

SDA-401A

ARIZONA STATE UNIVERSITY SUN DEVIL ATHLETICS

STUDENT-ATHLETE CODE OF CONDUCT POLICY

I. PREAMBLE

Participation in Arizona State University (ASU) Sun Devil Athletics (SDA) is a privilege, not a right. Student-athletes have a special responsibility to conduct themselves in a manner that reflects well on the university, the athletic program, and themselves. This policy covers both on-campus and off-campus behavior. If a violation of the *Student-Athlete Code of Conduct* occurs, athletic privileges may be suspended or cancelled. Sanctions may include loss of scholarships, as well as restrictions in practice and competition.

Student-athletes are expected to comply with the following rules of conduct: the university's *Student-Athlete Code of Conduct*; the *Arizona Board of Regents (ABOR) Student Code of Conduct*; and ACD 401: Prohibition Against Discrimination, Harassment, and Retaliation, including Title IX sexual harassment; all applicable provisions of the NCAA Constitution and Bylaws and the rules of the Big 12 Conference; and all other ASU and SDA policies and rules.

Taken together, these policies are intended to promote and protect an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change, ethical conduct, and respect for the rights of all individuals.

The director or athletics or designee administers the *Student-Athlete Code of Conduct*, with the advice of an Advisory Committee. The Advisory Committee shall be chaired by the faculty athletics representative. The other members of the Committee are the faculty chair of the SDA Board and a senior leader in Student Services. The Advisory Committee may consult with SDA and other university administrators, faculty, and staff as needed.

Each student-athlete is responsible for reporting, within 24 hours of the incident, to the head coach and/or sport administrator who oversees that sport if the student-athlete is involved in any action that could reasonably constitute a violation of law or university policies. Self-reporting an incident immediately may help reduce any sanctions that may be imposed for the violation. If an incident is not self-reported, additional penalties can be imposed.

II. DEFINITIONS

For the purposes of this policy, the following definitions apply:

- A. The terms "ASU" and "university" are used interchangeably in this document, and refer to the same institution. These terms refer to Arizona State University.
- B. "Advisory Committee" means the *Student-Athlete Code of Conduct* Advisory Committee on student-athlete discipline established by this framework.
- C. An "SDA Policy" is any written policy of SDA, including policies published in the *Sun Devil Athletics (SDA) Policies and Procedures Manual*.

D. The term “director of athletics” refers to the athletics director/senior administrator of SDA or designee.

III. SCOPE

A. This policy applies to:

1. “student-athletes,” ASU students who are members of an ASU SDA team. These are university “students” as defined by the *ABOR Student Code of Conduct*, who practice and compete in NCAA-sanctioned and -regulated events that represent the university, including student-athletes participating in pre-season practice or competition;
2. misrepresentations made by, or on behalf of, a student-athlete during the student-athlete’s recruitment, whenever that recruitment takes place, to a coach or other university officer, about the student-athlete’s involvement in a violation of a criminal law;
3. participation in SDA at ASU. The university may prohibit a student-athlete who violates this policy from participation in athletics practice and competition, utilizing athletically related services (e.g., use of the weight room or training room in the Carson Student-Athlete Center), or receiving any athletically related financial aid and athletic awards at the university; or
4. a student-athlete who is a member of a SDA team, including student-athletes participating in preseason practice or competition, for conduct
 - a. that is a violation under this framework, if such conduct occurs after the student-athlete
 - i. signs a National Letter of Intent to attend ASU, or
 - ii. initially enrolls at ASU, whichever date is first, or
 - b. is the subject of a criminal proceeding, if the proceeding occurs after the student-athlete
 - i. signs a National Letter of Intent to attend ASU, or
 - ii. has enrolled at ASU, whichever occurs first.

B. All state, federal, and university rules regarding confidentiality of student records apply to all procedures adopted and decisions made under this policy.

