



<b>Policy Title: Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol</b>	<b>Policy Number: 1105</b>
<b>Date Issued: October 11, 2017</b>	<b>Responsible Executive: Vice President and Director of Intercollegiate Athletics</b>
<b>Date Last Revised: September 2, 2022</b>	<b>Responsible Office: Athletics Department</b>

## **STUDENT-ATHLETE MISCONDUCT REPORTING AND DETERMINATION OF SUSPENSION POLICY AND PROTOCOL**

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### **Policy Statement**

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Baylor University (“Baylor” or the “University”) student-athletes perform at the highest level in their sports and in the classroom, consistently ranking among the Big 12’s and the nation’s best. A student’s participation in intercollegiate athletics is a highly selective opportunity that is a privilege, not a right, nor is it based on any Baylor contractual obligation. Student participation in Baylor’s athletic programs is in Baylor’s sole discretion, to the maximum extent permitted by law, in order to maintain the excellence expected by all participating student-athletes, coaches, Baylor students, faculty, and staff, and Baylor’s supporters. Maintaining the highest level of performance requires that all Baylor Athletics Department personnel have a duty to report any known or alleged act of misconduct or serious misconduct by a student-athlete and that student-athletes have a duty to self-report certain matters. This policy will be administered in accordance with all applicable laws and regulations.

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### **Reason for the Policy**

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The purpose of this policy is to establish the duty for all Athletics Department Personnel to report, in writing, any known or alleged act of misconduct or serious misconduct by a student-athlete. Student athletes have a duty to report certain identified misconduct. Additionally, this policy sets out the protocol for the determination of suspension from athletic privileges, in whole or in part, if any, of a student-athlete regarding whom a report of misconduct has been made.

Consistent with the concept that athletic participation is a privilege determined at the University’s discretion, the University reserves the right to not follow steps or timelines described below as the University deems appropriate. Therefore, if for example the

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University chooses not to follow any described step or timeline goal in this policy, that would not invalidate any Baylor action(s) or give rise to any cause of action against the University.

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**Individuals/Entities Affected by this Policy**

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All student-athletes and Athletics Department Personnel

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**Exclusions**

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None

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**Related Documents and Forms**

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**University Policies and Documents**

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[Honor Code](#)

[Student Conduct Code](#)

[Sexual and Interpersonal Misconduct Policy](#)

[Baylor Civil Rights Policy and Procedures](#)

[Whistleblower Policy](#)

[Threat Assessment Group Policy](#)

[Baylor Annual Fire Safety and Security Report](#)

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**Definitions**

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These definitions apply to terms as they are used in this policy.

<b>Athletics Department Personnel</b>	All individuals who work in or are assigned to the Athletics Department, including, but not limited to, staff, coaches, administrators, graduate assistants, student employees, student assistants, outside consultants, and volunteer coaches
<b>Athletic Privileges</b>	The ability of a student-athlete to participate in any aspect of Athletics Department programs, resources, or supports or to access any Athletics Department facilities. This includes but is not limited to competition, practice (including voluntary activity), athletics performance and applied performance programs, academic services, performance nutrition, Baylor Built opportunities, athletic medicine and mental health.
<b>Athletics Privileges Committee</b>	The Athletics Privileges Committee is comprised of the Director of Athletics, the Faculty Athletics Representative, and one individual designated by the Office of the President. The Office of General Counsel serves in an advisory role to the Committee.

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<b>Director of Athletics Designee</b>	The Director of Athletics may assign another Athletics Department staff member to serve in his/her role for purposes of administering this policy.
<b>Misconduct</b>	A violation of Baylor University policies governing student conduct, including but not limited to its Sexual and Interpersonal Misconduct Policy (“SIM Policy”), Student Conduct Code, or Honor Code constitutes Misconduct. This includes conduct that: <ul style="list-style-type: none"> <li>a. is Serious Misconduct, or constitutes a threat of or an attempt to commit Serious Misconduct; or</li> <li>b. violates federal law, the law of Texas, or the law of the state or nation where the conduct occurred; or</li> <li>c. violates a policy governing student conduct of the educational institution at which the student-athlete was enrolled when the conduct occurred.</li> </ul>
<b>Serious Misconduct</b>	<ol style="list-style-type: none"> <li>1. a felony conviction, including any Texas State Jail Felony conviction or equivalent in another state; or</li> <li>2. a criminal conviction for or an educational institution’s finding of responsibility for conduct constituting: <ul style="list-style-type: none"> <li>a. sexual assault, sexual exploitation, or other similar sexual crime or misconduct, or stalking; or</li> <li>b. domestic, family, or dating violence involving persons who are or were related by blood, marriage, or adoption or who have or have had a dating, romantic, or intimate relationship; or</li> <li>c. child abuse or neglect; or</li> <li>d. the manufacture, sale, or transfer of a controlled substance; or</li> <li>e. unlawful possession or use of a firearm.</li> </ul> </li> </ol>
<b>State Jail Felony</b>	The least serious classification of a felony under Texas Penal Code.
<b>Student-Athletes</b>	Students who are varsity athletes (as opposed to club or intramural athletes)

