation, cancellation of individual contests, and/or cancellation of the entire season.

Signature _____ Date _____

Hazing Prevention Resources

Florida State University Hazing Policy

The following section is from the current Florida State University Student Handbook and is part of the Student Code of Conduct. Instances of hazing can be considered either misdemeanors or felonies according to Florida State law.

Hazing is defined as any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort, or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of the participant(s). Although hazing is related to a person's initiation or admission into, or affiliation with, any student group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active or associate members (pledges) of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student's academic performance.
2. Forced consumption of any food, alcohol, other drugs, or any other substance.
3. Forced physical activity, such as calisthenics.
4. Deprivation of food or sleep.
5. Kidnapping.
6. Any activity that would subject the individual to embarrassment or humiliation.

Please refer to hazing.fsu.edu or the Florida State University Hazing Policy and Section 1006.63 Florida Statutes for more details.

Hazing Prevention Resources

Northwestern University Hazing Prevention Program

“Positive Purple Pride”

Northwestern University forbids hazing and all other activities that interfere with the personal liberty of an individual. The University defines hazing as any action taken or situation created, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation into, affiliation with, admission to, or as a condition for continued membership in a group, team, club, or other organization.

The Northwestern athletics department encourages each team to establish positive team-building and leadership activities as a means to build team camaraderie and trust. In that regard, the department has created a grant program that will offer up to \$250 in funding on an annual basis to each varsity team that submits a **“Positive Purple Pride”** funding request that outlines its plan for positive team-building and/or leadership activities (teams that have more than 25 on the roster are eligible to receive up to \$10 per person). The funding will be utilized to offset the cost of the positive team-building activities.

=====

Positive Purple Pride — Request for Funding

Team: _____

Name of Captains: _____

1. Please provide the details of the positive team-building/leadership event(s) you plan to implement for the 2007-08 season.

2. Please explain how this activity will result in a positive team-bonding experience.

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3. Proposed date of the event(s): _____
4. Proposed budget (please provide specific information - e.g., cost of activity, cost of transportation, cost of food)
- _____
- _____
- _____
5. Name of person who will receive the reimbursement check: _____
- Signature of Head Coach: _____ Date: _____
- =====
- Request Approved: Yes ____ No ____ Amount Approved: _____ Amount Reimbursed: _____
- Administrative Approval Signature: _____ Date: _____

Northwestern University Department of Athletics and Recreation Prospective Student-Athlete Recruiting Policy (Excerpts)

Introduction

The recruiting process is an important time for both the prospective student-athlete and the Department of Athletics and Recreation. NCAA rules and Northwestern University policies regulate the responsibilities and actions of a student-host and prospective student-athlete on an official visit. Both the student-athlete host and the prospective student-athlete act as official representatives of their respective institutions.

Northwestern University policy states that all official visits must include an appointment with an athletics academic advisor. This requirement is stated in the department's Compliance Manual. In addition, coaches are highly encouraged to request a professor appointment and/or have the prospect attend a class.

In addition to NCAA rules, Northwestern University has instituted this Prospective Student-Athlete Recruiting Policy that is designed to ensure a quality, healthy, and safe experience for all individuals involved in the recruiting process.

Although a student-athlete host is not held directly responsible for the behavior of his or her

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prospective student-athlete, the behavior and actions of the student-athlete host can impact the prospective student-athlete's experience during his or her visit. It is our goal to provide a safe and informative experience for the prospective student-athlete while emphasizing the need for the prospect to contribute to the academic mission of our institution upon enrollment.

Before the prospect departs his or her home for the official visit, coaches are required to provide the prospect and his or her parent(s) or guardian(s) a copy of the Northwestern University Prospective Student-Athlete Recruiting Policy.

When the official visit begins, both the student-athlete host and prospective student-athlete are expected to meet with a member of the coaching staff to review and sign a copy of the Northwestern University Official Visit Form.

1.0 Student-Athlete Host Supervision and Prospective Student-Athlete Safety

- 1.1 Regardless of age, the student-athlete host is required to abstain from the use of alcohol and other illicit substances for the duration of the prospective student-athlete's visit.
- 1.2 The student-athlete host must be aware of the prospective student-athlete's whereabouts and be concerned for his or her safety at all times.
- 1.3 At the beginning of the visit, both the student-athlete host and prospective student-athlete will be provided with an emergency card, listing the names and telephone numbers of persons able to provide assistance in case of an emergency.

2.0 Use of Alcohol

- 2.1 In accordance with the NU Student Handbook (www.northwestern.edu/studentaffairs), students and prospective student-athletes are subject to Illinois law, which prohibits the sale of alcoholic beverages to any person under the age of 21 years and the possession of alcoholic beverages by any person under 21. Additionally, Illinois law also provides penalties for any person who sells, gives, or furnishes alcoholic beverages to any person under the age of 21 years.
- 2.2 During campus recruiting visits, a student-athlete shall not persuade or encourage a prospective student-athlete to consume alcohol or provide a prospective student-athlete with alcohol or otherwise make alcohol available to a prospective student-athlete. Any evidence that suggests a student-athlete provided alcohol to a prospect or persuaded a prospect to consume alcohol would be considered a violation of the NUDAR Alcohol and Other Drug Policy (section VI.A.5).

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3.0 Entertainment Restrictions

- 3.1 Illinois law provides penalties for any person attempting to use false or fraudulent written, printed, or photostatic evidence of age and identity to enter an establishment (bar) that requires patrons to be 21 years of age or older. Under no circumstances should a prospective student-athlete enter any establishment that requires patrons to be 21 years of age or older while visiting Northwestern University.
- 3.2 The student-athlete host and prospective student-athlete are expected to behave morally and responsibly when making decisions about the prospect's entertainment. Per NCAA rules, the entertainment provided is to be reflective of realistic NU student life and not excessive in nature. *Under no circumstances may a prospect or host engage in any activity that violates criminal law.*
- 3.3 Both prospects and hosts need to be cognizant of their obligations during the visit. Although no set curfew has been established, good judgment should always be used when determining what time to return the prospect to his or her accommodations.
- 3.4 A student-athlete shall not persuade or encourage a prospective student-athlete to engage in sexual relations during the visit. Activities involving adult clubs or strippers are prohibited.
- 3.5 Participating in gambling and/or gaming activities during the visit is prohibited.

4.0 NCAA Guidelines:

- 1. A host must be a student-athlete and enrolled as a full-time student at Northwestern University.
- 2. A student-athlete host will be provided a maximum of \$30 per day to cover the cost of meals and entertainment expenses for the host, the prospective student-athlete and the prospect's parents or spouse. If hosting more than one prospect, a student-athlete host may receive an additional \$15 per additional prospective student-athlete.
- 3. A student-athlete host must handle the money personally and no cash may be given to the prospective student-athlete or his or her family.
- 4. A student-athlete host may not use these funds to purchase or otherwise provide the prospective student-athlete or his or her family with gifts (e.g., hats, t-shirts or other souvenirs).

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5. A student-athlete host will need his or her own transportation. A host is prohibited from using a coach's car or any University vehicle. However, a coach can provide the host and the prospect with a ride.
6. A student-athlete host may not transport the prospective student-athlete or his or her family more than 30 miles from campus.
7. Representatives of athletics interests (e.g., boosters) are not allowed to be involved in recruiting. If, during an official visit, a student-athlete host and a prospective student-athlete come in contact with a representative of athletics interests, the conversation must be limited to an exchange of greetings.
8. The student-athlete host may receive a complimentary meal provided he or she is accompanying the prospective student-athlete.
9. The student-athlete host may receive a complimentary admission when accompanying a prospect to a regular-season, on-campus athletics event. A prospective student-athlete may receive up to three complimentary admissions during the visit.

5.0 Student-Athlete Host Training Program

- 5.1 At the start of each academic year, all student-athletes and coaches will be educated by the compliance staff on the NCAA, Big Ten Conference and Northwestern University Prospective Student-Athlete Recruiting policies. Additionally, head coaches must review the department's Prospective Student-Athlete Recruiting Policy and any additional team policies with their student-athlete hosts.
- 5.2 The training will inform the potential student-athlete host of the following:
 - Key NCAA, Big Ten and Northwestern recruitment policies;
 - Alcohol and other drug expectations and guidelines;
 - Emergency guidelines and contact information;
 - Student-athlete host expectations when prospective student-athlete's behavior is not appropriate and/or safe; and
 - Entertainment options.
- 5.3 The NU Recruiting Guide was developed as a tool to assist in the training process and is provided to student-athletes during the training program.