C. Sanctions and penalties administered under this policy are in addition to, and separate from, any action that may be taken by

1. a court or other public agency, for violation of a criminal law;
2. a university officer, for violation of the *Arizona Board of Regents (ABOR) Student Code of Conduct* policy or ACD 401: Prohibition Against Discrimination, Harassment, and Retaliation, regarding student conduct;
3. a head coach, for violation of a team rule (also see Section VIII below); or
4. by the university, the NCAA, or the Big 12 Conference for violation of the NCAA Constitution and Bylaws.

- D. The university may prohibit a student-athlete from participation in SDA under this policy even though a criminal proceeding or another university proceeding, outside of Title IX sexual harassment, involving the same conduct or incident is pending. A student-athlete has no claim of double jeopardy because sanctions for the same incident may be or have been imposed for the same or related conduct as part of another university or criminal proceeding. In addition, sanctions under this framework may be imposed although the criminal or university charges have been reduced or dismissed.
- E. In administering this policy, the university shall apply the principle that, to the extent possible and appropriate, similar sanctions shall be imposed on different student-athletes who commit the same or similar violations of this policy.

IV. STUDENT ATHLETE CODE OF CONDUCT VIOLATIONS

Potential student athlete code of conduct (hereafter, code) violations do not necessarily constitute NCAA violations. Any one of the following acts by a student-athlete is a potential code violation:

- A. A violation of any criminal law classified as a felony or misdemeanor.
- B. A felony or misdemeanor where the court reserves the decision on whether to reduce the charge at a later time.
- C. A violation of a term of probation or other condition imposed by a court in a criminal case or a substantial failure to satisfy a term or condition imposed by the court.
- D. The student-athlete admits to, is convicted of, or pleads guilty or no contest to, or in violation of a criminal law classified as a felony or misdemeanor.
- E. The student-athlete admits to, is convicted of, pleads guilty or no contest to, or is found to have violated any statute, *ABOR Student Code of Conduct*; ACD 401: Prohibition Against Discrimination, Harassment, and Retaliation, except for Title IX sexual harassment; or university policy, any other policy of SDA, or NCAA rule that constitutes a code violation.
- F. A determination of responsibility for violation of Title IX sexual harassment has been issued that includes restrictions on the student-athlete's participation.
- G. The student-athlete acknowledges responsibility to the director of athletics, or other appropriate university official, for having engaged in conduct that would constitute a code violation.
- H. The student-athlete fails to comply with any sanctions or treatment program imposed under the student-athlete drug testing policy (SDA 405, "Student-Athlete Drug Education and Testing").

V. INTERIM ACTION

Before prohibiting a student-athlete from practice, competition, or receipt of financial aid, the director of athletics or designee shall gather the facts regarding the matter, consult with the Advisory Committee as appropriate, and notify the student-athlete of the interim action. A student-athlete may be suspended from participation in practice and competition prior to a final determination (refer to section VI, "*Final Decision and Notification to Student Athlete*").

- A. Interim actions may be enacted in the following circumstances:

1. Discretionary Suspension: The director of athletics is authorized to take preliminary action suspending a student-athlete from participation in practice or competition, and/or access to SDA services when there is a reasonable basis from the available information (e.g., arrest records, statements of law enforcement officers, university records) for believing that the student-athlete has committed a code violation as specified under this framework. For allegations of Title IX sexual harassment, an individualized assessment of the need for an emergency removal or supportive measures will be undertaken with the Dean of Students Office.
2. The student-athlete admits to, is convicted of, or pleads guilty or no contest to, a violation of a warning, a term or condition of probation, or other requirement previously imposed by either a court, a university officer, or the director of athletics for a prior code violation.

3. The director of athletics is authorized to suspend immediately from the athletics program any student-athlete who is credibly alleged to: be in possession of a “dangerous instrument,” “explosive,” or “weapon” as those terms are defined in the *ABOR Student Code of Conduct*; has used or threatened to use a “dangerous instrument,” “explosive,” or “weapon”; or has threatened violence or used violence against another student/person, whether or not the threat or act took place on- or off-campus. All allegations involving a “dangerous instrument,” “explosive,” or “weapon,” or a threat or act of violence, must be reported to the Advisory Committee. The Advisory Committee will then make a recommendation of final action to the director of athletics.