### 3. Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol

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## Contacts

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<b>Athletics Misconduct Reporting</b>	<b>Senior Associate Athletics Director</b>	<b>254-710-4358</b>	<b>Chad_Jackson1@Baylor.edu</b>
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## Responsibilities

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<b>Athletics Department Personnel</b>	All Athletics Department Personnel must report Misconduct as required by this policy. All Athletics Department Personnel must protect the confidentiality of information, refrain from interfering in any ongoing investigations, and comply with policies that protect whistleblower's good faith reporting of suspected or actual misconduct.
<b>Baylor University Police Department</b>	In order for the Athletics Privileges Committee to be able to consider matters involving law enforcement, when BUPD obtains information that a student-athlete is alleged to have or has been found to have committed Serious Misconduct, or has been arrested, charged or cited (other than a minor traffic violation) a representative of BUPD must promptly provide the Director of Athletics (or designee) information about the incident unless BUPD determines that providing such information may interfere with ongoing police matters.
<b>Equity, Civil Rights, and Title IX Office</b>	When the Equity, Civil Rights, and Title IX Office ("Equity Office") decides to investigate a report of Sexual and Interpersonal Misconduct alleged to have been committed by a student-athlete, a representative of that staff must promptly provide the Director of Athletics (or designee) preliminary information about the incident.
<b>Student Conduct Administration</b>	When Student Conduct Administration decides to initiate a charge of Misconduct alleged to have been committed by a student-athlete, a representative of that staff must promptly provide the Director of Athletics' designee for Student Conduct Administration preliminary information about the incident.
<b>Athletics Privileges Committee</b>	The Athletics Privileges Committee convenes to consider limitation or suspension of athletics privileges in accordance with this policy.
<b>Threat Assessment Group</b>	The Threat Assessment Group is responsible for analyzing, evaluating, and disseminating protective intelligence information relating to both internal and external individuals who may pose a threat to students, faculty, and/or staff. If a Threat Assessment Group recommendation to Student Life or the Equity Office with respect to student privileges might affect athletics privileges of a student-athlete, the chair or designated member of the Threat Assessment Group must notify the Director of Athletics of the recommendation as promptly as is appropriate under the circumstances.
<b>Student-Athletes</b>	A student-athlete who is arrested, charged, or cited with any criminal offense in any jurisdiction (other than a minor traffic violation) must report in accordance with this policy.
<b>Vice President and Director of</b>	The Director of Athletics (or designee) ("AD") must promptly notify the relevant head coach, the sport program administrator, and the athletic compliance office

#### 4. Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol

<b>Intercollegiate Athletics or Designee</b>	when the AD or the Athletics Privileges Committee has limited or suspended a student-athlete’s athletic privileges. As soon as practicable thereafter, the AD must ensure that the student-athlete is notified of the limitation or suspension. Additionally, the AD must communicate this policy annually to all athletics staff, coaches, graduate assistants, student employees, student assistants, outside consultants who work directly with students, and volunteer coaches.
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## Principles

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### I. Duty to Report Instances or Suspected Instances of Misconduct

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#### A. Athletics Department Personnel

All Baylor Athletics Department Personnel must report in writing any known, alleged, reported, or suspected student-athlete Misconduct to the Senior Associate Athletic Director for Internal Affairs or the Vice President and Director of Intercollegiate Athletics’ (“Director of Athletics”) designee, who is the Senior Associate Athletics Director for Governance and Regulatory Affairs.

In addition to reporting it to the Senior Associate Athletics Director for Governance and Regulatory Affairs, Athletics Department Personnel must report via the online reporting process at [www.baylor.edu/reportit](http://www.baylor.edu/reportit): any known, alleged, reported, or suspected Serious Misconduct; violations of Baylor’s SIM Policy, Civil Rights Policy, or Honor Code; violations that would be considered criminal behavior, including conduct as defined in the Student Conduct Code Section III. items B, E, F, J, K, L, M, N, O, P, V, and W, except for any intoxication or impairment by an unlawful controlled substance or another dangerous drug such as a controlled substance analog (designer drug) discovered pursuant to a positive drug test from the NCAA, Big 12 Conference or Baylor University’s substance abuse education and testing program for student-athletes; Clery crimes (as defined in the Baylor Annual Fire Safety and Security Report); and those items in Section I.B. of this policy that a student-athlete is required to self-report.