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- 5.4 Additional information, assistance and reminders will be distributed periodically via the student-athlete listserv, *Paw Prints*, and flyers, as continuous education on this important issue.
- 6.0 Evaluation of the Prospective Student-Athlete Recruiting Process
- 6.1 Coaches are strongly encouraged to discuss the prospective student-athlete and the recruiting visit with the student-athlete host at the conclusion of the visit. The student-athlete's input and evaluation is valuable information to the recruitment process and should be carefully considered.
- 6.2 Student-athletes and coaches will also have the opportunities to provide an evaluation of this program. NU student-athletes will evaluate the recruiting process and policy as a part of their season-ending evaluation of the NU Athletics Department administered by the Director of Intercollegiate Athletics. Coaches will evaluate the recruiting process and policy annually at the year-end compliance meeting.
- 6.3 Each year, the NU Athletic Wellness Committee will consider all evaluation information as basis for Recruiting Policy modifications. All changes to the Recruiting Policy must gain Athletics Director approval before being instituted.
- 7.0 Violations and Sanctions
- 7.1 All NCAA violations and violations of the Northwestern University Prospective Student-Athlete Recruiting Policy will be reported, in writing, to the Director of Intercollegiate Athletics for review and possible sanctions.
- 7.2 Any reported alcohol-related incident could constitute a violation of the NUDAR Alcohol and Other Drug Policy. In these cases, the student-athlete will meet with the Head Team Physician, who will assess the student-athlete's alcohol-related behavior. If deemed appropriate, the Head Team Physician will make a referral to the Program Administrator for evaluation and possible treatment/education referral.
- 7.3 If a violation of the policy involves a violation of NCAA or Big Ten rules, a violation report will be submitted immediately using the regular procedure. *Any violations of the recruiting policy that is not a violation of NCAA or Big Ten rules will be handled internally. At the end of the academic year, a summary of all recruiting policy violations will be compiled by the Director of Compliance and submitted by the President to the Big Ten Conference office.*

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Rowan University Department of Athletics Student-Athlete Agreement Concerning Hazing

Name: _____ Sport(s): _____

The Athletics Department at Rowan University supports only those activities which are constructive, educational, and that contribute to the intellectual and personal development of students. Rowan University Athletics unequivocally opposes any situation created intentionally to produce mental or physical discomfort, embarrassment, harassment or ridicule.

Rowan University interprets hazing as any act, whether physical, mental, emotional or psychological, which subjects another person voluntarily or involuntarily to anything that may abuse, mistreat, degrade, humiliate, harass or intimidate him/her, or which may in any fashion compromise his/her inherent dignity as a person. In addition, any requirements by a team member which compels another team member to participate in any activity which is against college policy or state/federal law, will be defined as hazing.

Actions and activities which are prohibited include, but are not limited to, the following:

- Any type of initiation or other activity where there is an expectation of individuals joining a particular team to participate in behavior designed to humiliate, degrade or abuse them, regardless of the persons' willingness to participate;
- Forcing, requiring or pressuring an individual to consume alcohol or any other substance;
- Forcing, requiring or pressuring an individual to shave any part of their body, including the hair on their head;
- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, or contrary to his/her genuine morals and/or beliefs (i.e., public profanity, lewd conduct, sexual gestures, public nudity or engaging in public stunts and/or buffoonery);
- Any activity or action that creates a risk to the health, safety or property of the College or any member of its community;
- Physical abuse of any type to include paddling, beating or hitting of a team member; to also include forced or required calisthenics, such as push-ups, sit-ups, etc.;
- Forcing, encouraging or pressuring someone to wear in public apparel which is conspicuous and not within the norm of what is considered good taste;

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- Morally degrading/humiliating games or other activity that makes a member the object of amusement, ridicule or intimidation.

I have been given an opportunity to read this policy and understand the following:

_____ (initial) The policy and regulations of the Rowan University Athletics Department pertaining to hazing.

_____ (initial) I agree and promise not to participate in any activity deemed to be hazing. I have read the examples of hazing as described in the Rowan University Hazing Policy (above).

_____ (initial) I understand that if I am in violation of this policy, I will be subject to discipline that may include, but is not limited to, departmental or College probation, suspension from the team and/or the College, and expulsion from the team and/or College. The team may be subject to group discipline that can include, but is not limited to, team probation, cancellation of individual contests/games, and/or cancellation of the entire season. The fulfillment of community service may also be required.

My signature below indicates that I have read and retained a copy of the Rowan University Athletics Policy on Hazing and have reviewed a copy of the Rowan University Student/Athlete Handbook.

Signature of Student-Athlete _____ Date _____

Hazing Prevention Resources

Towson University Student-Athlete Conduct and Expectations

Hazing

“Hazing” in any form is against the law and is strictly prohibited at Towson University. When this policy is violated, action may be taken against all participants. Hazing risks human lives, mistreats those involved and jeopardizes the affiliation of campus organizations at this university. “Hazing” is defined as any action taken or situation created intentionally, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Any mental or physical requirement, request or obligation placed upon any person that could cause pain, disgrace or injury, is personally degrading or violates any federal, state or local statute or university policy is also considered hazing. Team initiations are considered a form of hazing, and are strictly prohibited. Such activities and situations include, but are not limited to: paddling in any form; creation of excessive fatigue; road trips; scavenger hunts; publicly wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and humiliating games and activities; late-night sessions that interfere with scholastic and occupational activities; inappropriate calisthenics; line-ups (lining people up and harassing them verbally); running personal errands for the members; forced consumption of alcohol, illegal substances or food; and any other activities not consistent with the academic mission of the university.

Anyone experiencing or witnessing a violation of this hazing policy is encouraged to report the incident and may bring their concerns to the Office of Judicial Affairs at 410/704-2057, Administration Building, room 236 and/or Campus Life at 410/704-2332, University Union, room 232.

Any student-athlete or athletics team found to be involved in a hazing incident is penalized by the Department of Athletics. A student-athlete and/or team found violating this policy may be suspended for the remainder of the academic year. All remaining contests may be forfeited. Additional penalties may be placed on the program after an investigation. The final decision on penalties lies with the Director of Athletics and Sport Administrator with input from the head coach and the Judicial Affairs staff.

The Associate Athletic Director for Compliance and Student Services is the primary liaison with the Judicial Affairs Office for disciplinary concerns relevant to student-athletes.

Hazing Prevention Resources

Social Networking Policy

Student-athletes must be concerned with any behavior that might embarrass themselves, their teams, and/or Towson University. This includes any activities conducted online. Towson University supports and encourages individuals' expression of First Amendment rights of free speech. This includes participating in online social networking sites (Myspace.com and/or facebook.com).

The University and Athletics Department does not place any restrictions on the use of these sites by student-athletes. However, we remind you that as a member of the TU Intercollegiate Athletics Department, you are a representative of the university and are always in the public eye. Please keep the following guidelines in mind as you participate on social networking Web sites.

- Before participating in any online community, understand that anything posted online is available to anyone, anywhere. Any text or photo placed online is completely out of your control the moment it is placed online – even if you limit access to your site.
- For your safety, do not post home address, local address, phone number(s), birth date or other personal information, photos, or other items online that could embarrass you, your team, or Towson University. This includes information, photos and items that may be posted by others on your page.
- Exercise caution as to what information you post on your Web site about your whereabouts or plans. You could be opening yourself up to predators.
- Be aware of who you add as a friend to your site — many people are looking to take advantage of student-athletes, while others want to get close to student-athletes to give themselves a sense of membership in the team.
- Towson University, coaches and administrators, can easily access these Web sites.
- Student-athletes could face discipline and even dismissal for violation of the Policies and Procedures or philosophies of Towson University, the Athletics Department and/or the NCAA.

Individuals within the University and law enforcement personnel check these Web sites regularly. In addition to the unfortunate reality of online predators, potential employers and internship supervisors also use these sites to screen candidates. Many graduate programs and scholarship committees now search these sites to screen applications. We advise Towson student-athletes to exercise extreme caution in their use of social networking Web sites.

Hazing Prevention Resources

University of Vermont Department of Athletics Student-Athlete Agreement Concerning Hazing

The Department of Athletics at the University of Vermont supports only those activities that are constructive, educational and inspirational, and that contribute to the intellectual and personal development of students. UVM Athletics unequivocally opposes any situation created intentionally to produce mental or physical discomfort, embarrassment, harassment or ridicule.

The University of Vermont interprets hazing as any act, whether physical, mental, emotional or psychological, that subjects another person, **voluntarily or involuntarily**, to anything that may abuse, mistreat, degrade, humiliate, harass or intimidate the person, or which may in any fashion compromise the inherent dignity of the person. In addition, any requirements by a member that compel another member to participate in any activity that is against university policy or state/federal law will be defined as hazing.