B. Notice to the Student-Athlete and Review of Interim Action

1. When the director of athletics takes interim action under this framework to suspend a student-athlete from participation, the vice president shall notify the student- athlete of the suspension and the procedures available to the student-athlete for review of the suspension.
2. A student-athlete who has been suspended from participation as a result of interim action under this framework shall be provided an opportunity for a review of the suspension by the director of athletics. The student athlete may submit a written statement to the director of athletics in support of a review when circumstances have substantially changed. The dismissal or reduction of a criminal charge is a change of circumstances that may or may not justify revision of the interim action that was taken.

VI. FINAL DECISION AND NOTIFICATION TO STUDENT ATHLETE

- A. The director of athletics or designee may determine from the available information that a student-athlete has committed a code violation. Before making this determination, the director of athletics shall notify the student-athlete of the information under consideration and will provide the student-athlete with an opportunity to explain the circumstances and to submit a written statement.
- B. Notice to the Student-Athlete: The director of athletics or designee shall notify the student-athlete of any action taken to prohibit the student-athlete from participation in practice, competition, receipt of financial aid, any conditions established with respect to possible reinstatement after a stated period of time, and the procedures available to the student-athlete for appeal. The director of athletics may consult with the Advisory Committee as part of this process and may impose sanctions as appropriate.

VII. SANCTIONS

When a student-athlete is determined to have committed a code violation, the director of athletics can prohibit the student-athlete from participation in practice, competition, and student-athlete services provided by SDA, and may terminate student-athlete financial aid. The director of athletics shall determine the appropriate discipline in a case

involving a code violation, and may consult with the Advisory Committee for its recommendations and advice in accordance with procedures and guidelines established by the Advisory Committee for handling code violations.

A. Sanctions for a code violation may include, but are not limited to, any one or more of the following:

1. Warning, reprimand, probation with or without conditions, requirements for restitution, conditions intended to encourage personal rehabilitation such as counseling and community service activities, conditions relating to satisfactory academic performance, suspension from practice activities for a definite period of time, restriction from SDA services, and suspension from competition for a definite period of time.
2. In determining the sanctions for a code violation, the director of athletics shall consider any aggravating or mitigating circumstances affecting the student-athlete.
3. Aggravating Circumstances: An athletics sanction under this framework normally will be appropriate when one or more aggravating circumstances are present. This list is intended to be illustrative and other factors may also be considered. The following factors may be taken into account as aggravating circumstances:
 - a. a violation which resulted or could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal university or university-sponsored activities (refer to “aggravated violation” in the *ABOR Student Code of Conduct* - 5-302, “Definitions”);
 - b. a violation involving willful academic dishonesty;
 - c. a record of prior offenses, including any previous positive drug test (including an offense or drug test that for any reason is not itself considered a code violation);
 - d. failure to cooperate with university officers in reporting the code violation and during the investigation and processing of any violation involving the student-athlete;
 - e. disregard of a warning or condition of behavior established for the student-athlete by the director of athletics or head coach because of prior conduct by the student-athlete in violation of team or SDA rules or a violation under this framework; and/or
 - f. conduct that is an intentional violation of a university regulation or criminal law or that exhibits substantial personal dishonesty.
4. Mitigating Circumstances: The following factors may be taken into account as mitigating circumstances:
 - a. a record of good citizenship and exemplary behavior;
 - b. self disclosure of the violation (particularly when it would not otherwise have come to the attention of the director of athletics), cooperation during the investigation and processing of the case, and acceptance of responsibility for wrongful conduct;
 - c. satisfaction of disciplinary conditions imposed for the same conduct by other university or public authorities; and/or
 - d. the student’s willingness to make amends.