All reports must be made immediately, but not later than 24 hours after first learning of the known, alleged, reported, or suspected Misconduct, including Serious Misconduct. Any doubt about whether an obligation to report exists must be resolved in favor of reporting.

Please note, all employees are required by University policy and Texas law to **report directly to the Equity Office** any alleged violation of the *Sexual and Interpersonal Misconduct Policy* committed by or against a person enrolled (i.e., student) at or employed by the institution at the time of the incident. Please report directly by emailing [titleix\\_coordinator@baylor.edu](mailto:titleix_coordinator@baylor.edu) or through the online reporting portal at [www.baylor.edu/reportit](http://www.baylor.edu/reportit).

Failure to comply with these reporting requirements may result in disciplinary action, up to and including possible termination of employment. Failure to comply with Texas law reporting requirements may result in mandatory termination and criminal liability. These requirements and other requirements in this policy are in addition to any contractual or legal obligations the employee has with Baylor University.

## **B. Student-Athletes**

A student-athlete who is arrested, charged, or cited with any criminal offense (other than a minor traffic violation) in any jurisdiction must notify his/her head coach of the arrest, charge, or citation immediately, but not later than 24 hours after the event or release from jail, whichever is later. Failure to comply with this reporting requirement may result in possible limitation or revocation of athletics privileges and/or disciplinary action.

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## **II. Limitation or Suspension of Athletics Privileges Pending Investigation**

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### **A. By the Director of Athletics**

When the Equity Office decides to investigate a report of Misconduct by a student-athlete or the Student Conduct Administration Office decides to initiate charges for alleged Misconduct by a student-athlete, the initiating office must promptly provide the Director of Athletics, or designee, preliminary information about the incident. The initiating office may redact facts, including identities, from this preliminary information to the extent necessary to protect the rights and privacy of the individuals involved and/or the integrity of the investigation or conduct process. The Director of Athletics may to the extent permitted by applicable law limit or suspend athletics privileges based on such preliminary information pending a determination of responsibility by the initiating office, a recommendation by the Threat Assessment Team or decision by the Athletics Privileges Committee, or a criminal investigation by the Waco Police Department, the Baylor University Police Department, or any other law enforcement agency conducting a criminal investigation. Prior to any such temporary limitation or suspension based on known, alleged, reported, or suspected misconduct that would if proven through applicable procedures constitute sexual harassment as defined in the May 2020 Title IX regulations, the Director of Athletics will consider any applicable requirements of such regulations.

Nothing in this policy prohibits the Director of Athletics from limiting or suspending athletics privileges based upon a violation of athletic department policies or expectations or team rules.

### **B. By the Athletics Privileges Committee**

1. *Athletics Privileges Committee; Membership and Authority.* The members of the Athletics Privileges Committee are the Director of Athletics, the Faculty Athletics Representative, and one individual designated by the Office of the President. The Office of General Counsel serves in an advisory role to the Committee.

6. Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol

The Athletics Privileges Committee may limit or suspend athletics privileges pending a determination regarding responsibility by the initiating office. Generally, the Committee will presume that a student-athlete may retain athletics privileges during an investigation unless factors such as those outlined below indicate that a limitation or suspension of such privileges would be appropriate.

In making the determination whether to limit or suspend privileges, the Committee may seek information from the initiating office or other offices with relevant information, without interfering with an on-going criminal or Equity Office investigation or Student Conduct Administration process. The initiating office will supply the Committee with information needed to make an informed decision, but it may redact facts, including identities, to the extent necessary to protect the rights and privacy of the individuals involved and/or the integrity of the investigation or conduct process.

The Committee may consider a range of factors, including but not limited to the alleged severity of the incident, the nature of the allegations and degree to which they are disputed, any charges or findings from an entity external to Baylor such as a criminal procedure, prior misconduct, and any other factors relevant to the Committee. For known, alleged, reported, or suspected misconduct that would if proven through applicable procedures constitute sexual harassment as defined in the May 2020 Title IX regulations, the Committee will consider any applicable requirements of such regulations.

2. *Convening the Athletics Privileges Committee.* The Athletics Privileges Committee must convene when the known, alleged, reported, or suspected misconduct, if true, would constitute Serious Misconduct. However, if the Equity Office notifies a Committee member or the Committee's administrative representative that the Committee would be prohibited by Baylor's SIM Policy or the Title IX regulations from limiting or suspending privileges, the Committee may but is not required to convene. Any member of the Athletics Privileges Committee may convene the Committee to consider limitation or suspension of athletics privileges in connection with known, alleged, reported, or suspected Misconduct by a student-athlete.