Actions and activities that are prohibited include, **but are not limited to**, the following:

- Any type of initiation or other activity in which there is an expectation of individuals joining a particular team to participate in behavior designed to humiliate, degrade or abuse them, **regardless of the person's willingness to participate**.
- Forcing, requiring or pressuring an individual to consume alcohol or any other substance.
- Forcing, requiring or pressuring an individual to shave any part of the body, including hair on the head.
- Any requirement or pressure put on an individual to participate in any activity that is illegal, perverse, publicly indecent or contrary to genuine morals and/or beliefs (e.g., public profanity, indecent or lewd conduct or sexual gestures in public).
- Required eating of anything an individual would refuse to eat otherwise.
- Any activity or action that creates a risk to the health, safety or property of the University or any member of its community.
- Forcing or requiring calisthenics, such as push-ups, sit-ups and runs.
- Assigning or endorsing pranks, such as stealing or harassment of another organization.
- Awakening or disturbing individuals during normal sleeping hours.
- Expecting or pressuring individuals to participate in an activity in which the full membership is not willing to participate.

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- Physical abuse of any kind.
- Forcing, encouraging or pressuring someone to wear in public apparel that is conspicuous and not within the norm of what is considered to be in good taste.
- Engaging in public stunts and buffoonery.
- Nudity at any time or forced reading of pornographic material.
- Paddling, beating or otherwise permitting a member to hit other members.
- Having substances such as eggs, mud, paint and honey thrown at, poured on or otherwise applied to the body of a member.
- Morally degrading/humiliating games or other activities that make a member the object of amusement, ridicule or intimidation.
- Subjecting a member to cruel and unusual psychological conditions.

I have read the policy about hazing and understand the following:

(initial) _____ The policy and regulations of the Department of Athletics pertaining to hazing.

(initial) _____ I agree and promise not to participate in any activity deemed to be hazing. I have read the above examples of hazing as described in the University of Vermont Hazing Policy.

(initial) _____ I understand that if I am in violation of this policy I will be subject to discipline that may include, but is not limited to, departmental or University probation, suspension from the team and/or the University and expulsion from the team and/or the University. In addition, I am aware that the team may be subject to group discipline that can include, but is not limited to, team probation, cancellation of individual contests and/or cancellation of the entire season.

I understand that I am required to know, understand and follow the rules, policies and procedures related to hazing at the University of Vermont. I am responsible for the complete University hazing policy that is outlined in The Cat's Tale.

Date: _____

Signature of Student-Athlete

Sport: _____

Printed Name

Hazing Prevention Resources

Pennsylvania State University Code of Conduct (Excerpts)

Introduction

Intercollegiate Athletics is committed to providing opportunities that promote the overall success of student-athletes and has a sincere interest in their general welfare. In addition to being part of the Penn State Community, you also represent your coaches, teammates and the proud tradition of Intercollegiate Athletics. With that responsibility, student-athletes and staff are held to additional standards of accountability. University policies apply to all members of the Penn State Community. As a student, failure to adhere to University policy may result in disciplinary action by the Pennsylvania legal system and/or University Judicial Affairs. As an athlete, your actions (positive or negative) are subject to review by the NCAA, the Big Ten or governing conference, Intercollegiate Athletics and/or your coaching staff.

Athletics believes that successful student-athletes play by the rules both on and off the field. As in sport, to avoid a penalty, one must know and follow the rules. The following information is provided to educate you as a student and as an athlete.

University Standards

University Code of Conduct

The Code of Conduct describes behaviors that are inconsistent with the essential values of the University community. Intentionally attempting or assisting in these behaviors may be considered as serious as engaging in the behavior.

1. Physically harming or threatening to harm any person or creating a condition that endangers the health and safety of self or others.
2. Sexually assaulting or abusing a person.
3. Harassing, stalking or hazing any person, including sexually harassing.
4. Using, possessing or storing weapons or fireworks.
5. Tampering with fire or other safety equipment or setting unauthorized fires.

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6. Illegally possessing, using, distributing, manufacturing, selling or being under the influence of alcohol or other drugs.
7. Intentionally providing false or inaccurate reports or knowingly providing false statements to University officials.
8. Stealing, vandalizing, damaging, destroying, or defacing University property or property of others.
9. Obstruction or disruption of classes, research projects or University programs and activities; or obstructing access to University facilities, property or programs.
10. Academic dishonesty, including, but not limited to, cheating and plagiarism.
11. Failing to provide identification or report to an administrative office or University-controlled premises when directed.
12. Making, using or possessing any falsified University document or record; altering or forging any University document or record, including identification, meal or access cards.
13. Unauthorized entry into or use of University property or facilities, including residence halls, classrooms, offices and other restricted facilities.
14. Engaging in disorderly, disruptive, lewd or indecent conduct. Inciting or participating in a riot or group disruption. Failing to leave the scene of a riot or group disruption when instructed by officials.
15. Violating written University policy or regulations contained in any official publications.
16. Violating federal, state or local law, if such behavior has substantial university interest on the University community.

Policy Statement on Intolerance

The University and Intercollegiate Athletics are committed to creating an educational environment, which is free from intolerance directed toward individuals or groups, and strives to create and maintain an environment that fosters respect for others. The University provides educational programs and activities to create an environment in which diversity and understanding of other cultures are valued.

Intolerance refers to an attitude, feeling or belief wherein an individual behaves with contempt for other individuals or groups based on characteristics such as race, color, national origin, gender, sexual orientation or political or religious belief.

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When any violation of a University policy, rule or regulation is motivated by intolerance toward an individual or group based on characteristics such as race, color, national origin, gender, sexual orientation, or political or religious belief, the sanction will be increased in severity and may include separation from the University.

Athletics Standards

The student-athlete is subject to the rules pertaining to his/her particular sport as established by the coaches and Intercollegiate Athletics. The student-athlete must obey the decisions of the coaches regarding manners and behavior on road games, including dress policies. The conduct of all team members is the responsibility of the accompanying coaching staff. The student-athlete must participate in practice and games, except when declared unfit by the team trainer or doctor, or in any other way unable to participate through no fault of his/her own.

Personal Conduct

A Penn State student-athlete is expected to be a responsible member of the team, contributing his/her energy and skill to the best of his/her ability, and conforming to the self-discipline which membership implies.

Unethical conduct by student-athletes, as well as staff and coaches, shall be subject to disciplinary action as set forth in the NCAA enforcement procedures. Student-athletes found in violation may be ineligible for further intercollegiate competition. A student-athlete who is determined to have engaged in unethical conduct shall be ineligible for intercollegiate competition in all sports.

As stated in the NCAA Manual and below, unethical conduct consists of, but is not limited to:

- Fraudulence in connection with entrance or placement examinations;
- Engaging in any athletics competition under an assumed name or with intent otherwise to deceive;
- Dishonesty in evading or violating NCAA regulations; or
- Knowingly furnishing the NCAA or the individual's institution false or misleading information concerning the student-athlete's involvement in or knowledge of matters pertaining to a violation of NCAA regulations.

Hosting a Recruit

The student-athlete will meet with the coaching staff prior to the official visit to review guidelines for hosting a recruit and sign the appropriate NCAA paperwork.

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- Although a student-athlete cannot be held directly responsible for the behavior of the recruit, he or she should know that their actions do influence how the recruit behaves. The student-athlete is expected to use good judgment when hosting a recruit.
- The student-athlete will provide a positive experience for his or her recruit and will act in a courteous and professional manner toward his or her guest.
- The student-athlete should not allow recruiting conversations to occur, on or off campus, between the recruit and a booster of the athletics program. Violations of the above guidelines may result in disciplinary action by Intercollegiate Athletics or the coaching staff.
- It is a violation of the Pennsylvania state laws to serve alcoholic beverages to a person under the age of 21. The student-athlete will not provide any mood-altering drugs (including alcohol) to his or her recruit during his or her visit.
- If the student-athlete receives host money, it may be used for food and non-alcoholic beverages, or entertainment only.

Student-Athlete Behavioral Standards

The Pennsylvania State University and Intercollegiate Athletics Department expect each student to adhere to a set of standards that positively represents the Athletics Department and the University. The Athletics Department sets forth behavioral standards that clearly define the Department's position regarding each of the following issues.

Alcohol Code of Ethics

In order to develop a positive culture at Penn State regarding alcohol, student-athletes need to be leaders in the fight against alcohol misuse. In the quest for excellence, both on and off the playing field, student-athletes need to make smart choices and realize the long-term athletic, career, and health benefits of choosing not to drink alcohol or to drink responsibly after age 21.

