

# SetTheExpectation

## THE TRACY RULE

A current or prospective<sup>1</sup> student-athlete who has been convicted of, pleaded guilty or no contest to a felony or misdemeanor involving Serious Misconduct, has been found a delinquent in relationship to a juvenile code equivalent, or has been disciplined by the university or athletic department at any time during enrollment at any collegiate institution (*excluding temporary disciplinary action during an investigation*) due to Serious Misconduct shall not be eligible for athletically-related financial aid, practice or competition at The University of Texas at San Antonio (“UTSA”). UTSA shall require all current and prospective student-athletes to complete the UTSA Minimum Expectations for Due Diligence Inquiries questionnaire regarding Serious Misconduct and if warranted, conduct an appropriate inquiry prior to providing athletically-related financial aid to a current or prospective student-athlete or allowing them to participate as a part of UTSA Department of Intercollegiate Athletics. Additionally, each prospective student-athlete, who is transferring to UTSA from another collegiate institution, is required to have their current school’s Title IX Coordinator, as well as any previous collegiate institution(s) that the student-athlete attended, complete an additional question on the UTSA Minimum Expectations for Due Diligence Inquiries questionnaire regarding whether or not the prospective student-athlete was a respondent in any matter and if they were found responsible. The completed additional question will have to be accompanied by the signature of the Title IX Coordinator. All completed UTSA Minimum Expectations for Due Diligence Inquiries questionnaires must be sent to The UTSA Athletic Compliance Office.

For purposes of this provision, “**Serious Misconduct**” is defined as any act of incest, rape, sexual assault, sexual violence, domestic violence, dating violence, stalking, sexual exploitation<sup>2</sup>, hate crime, murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury. Serious Misconduct includes any equivalent violation of the student code including but not limited to sexual misconduct, as defined in HOP 9.24<sup>3</sup>, including sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Serious Misconduct would also include any other felony or misdemeanor considered equivalent to those listed above in any jurisdiction where current or prospective student-athlete was convicted or pleaded guilty or no-contest.

A current or prospective student-athlete or their representative may request a waiver from The Tracy Rule by submitting their written request to the UTSA Tracy Rule Review Panel, defined below. A waiver will be granted when:

- (1) A panel from UTSA consisting of the University’s Title IX Coordinator or designee, Director for Student Conduct and Community Standards or designee, Faculty Athletics Representative, Athletic Executive Staff Member, and Senior Woman Administrator (“**The Tracy Rule Review Panel**”) with counsel from the Office of Legal Affairs, following a review of the pertinent facts and written waiver request, concludes that compelling exceptional circumstances exist for a waiver of The Tracy Rule;
- (2) The Tracy Rule Review Panel submits a written report to the University President, or his/her designee who shall be a Vice President outside the Athletic Department or the President’s Chief of Staff, and the Vice President for Intercollegiate Athletics (“**VP for Athletics**”) that describes the basis for its conclusion; and
- (3) Both the President, or his/her designee who shall be a Vice President outside the Athletic Department or the President’s Chief of Staff, and the VP for Athletics review and approve The Tracy Rule Review Panel’s report granting a waiver from The Tracy Rule.

---

<sup>1</sup> Prospective student-athletes include but are not limited to high school student-athletes and transfer student-athletes.

<sup>2</sup> Sexual Exploitation includes but is not limited to sharing or distributing sexually explicit images of a person without that person’s consent.

<sup>3</sup> HOP 9.24 refers to the general provision of Sexual Harassment and Sexual Misconduct found in UTSA’s Handbook of Operating Procedures.

A UTSA Tracy Rule Advisory Committee will provide advisory opinions (*as requested*) on the application of The Tracy Rule to assist in the consideration of a current or prospective student-athlete's unique case. The Tracy Rule Advisory Committee, appointed by the President, shall include one person who is knowledgeable of trauma as it relates to survivors of Serious Misconduct (*e.g.*, Director and Prevention Coordinator, University Counselor, etc.).

###