Email correspondence amongst the members of the Committee regarding a limitation or suspension of athletics privileges constitutes convening the Committee unless any member of the Committee requests a telephonic, virtual, or in-person meeting.

The Committee may convene and consider updates on open matters at any time, either upon their request or upon the suggestion of an initiating office or the Office of General Counsel.

### **C. Action or Recommendation by Threat Assessment Group Affecting Athletics Privileges**

The initiating office must determine whether to refer the reported Misconduct to the Threat Assessment Group based on behavioral warning signs consistent with the Threat

7. Student-Athlete Misconduct Reporting and Determination of Suspension Policy and Protocol

Assessment Group Policy. The Threat Assessment Group, chaired by the Baylor University Department of Public Safety is responsible for analyzing, evaluating, and disseminating protective intelligence information relating to both internal and external individuals who may pose a threat to student, faculty, and/or staff. If the Threat Assessment Group's recommendation to Student Life or the Equity Office with respect to student privileges might affect athletics privileges, the chair or designated member of the Threat Assessment Group must notify the Director of Athletics of the recommendation as promptly as is appropriate under the circumstances.

#### **D. Limitation or Suspension of Athletics Privileges by Head Coach**

Nothing in this policy prohibits a head coach from limiting or suspending athletics privileges based upon a violation of athletics department policies or expectations or team rules.

#### **E. Notification of Limitation or Suspension of Athletics Privileges**

When the Director of Athletics or the Athletics Privileges Committee has limited or suspended a student-athlete's athletics privileges, the Director of Athletics (or designee) must promptly notify the relevant head coach, sport program administrator, and the athletics compliance office and, as soon as practicable thereafter, the Director of Athletics or designee must ensure that the student-athlete is notified.

#### **F. Athletics Department Liaisons during Investigation or Conduct Process**

1. *Designation of Athletics Staff Liaison.* The Director of Athletics must designate an Athletics Department primary staff liaison for the Equity Office and the Student Conduct Administration Office. The Director of Athletics may not designate more than one person to serve as the liaison for any particular office, but a single person may serve as the liaison for both offices. An alternate may be designated to serve in the role of a liaison if the primary liaison is unavailable.

2. *Limitation on Communication between Athletics Department and Initiating Office.* The Director of Athletics and the liaison (or alternate) will serve as the only points-of-contact between the Athletics Department and the Equity Office or the Student Conduct Administration Office. Once a report of misconduct has been made, no Athletics Department Personnel, other than the Director of Athletics and the designated liaison or alternate, may make contact with or discuss the report or investigation with the Equity Office or the Student Conduct Administration Office (except as necessary to respond to investigative requests from the Equity Office or the Student Conduct Administration Office) unless otherwise personally approved in writing by the Director of Athletics.

3. *Prohibition on Investigation by Athletics Department Personnel.* Athletics Department Personnel, including the Director of Athletics and the liaisons, may not interfere with the investigative or conduct process. Generally, Athletics Department Personnel may not conduct their own investigation into an incident that constitutes or may

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constitute Serious Misconduct or a violation of Baylor's SIM Policy. However, the Equity Office and the Student Conduct Administration Office may enlist the assistance of the Director of Athletics and/or the designated liaison to contact student-athletes and gather information.

With the exception of allegations that would constitute Serious Misconduct or a violation of Baylor's SIM Policy, the Director of Athletics may conduct an inquiry into alleged student-athlete conduct to the extent necessary to determine whether or not to suspend or limit athletics privileges immediately, as described above. This should be done only after: consultation has been attempted with the designated initiating office in writing; the Director of Athletics has supplied or attempted to supply the initiating office with all pertinent, available information before commencing the inquiry; and the initiating office is unable to make a preliminary assessment of the conduct before the student-athlete next exercises athletics privileges.

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### **III. Mandatory Indefinite Suspension of Athletics Privileges**

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The Director of Athletics or the Athletics Privilege Committee will immediately, completely, and indefinitely suspend a student-athlete from athletics privileges, including but not limited to practice, competition, and workouts, as provided below, when the student-athlete has:

1. been found through applicable procedures to have committed Serious Misconduct (as defined in Section II. B. above); or
2. been arrested, cited, or charged with or indicted for a felony, including a State Jail Felony, or a crime under foreign law involving conduct that would constitute a felony under Texas law (with the qualification that if the underlying conduct involves known, alleged, reported, or suspected misconduct that would if proven through applicable procedures constitute sexual harassment as defined in the May 2020 Title IX regulations, the Athletics Privileges Committee will consider the requirements of such regulations when determining whether to impose a suspension); or
3. been arrested, cited, or charged, with a crime involving gambling and/or game fixing.