According to University Code of Conduct, illegally possessing, distributing, manufacturing, selling or being under the influence of alcohol or other drugs is inconsistent with the core values of the University community. Intercollegiate Athletics expects representatives of its department (administrators, coaches, staff members, student-athletes) to observe the following as unacceptable behaviors:

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- Use of alcohol before, during or after department-sponsored athletic events, either at home or during road trips. **Disclaimer:** Situations pertaining to specific cultural norms may warrant Head Coach/Administrator discretion. If questions regarding appropriate behavior arise, the team's administrator should be contacted.
- Use of alcohol that interferes with scholastic success, athletic performance, personal relationships or finances, or leads to legal problems.
- Irresponsible use and/or being intoxicated in a public place (i.e., downtown State College, hotels while on road trips, restaurants, etc.)
- Drinking in department-issued Penn State Athletics team gear (i.e., NIKE gear, apparel) with a specific sport name on it.
- Drinking with recruits; specifically, the individual host(s) responsible for the safety and well-being of the recruit.

Drug Policy

To encourage sportsmanship to our competitors and to promote the health and safety of our student-athletes, Intercollegiate Athletics provides a drug-screening program for all 29 sports. Educational opportunities to enhance the student-athlete's awareness of the effects of substance abuse are also available.

University policy and Intercollegiate Athletics do not condone the medically unsupervised use, possession, sale, manufacture or distribution of drugs that are illegal. Any violation of this policy either on or off campus may result in disciplinary action, including separation from the University, and the violator may be required to participate in a drug abuse assistance program.

The student-athlete will annually, prior to participation in intercollegiate competition during the academic year, sign a statement in a form prescribed by the NCAA and Penn State in which he or she consents to be tested for the use of drugs prohibited by NCAA legislation. Failure to complete and sign the statement annually shall result in the student-athlete's ineligibility for participation in all intercollegiate competition. A positive drug test will result in notification of the team physician and following procedures according to the drug-screening program.

Hazing

Hazing is a fundamental violation of human dignity. Hazing policies apply to all members of the Penn State community. Intercollegiate Athletics will not tolerate the act of hazing new team members as an initiation rite. Hazing is viewed as illegal, discriminatory and destructive to team unity.

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The term 'hazing' is defined as any action by a student whereby another student suffers or is exposed to:

- Any cruelty, intimidation, humiliation, embarrassment, hardship or oppression;
- Exercising to excess;
- Sleep deprivation;
- Committing dangerous activities;
- Currying favor from those in power;
- Submitting to physical assaults;
- Consuming offensive foods or alcohol;
- The threat of bodily harm or death; or
- The deprivation or abridgement of any right.

Any activity of an organization as described in this definition upon which the initiation, admission into, affiliation with, or continued membership in is directly or indirectly conditioned, shall be presumed to be "forced" activity (the willingness of an individual to participate in such activity notwithstanding).

Student-athletes are expected to report incidents of hazing to Bob Krimmel, Assistant Athletic Director, and Sue Delaney-Scheetz, Senior Women's Administrator. The report of a possible allegation will be thoroughly investigated and should guilt be found, student-athletes involved may be suspended from the team.

Sexual Assault and Abuse

The Pennsylvania State University and Intercollegiate Athletics will not tolerate sexual assault or abuse, such as rape (including acquaintance rape) or other forms of nonconsensual sexual activity. These acts degrade the victims, our campus community, and society in general. While the University cannot control all the factors in society that lead to sexual assault and abuse, the University strives to create an environment that is free of acts of violence.

Sexual assault and abuse is defined as nonconsensual physical contact of a sexual nature. Sexual assault and abuse can occur between acquaintances or parties unknown to each other.

Allegations of sexual assault and abuse will be thoroughly investigated and violations will result in disciplinary action, which may include separation from the University and athletics participation.

Hazing Prevention Resources

Chalk Talk: Athletic Team Hazing and Sexual or Gender Humiliation*

by Pat Griffin

Hazing as a form of team initiation is a persistent problem in men's and women's athletics at all levels. Justified as a rite of passage for new team members, hazing is often defended as a team-bonding activity. Hazing can subject initiates to dangerous, degrading or embarrassing situations involving alcohol abuse, sexual humiliation, bondage, cross-dressing, nudity, illegal activities or tolerance of pain or discomfort. Peer pressure and the desire to become part of a team, plus the promise of being able to mete out similar treatment to the next group of initiates, make it difficult for new players to refuse to participate in hazing activities. To do so places the initiate at risk of being perceived as not a "good sport," not a loyal team member, or, in the case of men's teams, not "man" enough to endure hazing.

Questionable at best, dangerous at worst, hazing in athletics is often ignored by school staff, even when school policy prohibits it. Unfortunately, team hazing has long been a part of athletic culture and tradition from professional to school sports and coaches have often participated in hazing as athletes. Coaches may not be physically present when hazing occurs, but they are usually aware of it. Coaches often claim not to know about or be responsible for the specifics of hazing activities on their team because hazing activities are organized and carried out by team leaders. School officials in general and coaches in particular must take greater responsibility for educating athletes about hazing policies and enforcing them.

In addition to the danger and humiliation inherent in many team hazing rituals, activities that are based on gender stereotypes, demeaning women, homophobia, racism, sexual humiliation or simulations of sexual activities teach athletes that this is acceptable school-sanctioned behavior. High school boys' and college men's teams have participated in hazing activities that call for simulated sex acts (inserting carrots in the anus, for example), touching or being touched by teammates' genitals (elephant walk and tea-bagging), enduring homophobic or anti-woman name-calling, or dressing as women. These activities are meant to humiliate initiates and test their team loyalty by submitting to "forbidden" or "unmanly" activities.

Hazing is also becoming more common on college and high school women's teams. Initiates have been expected to strip to bra and panties in front of the team, blindfolded and their bodies painted by teammates, and commanded to perform simulated sex acts. Team members have also been directed to perform lap dances on members of male sports teams as a part of hazing.

Not only is this kind of hazing questionable as a team-building activity, but the subtext of these activities also is demeaning to women, gay men, people of color and transgender people. Other hazing activities call on initiates to endure pain or cold, drink large quantities of alcohol and perform dangerous or humiliating activities in front of teammates.

Hazing Prevention Resources

With the advent of the Internet and Web sites such as Facebook or Myspace, these activities are documented by team members themselves with photos and posted on the Internet. This practice has led to an increasing awareness of the extremes to which team hazing activities can go and to team punishments meted out by embarrassed school officials. Web sites such as badjocks.com have called attention to many questionable athletics team hazing activities by displaying photos and calling for an end to them.

Coaches and athletics administrators need to take responsibility for educating athletes about hazing and making sure that team initiation activities are safe and within the bounds of school-sponsored activities. Claims of ignorance or policies that are not enforced lead athletes to believe that hazing will be tolerated as long as these activities do not become public and cause embarrassment to the school.

There are better ways to develop team unity and initiate new members than to place them in dangerous or humiliating situations. It is the coach's responsibility to make sure that, if her or his team plans initiation activities, that they are within the boundaries of safety and dignity expected of a school-sponsored activity.

Recommendations:

- Athletics administrators and coaches need to take responsibility for setting proactive boundaries around team initiation activities to prevent the team from engaging in dangerous practices or humiliating activities that are based in sexism, racism or homophobia. Develop an anti-hazing policy and make it known to all.
- Athletics administrators need to educate coaches and athletes about appropriate and inappropriate team initiation activities with clear lists of what is not appropriate.
- Coaches and administrators should develop and make public guidelines about team initiation activities.
- Coaches should talk to team captains and hold them accountable for safe and appropriate team initiation activities before they are planned and after they happen.
- If inappropriate team initiation activities occur, administrators should hold coaches and team captains accountable.
- Coaches, with team captains, can identify acceptable activities that can successfully serve the purposes of team initiation and bonding without humiliation, danger and stereotyping.

Resources:

- Jay Johnson and Margery Holman, 2004. *Making the Team: Inside the World of Sport Initiations and Hazing*.
- Nuwer, Hank, 2000. *When Rites Become Wrongs*. Franklin Watts, Publisher.
- www.stophazing.org

**From the Women's Sports Foundation Web site (www.womenssportsfoundation.org).*



“

An initiation event involving a large group of young people provides opportunity for poor judgement and often results in hazing. There is an unspoken pressure of being on a team that enables individuals to ignore potential harmful consequences and questionable moral implications in order to go along with the team. At the time, I honestly did not think that our initiation was considered hazing, since everything was optional, but later realized that it was, once NU implemented some hazing education speakers and seminars. The purpose of a team initiation in our minds was to make the freshmen feel welcome and part of the team and have a little fun. What we didn't think about was how scary this can seem for the freshmen, and how dangerous it could have been if it had gotten out of control. We now plan fun team activities that promote team chemistry and welcome the freshmen without alienating or embarrassing them.