5. In a case involving a code violation where the mitigating factors are judged by the director of athletics to outweigh the aggravating circumstances, if any, and the matter has been reviewed by a public authority or university official with jurisdiction to impose discipline for the behavior, the action of such authority or official may be accepted by the director of athletics as sufficient.
6. The director of athletics may notify the Advisory Committee when a student-athlete has been determined to be responsible for a code violation and of any sanction imposed under this framework.

VIII. VIOLATION OF TEAM RULES

- A. When the conduct is a violation of the student-athlete's team rules which are administered by the team's head coach, if the head coach determines that the mitigating circumstances outweigh any aggravating circumstances, and if a public authority or university official with jurisdiction to impose discipline for the behavior has reviewed the matter and either imposed disciplinary sanctions or not, the head coach may accept the action of that authority or official as sufficient and need not impose any additional sanctions on the student for the violation of team rules. Nothing in this policy is intended to alter a sanction imposed under another ABOR, university, or SDA policy. This policy permits but does not require the head coach to impose additional sanctions.
- B. If a head coach determines that a student-athlete's conduct violates team rules and constitutes a code violation under this policy, the head coach will notify the appropriate SDA administrator and advise of any sanction imposed by the head coach. The appropriate SDA administrator will provide notice of the violation and sanction in writing to the Advisory Committee.

IX. STUDENT-ATHLETE APPEALS

- A. Time and circumstances permitting, the student-athlete who is subject to suspension shall be given an opportunity to make an oral and/or written statement to the director of athletics about the circumstances surrounding the conduct violation and whether suspension or any other sanctions should be imposed.
- B. A student-athlete who disagrees with a decision made by the director of athletics, or by a head coach, which results in termination of athletic financial aid, may appeal that decision through the existing university appeal procedures that apply when a student's athletics financial aid has been terminated.

X. REINSTATEMENT OF A STUDENT-ATHLETE

- A. A student-athlete may be reinstated to participation in competition and/or practice, and to the use of the services provided by SDA, only in accordance with the procedures in this framework for reinstatement.
- B. Participation in Practice and Services provided by SDA: In a case where there are substantial mitigating circumstances and no substantial aggravating circumstances, the director of athletics, in consultation with the Advisory Committee, may provide that the prohibition on participation in practice activities will be reviewed after a stated period of time. The director of athletics, in consultation with the Advisory Committee, also may authorize the student-athlete to have access to SDA services, under specifically stated conditions, when such access would be useful as part of a program of rehabilitation for the student-athlete. A student-athlete may be reinstated for participation in practice and for access to SDA services prior to reinstatement for participation in competition.
- C. Participation in Competition: In a case where there are substantial mitigating circumstances and no substantial aggravating circumstances, the director of athletics, in consultation with the Advisory Committee, may provide that the prohibition on participation in competition will be reviewed after a stated period of time. Normally a review for

reinstatement for competition will not occur until one year (a 12-month period) after the prohibition on participation in competition became effective.

- D. Factors for Consideration: In determining whether to reinstate a student-athlete for participation in practice, competition, or athletically related financial aid, the director of athletics, in consultation with the Advisory Committee, may consider all the circumstances, including the nature of the offense, any aggravating or mitigating circumstances, the extent of the student-athlete's cooperation and acceptance of responsibility, and the conduct of the student-athlete since the code violation occurred. The student-athlete will be expected to demonstrate satisfactory compliance with the terms of any prohibition or other condition to reinstatement.
- E. Credit for Prior Suspension: In determining the period of time before a student-athlete may be considered for reinstatement, the director of athletics may credit the student- athlete for the period of time when suspended from participation in competition and/or practice as a result of preliminary action taken with the respect to the code violation.

XI. AMENDMENTS

This policy may be amended by a simple majority vote of the SDA Board. The SDA Board is the committee of faculty, administrators, students, and alumni appointed by the president of the university to work with SDA on issues affecting student-athlete welfare. An amendment becomes effective upon the approval of the president of the university.