Upon the imposition of an indefinite suspension, the Director of Athletics or designee must promptly notify the relevant head coach, sport program administrator, and the athletics compliance office of the suspension and, as soon as practicable thereafter, the Director of Athletics or designee must ensure that the student-athlete is notified.

Consistent with Section IV.A.2. below, the Director of Athletics or Athletics Privileges Committee, as applicable, will reconsider a mandatory indefinite suspension if a charge or indictment for a felony, including a State Jail Felony or a crime under foreign law

involving conduct that would constitute a felony under Texas law, is dismissed, withdrawn, or reduced to a misdemeanor. The Director of Athletics or Athletics Privileges Committee, as applicable, would then determine at their discretion whether and/or to what extent the student-athlete would be permitted to enjoy athletics privileges, in light of the circumstances.

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#### **IV. Lifting Suspensions and Revising Limitations on Athletics Privileges**

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##### **A. Effect of Appeal and Exculpatory or Mitigating Information**

1. *Appeal.* A student-athlete may appeal a decision or sanctions of the Equity Office or the Student Conduct Administration Office in accordance with the SIM Policy or Student Conduct Code, respectively. Any limitation or suspension of athletics privileges will remain in effect during the pendency of the appeal. Any change to the decision or sanction on appeal will be reported to the Athletics Privileges Committee for consideration in accordance with the policy.

2. *Exculpatory or Mitigating Information.* The receipt of information that exculpates a student-athlete or mitigates their conduct—including but not limited to a finding of non-responsibility by the initiating office, the deferral or abandonment of a criminal investigation or prosecution, and/or an acquittal, mistrial, or reversal of conviction on appeal—does not automatically lift any suspension or limitation of athletics privileges. Any suspension or limitation of athletics privileges remains in effect until lifted or revised in accordance with this section.

##### **B. Lifting a Suspension; Revising a Limitation on Athletics Privileges**

Upon a unanimous recommendation of the Athletics Privileges Committee, with concurrence of the Baylor General Counsel, the Committee may recommend to the President of the University to lift a required indefinite suspension under Section IV of this policy. Otherwise, no person or committee may lift a suspension when the student-athlete's conduct or circumstances would require indefinite suspension under Section IV of this policy.

Suspensions other than those which are mandatory, indefinite suspensions may be lifted and limitations on athletics privileges may be revised only as follows.

1. *By the Director of Athletics.* The Director of Athletics may lift a suspension or revise a limitation on athletics privileges imposed by the Director of Athletics or head coach so long as the Director of Athletics has complied with the duty under this policy, if any, to report the misconduct. Any revision under this section shall not impact prior limitations imposed by the relevant designated investigating office or the Athletics Privileges Committee.

2. *By the Head Coach.* The head coach may lift a suspension or revise a limitation on athletics privileges imposed by the head coach for a violation of athletic department policies or expectations or team rules *with the consent of the sport program administrator or Director of Athletics* so long as the head coach has complied with the duty, if any, under this policy to report the misconduct and athletics privileges have not been otherwise suspended or limited under this policy.

3. *By the Athletics Privileges Committee.* In all other cases, only the Athletics Privileges Committee, after consultation with the investigating office, may lift a suspension or revise a limitation on athletics privileges. This includes a matter that is no longer mandatorily indefinitely suspended. This may occur in cases in which the Student Conduct Administration process, the Equity Office process, or legal process, as applicable, results in a sanction requiring a less-than-total separation from the University (such as, e.g., suspension rather than expulsion). In such cases, the Athletics Privileges Committee may, in its discretion, revise the mandatory suspension to conform to the lesser sanction imposed by the disciplinary or legal process.

4. *Notification of the Change by the Director of Athletics.* The Director of Athletics or designee must promptly notify the relevant head coach, sport program administrator, and the athletics compliance office of the change and, as soon as practicable thereafter, the Director of Athletics or designee must notify the student-athlete of the change in their athletics privileges.

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## **V. Annual Review and Communication of Policy**

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This policy is maintained by the Athletics Department. The University will review this policy on at least an annual basis. The Director of Athletics must communicate this policy annually to all athletics staff, coaches, graduate assistants, student employees, student assistants, outside consultants who work directly with students, and volunteer coaches. Nothing in this policy in and of itself creates any legal obligation on Baylor.