”

The NCAA salutes the more than
380,000 student-athletes
participating in **23 sports** at
more than **1,000** member institutions



EXHIBIT E

CONSTITUTION, ARTICLE 2

Principles for Conduct of Intercollegiate Athletics

2.01 General Principle. [*]

Legislation enacted by the Association governing the conduct of intercollegiate athletics shall be designed to advance one or more basic principles, including the following, to which the members are committed. In some instances, a delicate balance of these principles is necessary to help achieve the objectives of the Association.

2.1 The Principle of Institutional Control and Responsibility. [*]

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures. *(Revised: 3/8/06)*

2.1.2 Scope of Responsibility. [*] The institution's responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.2 The Principle of Student-Athlete Well-Being. [*]

Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student-athletes. *(Revised: 11/21/05)*

2.2.1 Overall Educational Experience. [*] It is the responsibility of each member institution to establish and maintain an environment in which a student-athlete's activities are conducted as an integral part of the student-athlete's educational experience. *(Adopted: 1/10/95)*

2.2.2 Cultural Diversity and Gender Equity. [*] It is the responsibility of each member institution to establish and maintain an environment that values cultural diversity and gender equity among its student-athletes and intercollegiate athletics department staff. *(Adopted: 1/10/95)*

2.2.3 Health and Safety. [*] It is the responsibility of each member institution to protect the health of, and provide a safe environment for, each of its participating student-athletes. *(Adopted: 1/10/95)*

2.2.4 Student-Athlete/Coach Relationship. [*] It is the responsibility of each member institution to establish and maintain an environment that fosters a positive relationship between the student-athlete and coach. *(Adopted: 1/10/95)*

2.2.5 Fairness, Openness and Honesty. [*] It is the responsibility of each member institution to ensure that coaches and administrators exhibit fairness, openness and honesty in their relationships with student-athletes. *(Adopted: 1/10/95)*

2.2.6 Student-Athlete Involvement. [*] It is the responsibility of each member institution to involve student-athletes in matters that affect their lives. *(Adopted: 1/10/95)*

2.3 The Principle of Gender Equity. [*]

2.3.1 Compliance With Federal and State Legislation. [*] It is the responsibility of each member institution to comply with federal and state laws regarding gender equity. *(Adopted: 1/11/94)*

2.3.2 NCAA Legislation. [*] The Association should not adopt legislation that would prevent member institutions from complying with applicable gender-equity laws, and should adopt legislation to enhance member institutions' compliance with applicable gender-equity laws. *(Adopted: 1/11/94)*

2.3.3 Gender Bias. [*] The activities of the Association should be conducted in a manner free of gender bias. *(Adopted: 1/11/94)*

2.4 The Principle of Sportsmanship and Ethical Conduct. [*]

For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to: *(Adopted: 1/9/96)*

- (a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and
- (b) Educate, on a continuing basis, all constituencies about the policies in Constitution 2.4-(a).

2.5 The Principle of Sound Academic Standards. [*]

Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general.

2.6 The Principle of Nondiscrimination. [*]

The Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. It is the policy of the Association to refrain from discrimination with respect to its governance policies, educational programs, activities and employment policies, including on the basis of age, color, disability, gender, national origin, race, religion, creed or sexual orientation. It is the responsibility of each member institution to determine independently its own policy regarding nondiscrimination. (*Adopted: 1/16/93, Revised: 1/16/00*)

2.7 The Principle of Diversity Within Governance Structures. [*]

The Association shall promote diversity of representation within its various divisional governance structures and substructures. Each divisional governing body must assure gender and ethnic diversity among the membership of the bodies in the division's administrative structure. (*Adopted: 1/9/96 effective 8/1/97*)

2.8 The Principle of Rules Compliance. [*]

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

2.8.2 Responsibility of Association. [*] The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance.

2.8.3 Penalty for Noncompliance. [*] An institution found to have violated the Association's rules shall be subject to such disciplinary and corrective actions as may be determined by the Association.

2.9 The Principle of Amateurism. [*]

Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises.

2.10 The Principle of Competitive Equity. [*]

The structure and programs of the Association and the activities of its members shall promote opportunity for equity in competition to assure that individual student-athletes and institutions will not be prevented unfairly from achieving the benefits inherent in participation in intercollegiate athletics.

2.11 The Principle Governing Recruiting. [*]

The recruiting process involves a balancing of the interests of prospective student-athletes, their educational institutions and the Association's member institutions. Recruiting regulations shall be designed to promote equity among member institutions in their recruiting of prospective student-athletes and to shield them from undue pressures that may interfere with the scholastic or athletics interests of the prospective student-athletes or their educational institutions.

2.12 The Principle Governing Eligibility. [*]

Eligibility requirements shall be designed to assure proper emphasis on educational objectives, to promote competitive equity among institutions and to prevent exploitation of student-athletes.

2.13 The Principle Governing Financial Aid. [*]

A student-athlete may receive athletically related financial aid administered by the institution without violating the principle of amateurism, provided the amount does not exceed the cost of education authorized by the Association; however, such aid as defined by the Association shall not exceed the cost of attendance as published by each institution. Any other financial assistance, except that received from one upon whom the student-athlete is naturally or legally dependent, shall be prohibited unless specifically authorized by the Association.

2.14 The Principle Governing Playing and Practice Seasons. [*]

The time required of student-athletes for participation in intercollegiate athletics shall be regulated to minimize interference with their opportunities for acquiring a quality education in a manner consistent with that afforded the general student body.

2.15 The Principle Governing Postseason Competition and Contests Sponsored by Noncollegiate Organizations. [*]

The conditions under which postseason competition occurs shall be controlled to assure that the benefits inherent in such competition flow fairly to all participants, to prevent unjustified intrusion on the time student-athletes devote to their academic programs, and to protect student-athletes from exploitation by professional and commercial enterprises.

2.16 The Principle Governing the Economy of Athletics Program Operation. [*]

Intercollegiate athletics programs shall be administered in keeping with prudent management and fiscal practices to assure the financial stability necessary for providing student-athletes with adequate opportunities for athletics competition as an integral part of a quality educational experience.

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V.

Civil Action No.

Defendant(s)

To: *(Defendant's name and address)* University of Virginia, c/o
Roscoe C. Roberts, University Counsel
Office of the University Counsel
Madison Hall, 2nd Floor
P.O. Box 400225
Charlottesville, VA 22904

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: C. James Zaczynski, Esq.

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Western District of Pennsylvania

Civil Action No.

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 was received by me on *(date)* _____.

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 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
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☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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To: *(Defendant's name and address)* Doni Dowling
University of Virginia
McCue Center
P.O. Box 400837
Charlottesville, VA 22904

C. James Zeszutek, Esq.
Nicholas J. Godfrey, Esq.
Dinsmore & Shohl LLP
One Oxford Centre, Suite 2800
301 Grant Street
Pittsburgh, PA 15219

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

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 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
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 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

AIDAN HOWARD,

Plaintiff,

v.

UNIVERSITY OF VIRGINIA, TERESA A.
SULLIVAN, CRAIG LITTLEPAGE,
MARQUES HAGANS, FAMIKA ANAE,
DONI DOWLING, and DAVID ELDRIDGE,

Defendants.

CIVIL DIVISION

Case No. _____

COMPLAINT

AND NOW COMES Plaintiff Aidan Howard, by and through his undersigned counsel, C. James Zeszutek, Esq., Nicholas J. Godfrey, Esq. and Dinsmore & Shohl LLP, and files the following Complaint against Defendants University of Virginia, Teresa A. Sullivan, Craig Littlepage, Marques Hagans, Famika Anae, Doni Dowling, and David Eldridge.

INTRODUCTORY STATEMENT

Plaintiff Aidan Howard files this Complaint against Defendants University of Virginia, Teresa A. Sullivan, Craig Littlepage, Marques Hagans, Famika Anae, Doni Dowling, and David Eldridge to seek money damages based upon Defendants' willful violations of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 – 1688, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and 42 U.S.C. § 1983, and the gender- and disability-based abuse, harassment, and discrimination, and physical, verbal, mental, and emotional abuse and harassment which Aidan suffered as a result of Defendants' tortious conduct during the summer of 2016.

PARTIES

1. Plaintiff Aidan Howard (“Aidan”) is an adult individual and domiciliary and resident of the Commonwealth of Pennsylvania and was, at all times relevant to this Complaint, living in Charlottesville, Virginia while attending Defendant University of Virginia.

2. Defendant University of Virginia (“UVA” or the “University”) is a public-private flagship and research university located in Charlottesville, Virginia. The University received and continues to receive federal financial assistance, which it uses to support its academic and athletic programs.

3. Defendant Teresa A. Sullivan (“Sullivan”) is an adult individual and the President of the University, and, at all times relevant to this Complaint, maintained her domicile and residence in the Commonwealth of Virginia.

4. Defendant Craig Littlepage (“Littlepage”) is an adult individual and the Director of Athletics at the University, and, at all times relevant to this Complaint, maintained his domicile and residence in the Commonwealth of Virginia.

5. Defendant Marques Hagans (“Hagans”) is an adult individual and the Wide Receivers Coach for the University’s Football Program, and, at all times relevant to this Complaint, maintained his domicile and residence in the Commonwealth of Virginia.

6. Defendant Famika Anae (“Anae”) is an adult individual and a Graduate Assistant for the University’s Football Program, and, at all times relevant to this Complaint, maintained his domicile and residence in the Commonwealth of Virginia.

7. Defendant Doni Dowling (“Dowling”) is an adult individual and a student-athlete and member of the University’s Football Program, and, at all times relevant to this Complaint, maintained his domicile and residence in the Commonwealth of Virginia.

8. Defendant David Eldridge (“Eldridge”) is an adult individual and a student-athlete and member of the University’s Football Program, and, at all times relevant to this Complaint, maintained his domicile and residence in the Commonwealth of Virginia.¹

JURISDICTION

9. The United States District Court for the Western District of Pennsylvania has subject matter jurisdiction over Aidan’s claims under Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and 42 U.S.C. § 1983 pursuant to 28 U.S.C. § 1331 because the same arise under the laws of the United States.

10. The United States District Court for the Western District of Pennsylvania has subject matter jurisdiction over Aidan’s state law tort claims pursuant to 28 U.S.C. § 1332(a) because complete diversity exists among the parties as (1) Plaintiff Aidan is a citizen of the Commonwealth of Pennsylvania and Defendants UVA, Sullivan, Littlepage, Hagans, Anae, Dowling, and Eldridge are citizens of the Commonwealth of Virginia and (2) the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

11. In the alternative, the United States District Court for the Western District of Pennsylvania has subject matter jurisdiction over Aidan’s state law tort claims pursuant to 28 U.S.C. § 1367(a) because the state law tort claims are so related to Aidan’s claims under Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and 42 U.S.C. § 1983 that they form part of the same case or controversy under Article III of the United States Constitution.

¹ UVA, Sullivan, Littlepage, Hagans, Anae, Dowling, and Eldridge are sometimes collectively referred to as “Defendants.”

12. The United States District Court for the Western District of Pennsylvania has personal jurisdiction over Defendants UVA, Sullivan, Littlepage, Hagans, Anae, Dowling, and Eldridge because each has sufficient minimum contacts with the Commonwealth of Pennsylvania.

VENUE

13. Venue is proper in the United States District Court for the Western District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) in that a substantial part of the events and omissions giving rise to Aidan's claims occurred in the Western District of Pennsylvania.

FACTUAL BACKGROUND

14. On February 3, 2016, Aidan signed a National Letter of Intent (the "National Letter of Intent") with UVA to become a student-athlete at the University and to compete with the University's Football Program for the 2016-2017 academic year.

15. In early July 2016, Aidan began attending summer school at the University.

16. During the first few weeks of summer school, Aidan and other first-year student-athletes with the Football Program occasionally interacted with the Football Program's second-, third-, and fourth-year student-athletes, including Defendants Dowling and Eldridge.

17. During these initial interactions with the Football Program's second-, third-, and fourth-year student-athletes, upperclassmen, including Defendants Dowling and Eldridge, made Aidan the target of bullying and harassing conduct because of his soft-spoken and mild-mannered nature. Indeed, these upperclassmen, including Defendants Dowling and Eldridge, targeted Aidan because they perceived him to be "soft" and "not manly" like other student-athletes in the Football Program.

18. In addition, during these initial interactions with the Football Program's second-, third-, and fourth-year student-athletes, upperclassmen, including Defendants Dowling and Eldridge, made Aidan the target of bullying and harassing conduct because he did not understand "routes" and "plays" as well as other "smarter" student-athletes in the Football Program.

19. During these initial interactions with the Football Program's second-, third-, and fourth-year student-athletes, upperclassmen, including Defendants Dowling and Eldridge, would question Aidan's "toughness" and "manliness" and would call him "stupid," "dumb," "slow," and "retarded."

20. In mid-July 2016, Aidan, along with other first-year student-athletes with the Football Program, began formally practicing with the Football Program's second-, third-, and fourth-year student-athletes, including Defendants Dowling and Eldridge, under the guidance and coaching of the Football Program's coaching staff, including Defendants Hagans and Anae.

21. Aidan was designated to participate with the University's Football Program as a Wide Receiver.

22. Accordingly, Aidan spent a considerable amount of time with Defendants Dowling and Eldridge, who are both established Wide Receivers with the Football Program, as well as Defendant Hagans, the Football Program's Wide Receivers Coach.

23. At or about the same time, Aidan, along with other first-year student-athletes with the Football Program, took a test to determine which classes they would be placed into for the fall semester.

24. As a result of this test, Aidan was diagnosed with a learning disability, and was slated to receive additional educational support over and above that provided to other student-athletes.

25. Defendants Hagans, Dowling, and Eldridge were all aware of Aidan's learning disability and that, because of his learning disability, Aidan received additional educational support over and above that provided to other student-athletes.

26. Nevertheless, in Wide Receivers' meetings being led by Defendant Hagans, Defendants Dowling and Eldridge would bully and harass Aidan when he did not grasp the Football Program's "plays" and "schemes" as well as Dowling and Eldridge and others did, without any reprimand from Hagans.

27. In the presence of Defendant Hagans and other coaches with the Football Program, Defendants Dowling and Eldridge would frequently call Aidan "stupid," "dumb," "slow," and "retarded."

28. In the presence of Defendant Hagans and other coaches with the Football Program, Dowling and Eldridge would frequently make similar comments to others about Aidan being "stupid," "dumb," "slow," and "retarded."

29. In the presence of Defendant Hagans and other coaches with the Football Program, Defendants Dowling and Eldridge would take photographs of Aidan using their cell phones and then place "captions" or "comments" on the photographs stating that Aidan was "dumb." Dowling and Eldridge frequently "forwarded" or "shared" the photographs to/with others with comments such as "When you don't know your plays."

30. Defendant Hagans would, from time to time, bully and harass Aidan when he did not grasp the Football Program's "plays" and "schemes" as well as Defendants Dowling and Eldridge and others did, which only served to promote and encourage Dowling's and Eldridge's bullying and harassing conduct toward Aidan.

31. In the presence of Defendant Hagans and other coaches with the Football Program, Defendants Dowling and Eldridge would frequently question Aidan's toughness and manliness.

32. In the presence of Defendant Hagans and other coaches with the Football Program, Defendants Dowling and Eldridge and others would frequently ostracize Aidan, and force him to eat lunch and dinner on his own.

33. In the presence of Defendant Hagans and other coaches with the Football Program, Defendants Dowling and Eldridge and others would frequently ostracize Aidan, and force him to eat lunch and dinner on his own, because he was not as tough and manly as others with the Football Program.

34. Defendants Dowling's and Eldridge's bullying and harassing conduct continued until Dowling and Eldridge forced Aidan to fight another first-year student-athlete with the Football program, Hassis Dubois ("Hassis"), after a team practice on August 12, 2016, as a part of Aidan's "initiation" into the Football Program and to prove his toughness and manliness.

35. Defendants Dowling and Eldridge bullied and harassed Aidan, and told him that he would have to fight Hassis in order to prove his toughness and manliness.

36. Defendants Dowling and Eldridge and others taunted Aidan during practice about the pending fight, and even "marked-off" a "ring" in the Football Program's locker room using athletic tape. Dowling and Eldridge and others took Aidan and Hassis to separate entrances to the Football Program's locker room, and then forced Aidan and Hassis to "enter the ring" to flashing lights, loud music, and announcements to simulate a "prize fight."

37. Aidan did not want to fight Hassis, but Defendants Dowling's and Eldridge's constant bullying and harassment led Aidan to feel as though he had no choice but to continue with the fight for fear of reprisal and continued bullying and harassment.

38. Approximately 105 individuals witnessed the fight between Aidan and Hassis, including Defendant Anae, but none of these individuals, including Defendant Anae, did anything to stop the fight. Several other student-athletes with the Football Program recorded or attempted to record videos of the fight on their cell phones.

39. In fact, Aidan heard Defendant Anae yell "No phones," and admonish the student-athletes to put their cell phones away and to not record videos of the fight. Defendant Anae, however, did nothing to stop the fight from proceeding.

40. The fight came to an end when Aidan sustained severe eye injuries. Aidan immediately experienced double-vision in his right eye and was in a significant amount of pain. His head hurt and he felt sick to his stomach.

41. Aidan immediately sought out a University athletic trainer.

42. While he was being treated by the University's athletic trainer, Defendant Hagans came to see Aidan and check on his status.

43. Aidan was told that he had a concussion, and that he would not be able to participate in practice.

44. Despite Defendant Hagans' knowledge of Aidan's injuries, no one at the University reached out to Aidan until the following week, when Aidan's father spoke to Defendant Hagans and requested a release from the National Letter of Intent.

45. Despite Defendant Hagans' knowledge of Aidan's injuries, no one at the University took any action to reprimand or punish Defendants Hagan, Anae, Dowling, Eldridge, or anyone else with the Football Program.

46. Aidan was subsequently granted a full release from his National Letter of Intent with UVA as a result of the gender- and disability-based abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse and harassment that he suffered at the hands of Defendants Dowling and Eldridge and the inaction of the University, its Athletic Department, and its Football Program, and in particular, Defendants Hagans and Anae. A true and correct copy of Aidan's National Letter of Intent Release is attached hereto as **Exhibit A**.

47. Despite the University's full knowledge of the reasons for Aidan requesting a release from his National Letter of Intent, the University simply noted in the National Letter of Intent Release that it was due to "conduct of others within the University" with no further comment or reason given for granting Aidan the requested release. *See* **Exhibit A**.

48. Aidan left the University and transferred to Robert Morris University ("RMU") in Pittsburgh, Pennsylvania. Aidan intended to compete with RMU's Football program during the 2016-2017 academic year.

49. Unfortunately, after being seen by a physician in Pittsburgh, Pennsylvania, Aidan learned on September 20, 2016 that he actually suffered a broken orbital bone from the fight orchestrated and arranged by Defendants Dowling and Eldridge and allowed to proceed by Defendant Anae.

50. Aidan's injury to his orbital bone required surgery on September 29, 2016.

51. Due to the severity of his injuries sustained as a result of the fight orchestrated and arranged by Defendants Dowling and Eldridge and allowed to proceed by Defendant Anae,

Aidan cannot compete with RMU's Football program during the 2016-2017 academic year, and it is unclear if he will ever be able to play football again.

52. The gender- and disability-based abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse that Aidan suffered at the hands of Defendants Dowling and Eldridge, and others at the University, precluded Aidan from enjoying the benefits of his National Letter of Intent and athletic scholarship with UVA.

53. The gender- and disability-based abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse that Aidan suffered at the hands of Defendants Dowling and Eldridge, and others at the University, also denied Aidan the enjoyment of the social aspects inherent in the college experience at UVA.

54. The gender- and disability-based abuse, harassment, and discrimination and physical, verbal, mental, and emotional abuse that Aidan suffered at the hands of Defendants Dowling and Eldridge and others at the University constituted "hazing" and "bullying," which are prohibited by the University's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (the "SH/IPV Policy") and the Football and Athletics Department 2016-2017 Team Rules. A true and correct copy of the University's SH/IPV Policy is attached hereto as **Exhibit B**. A true and correct copy of the Football and Athletics Department 2016-2017 Team Rules is attached hereto as **Exhibit C**.

55. The University's SH/IPV Policy provides, in pertinent part, that:

The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 ("Title IX"); Title VII of the Civil Rights Act of 1964 ("Title VII"); and/or the Virginia Human Rights Act. Such behavior also requires the University to fulfill certain obligations under the Violence Against Women Reauthorization Act of 2013 ("VAWA") and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

(Exhibit B).

56. The Football and Athletics Department 2016-2017 Team Rules provides, in pertinent part, that:

The University of Virginia prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment. Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated. Incidents of domestic abuse, sexual abuse, assaults, bullying or fights will not be tolerated. NO offensive or abusive behavior will be accepted; respect and tolerance for differences (e.g. race, gender, religion, sexual orientation) is expected.

...

NO hazing or initiations. No Rookie Night.

(Exhibit C).

57. In addition, the National Collegiate Athletic Association, of which the University is a member institution, has published a handbook entitled “Building New Traditions: Hazing Prevention in College Athletics,” which places responsibility for preventing hazing on administrators and coaches. A true and correct copy of Building New Traditions: Hazing Prevention in College Athletics is attached hereto as **Exhibit D**.

58. Building New Traditions: Hazing Prevention in College Athletics provides, in pertinent part, that:

“NCAA legislation describes a shared responsibility between the NCAA national office and the NCAA member institutions to protect the health and safety of all student-athletes! This shared responsibility demands attention to the ‘**Culture of Hazing**’ on our campuses. Every year, NCAA schools experience hazing incidents that result in serious physical or emotional injury. Students seeking acceptance on their new team become victims! Each incident is guised in the inappropriate and misguided concept of a traditional initiation. Traditions that harm must be replaced with ones that build character and strengthen terms.”

(**Exhibit D**).

59. Indeed, the NCAA Division I Manual provides, at Constitution, Article 2, that “[i]t is the responsibility of each member institution to protect the health of, and provide a safe environment for, each of its participating student-athletes.” A true and correct copy of Constitution, Article 2 from the NCAA Division I Manual is attached hereto as **Exhibit E**.

60. Defendant UVA, as well as Defendants Sullivan and Littlepage, did not educate the University’s employees, including Defendants Hagan and Anae, regarding the University’s SH/IPV Policy, the Football and Athletics Department 2016-2017 Team Rules, Building New Traditions: Hazing Prevention in College Athletics, or the NCAA Division I Manual.

61. Defendant UVA, as well as Defendants Sullivan and Littlepage, did not enforce the University’s SH/IPV Policy, the Football and Athletics Department 2016-2017 Team Rules, Building New Traditions: Hazing Prevention in College Athletics, or the NCAA Division I Manual.

62. Defendant UVA, as well as Defendants Sullivan and Littlepage, did not promote the University’s SH/IPV Policy, the Football and Athletics Department 2016-2017 Team Rules, Building New Traditions: Hazing Prevention in College Athletics, or the NCAA Division I Manual.

63. Instead, Defendant UVA, as well as Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, completely ignored the University’s SH/IPV

Policy, the Football and Athletics Department 2016-2017 Team Rules, Building New Traditions: Hazing Prevention in College Athletics, and the NCAA Division I Manual in allowing Defendants Dowling and Eldridge and others to bully, abuse, harass, and discriminate against Aidan.

64. Through their inaction, Defendant UVA, as well as Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, fostered a culture of bullying, abuse, harassment, and discrimination at the University which allowed Defendants Dowling and Eldridge and others to bully, abuse, harass, and discriminate against Aidan.

65. Indeed, Aidan witnessed Defendants Dowling and Eldridge and others with the Football Program engage in bullying and harassing conduct against other first-year student-athletes with the Football Program, including conduct which imitated and mimicked sexual acts. Aidan also witnessed Defendants Dowling and Eldridge and others with the Football Program force other first-year student-athletes to participate in fights and wrestling matches while naked or partially naked, an act referred to at UVA as “ramming.”

66. In addition to allowing Defendants Dowling and Eldridge and others to bully, abuse, harass, and discriminate against Aidan, Defendants UVA, Sullivan, and Littlepage have failed to take any disciplinary action against Defendants Hagans and Anae and Defendants Dowling and Eldridge, and have instead allowed them to continue to participate with the UVA Football program during the 2016-2017 academic year, while Aidan is not sure if he will ever play football again.

COUNT I
VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972
Aidan Howard v. University of Virginia

67. Aidan hereby incorporates all preceding Paragraphs of this Complaint as if the same were fully set forth herein.

68. Defendants' gender-based abuse, harassment, and discrimination constitute violations of Title IX of the Education Amendments Act of 1972.

69. The University received and continues to receive federal financial assistance, which it uses to support its academic and athletic programs.

70. Aidan was subject to gender-based abuse, harassment, and discrimination.

71. The gender-based abuse, harassment, and discrimination occurred under circumstances where the University exercised substantial control over both the harassers and the context in which the abuse, harassment, and discrimination occurred.

72. The University had actual knowledge of the gender-based abuse, harassment, and discrimination.

73. The University was deliberately indifferent to the gender-based abuse, harassment, and discrimination.

74. The gender-based abuse, harassment, and discrimination was so severe, pervasive, and objectively offensive that it deprived Aidan of access to the educational opportunities and benefits provided by the University.

75. Aidan has suffered and continues to suffer damages by reason of Defendants' violations of Title IX of the Education Amendments Act of 1972.

WHEREFORE, Plaintiff Aidan Howard demands judgment in his favor and against Defendant University of Virginia in an amount sufficient to compensate him for the gender-

based abuse, harassment, and discrimination, and physical, verbal, emotional, and mental abuse he has suffered, medical expenses, and all other amounts necessary to compensate him for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-judgment and post-judgment interest, and any and all other relief this Honorable Court deems just and appropriate.

COUNT II
VIOLATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973
Aidan Howard v. University of Virginia

76. Aidan hereby incorporates all preceding Paragraphs of this Complaint as if the same were fully set forth herein.

77. Defendants' disability-based abuse, harassment, and discrimination constitute violations of Section 504 of the Rehabilitation Act of 1973.

78. Aidan is disabled within the meaning of Section 504 of the Rehabilitation Act of 1973.

79. Aidan was otherwise qualified to participate in school activities at the University, including the Football Program.

80. The University received and continues to receive federal financial assistance, which it uses to support its academic and athletic programs.

81. Aidan was excluded from participation in the Football Program and the University, was otherwise denied the benefits of participation in the Football Program and the University, and was subject to discrimination in the Football Program and at the University because of his disability.

82. The University had actual knowledge of the disability-based abuse, harassment, and discrimination.

83. The University was deliberately indifferent to the disability-based abuse, harassment, and discrimination.

84. Aidan has suffered and continues to suffer damages by reason of Defendants' violations of Section 504 of the Rehabilitation Act of 1973.

WHEREFORE, Plaintiff Aidan Howard demands judgment in his favor and against Defendant University of Virginia in an amount sufficient to compensate him for the disability-based abuse, harassment, and discrimination, and physical, verbal, emotional, and mental abuse he has suffered, medical expenses, and all other amounts necessary to compensate him for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-judgment and post-judgment interest, and any and all other relief this Honorable Court deems just and appropriate.

COUNT III
VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990
Aidan Howard v. University of Virginia

85. Aidan hereby incorporates all preceding Paragraphs of this Complaint as if the same were fully set forth herein.

86. Defendants' disability-based abuse, harassment, and discrimination constitute violations of Title II of the Americans with Disabilities Act of 1990.

87. Aidan is disabled within the meaning of Title II of the Americans with Disabilities Act of 1990.

88. Aidan was otherwise qualified to participate in school activities at the University, including the Football Program.

89. The University received and continues to receive federal financial assistance, which it uses to support its academic and athletic programs.

90. Aidan was excluded from participation in the Football Program and the University, was otherwise denied the benefits of participation in the Football Program and the University, and was subject to discrimination in the Football Program and at the University because of his disability.

91. The University had actual knowledge of the disability-based abuse, harassment, and discrimination.

92. The University was deliberately indifferent to the disability-based abuse, harassment, and discrimination.

93. Aidan has suffered and continues to suffer damages by reason of Defendants' violations of Title II of the Americans with Disabilities Act of 1990.

WHEREFORE, Plaintiff Aidan Howard demands judgment in his favor and against Defendant University of Virginia in an amount sufficient to compensate him for the disability-based abuse, harassment, and discrimination, and physical, verbal, emotional, and mental abuse he has suffered, medical expenses, and all other amounts necessary to compensate him for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-judgment and post-judgment interest, and any and all other relief this Honorable Court deems just and appropriate.

COUNT IV
VIOLATION OF 42 U.S.C. § 1983
Aidan Howard v. Teresa A. Sullivan , Craig Littlepage, Marques Hagans, Famika Anae

94. Aidan hereby incorporates all preceding Paragraphs of this Complaint as if the same were fully set forth herein.

95. At all times relevant hereto, Defendants Sullivan, Littlepage, Hagans, and Anae acted under color of state law.

96. Defendants' gender-based abuse, harassment, and discrimination constitute violations of Title IX of the Education Amendments Act of 1972.

97. Defendants' disability-based abuse, harassment, and discrimination constitute violations of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

98. The gender- and disability-abuse, harassment, and discrimination deprived Aidan of his constitutional right to equal protection and due process.

99. Accordingly, Defendants' gender- and disability-based abuse, harassment, and discrimination constitute violations of 42 U.S.C. § 1983.

100. Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, had actual knowledge of the gender- and disability-based abuse, harassment, and discrimination.

101. Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, were deliberately indifferent to the gender- and disability-based abuse, harassment, and discrimination.

102. Aidan has suffered and continues to suffer damages by reason of Defendants' violations of 42 U.S.C. § 1983.

WHEREFORE, Plaintiff Aidan Howard demands judgment in his favor and against Defendants Teresa A. Sullivan, Craig Littlepage, Marques Hagans, and Famika Anae in an amount sufficient to compensate him for the gender- and disability-based abuse, harassment, and discrimination, and physical, verbal, emotional, and mental abuse he has suffered, medical expenses, and all other amounts necessary to compensate him for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-

judgment and post-judgment interest, and any and all other relief this Honorable Court deems just and appropriate

**COUNT V
NEGLIGENCE**

Aidan Howard v.

**University of Virginia, Teresa A. Sullivan , Craig Littlepage, Marques Hagans,
Famika Anae, Doni Dowling, and David Eldridge**

103. Aidan hereby incorporates all preceding Paragraphs of this Complaint as if the same were fully set forth herein.

104. Defendant UVA, Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, as well as Defendants Dowling and Eldridge, had a duty to act with ordinary care toward Aidan.

105. Defendant UVA, Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, as well as Defendants Dowling and Eldridge, breached their duty of care to Aidan by subjecting him to gender- and disability-based abuse, harassment, and discrimination.

106. The conducts of Defendant UVA, Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, as well as Defendants Dowling and Eldridge, proximately caused damages to Aidan.

107. Aidan has suffered and continues to suffer damages by reason of Defendants' conduct, including but not limited to the gender- and disability-based abuse, harassment, discrimination to which he was subjected.

WHEREFORE, Plaintiff Aidan Howard demands judgment in his favor and against Defendants University of Virginia, Teresa A. Sullivan, Craig Littlepage, Marques Hagans, Famika Anae, Doni Dowling, and David Eldridge in an amount sufficient to compensate him for

the gender-based abuse, harassment, and discrimination, and physical, verbal, emotional, and mental abuse he has suffered, medical expenses, and all other amounts necessary to compensate him for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-judgment and post-judgment interest, and any and all other relief this Honorable Court deems just and appropriate.

COUNT VI
TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS
Aidan Howard v.
Teresa A. Sullivan , Craig Littlepage, Marques Hagans,
Famika Anae, Doni Dowling, and David Eldridge

108. Aidan hereby incorporates all preceding Paragraphs of this Complaint as if the same were fully set forth herein.

109. Aidan's National Letter of Intent and athletic scholarship with UVA to become a student-athlete at the University and to compete with the University's Football Program for the 2016-2017 academic year was a valid, legal, and binding contract.

110. Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, and Defendants Dowling and Eldridge, interfered with Aidan's National Letter of Intent and athletic scholarship by subjecting him to gender- and disability-based abuse, harassment, and discrimination.

111. Defendants Sullivan, Littlepage, Hagans, and Anae, in their respective individual capacities, and Defendants Dowling and Eldridge, did not have any privilege to interfere with Aidan's National Letter of Intent and athletic scholarship by subjecting him to gender- and disability-based abuse, harassment, and discrimination.

112. Aidan has suffered and continues to suffer damages by reason of Defendants' tortious interference with his National Letter of Intent and athletic scholarship, including but not limited to the loss of the benefits of his National Letter of Intent and scholarship.

WHEREFORE, Plaintiff Aidan Howard demands judgment in his favor and against Defendants Teresa A. Sullivan, Craig Littlepage, Marques Hagans, Famika Anae, Doni Dowling, and David Eldridge in an amount sufficient to compensate him for the gender-based abuse, harassment, and discrimination, and physical, verbal, emotional, and mental abuse he has suffered, medical expenses, and all other amounts necessary to compensate him for the damages incurred as a result of the Defendants' tortious conduct, costs including reasonable attorneys' fees, pre-judgment and post-judgment interest, and any and all other relief this Honorable Court deems just and appropriate.

DEMAND FOR JURY TRIAL

Plaintiff Aidan Howard demands a trial by Jury on all issues so triable, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

Dated: October 14, 2016

/s/ C. James Zeszutek
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