

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

**ITEMS FOR DISCUSSION AND ACTION\STUDENT AFFAIRS, MARKETING, AND
ENROLLMENT**

***ACTION:* First and Final Round Approval of Board Policy 3740;
Athletics; Disclosure of Interpersonal Violence, Sexual
Violence, and Other Acts of Violence**

Policy 3740 is a new policy necessary to comply with the NCAA's recently adopted policy which requires all member institutions to gather information from new and continuing athletes related to conduct and sexual misconduct. For purposes of consistency, Policy 3740 would require Peru State College to follow the same policy.

New and continuing student athletes would be required to make an annual disclosure regarding conduct and Title IX sexual misconduct and sign a release allowing the Colleges to obtain the relevant information from their prior institution. Failure to disclose the information could result in a student-athlete's loss of eligibility or other penalties. Furthermore, the Colleges are obligated to provide similar information to other inquiring institutions in a manner consistent with federal and state laws.

The System Office recommends approval of the Board Policy 3740; Athletics; Disclosure of Interpersonal, Sexual and Other Acts of Violence.

ATTACHMENTS:

- Board Policy 3740 (PDF)

Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Athletics; Disclosure of Interpersonal Violence, Sexual Violence, and Other Acts of Violence.

POLICY NUMBER: 3740

A. PURPOSE

The NCAA Board of Governors adopted an association-wide policy addressing campus sexual and interpersonal violence for member institutions. The policy requires member institutions to follow institutional policies and processes directing college staff to reasonably gather information related to incidents of conduct from incoming, continuing, walk-on and transfer student-athletes that resulted in a finding and/or discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence.

The policy applies to all student-athletes who participate in collegiate level sports, regardless of membership in the National Collegiate Athletic Association (NCAA) or the National Association of Intercollegiate Athletes (NAIA).

B. DEFINITIONS

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

C. POLICY

Policy 3740: Athletics; Disclosure of Interpersonal Violence, Sexual Violence, and Other Acts of Violence.

1. All new and continuing student-athletes must complete a disclosure form annually.
2. The form shall require disclosure of the following:
 - 2.1.1. Any prior conduct involving sexual, interpersonal or other acts of violence that resulted in finding and/or discipline through a Title IX/sexual misconduct proceeding.
 - 2.1.2. Any criminal conviction involving sexual, interpersonal, or other acts of violence.
 - 2.1.3. Any Title IX/sexual misconduct proceeding that was incomplete at their former institution at the time of transfer to the NSCS, in which the student is listed as the Respondent.
3. A student-athlete's failure to make a full and accurate disclosure related to their conduct that resulted in a finding and/or discipline through Title IX proceeding or criminal conviction may be subject to or result in penalties, including loss of eligibility to participate in collegiate athletics as determined by the College and/or the NCAA and/or initiation of conduct proceedings by the College.
4. College staff will collect disclosure forms annually from all student-athletes and take reasonable steps to determine whether the student-athlete left an institution with an incomplete Title IX/sexual misconduct proceeding, has a finding or has been disciplined through a Title IX/sexual misconduct proceeding, or has a criminal conviction for sexual violence, interpersonal violence, or other acts of violence.
5. If a student-athlete discloses on the form that they left their prior institution with an incomplete Title IX/sexual misconduct proceeding or were disciplined through a Title IX/sexual misconduct proceeding, the College will require that student-athlete to sign a Family Educational Rights and Privacy Act (FERPA) release enabling the College to reasonably obtain information related to the Title IX/sexual misconduct proceeding. If a student fails or refuses to sign such a FERPA release, the student will be subject to all policy penalties and may be deemed ineligible to compete as a student-athlete.
6. If another higher educational institution contacts the College about a student-athlete attempting to enroll, who was previously enrolled at the College, the College will, in a manner consistent with federal and state law, disclose relevant information related to that individual's involvement in any Title IX/sexual misconduct disciplinary processes including those deemed incomplete as a result of a transfer with other member institutions, that involved sexual violence, interpersonal violence, or other acts of violence.

FORMS/APPENDICES:

Title IX/Sexual Misconduct Disclosure Form

SOURCE:

Legal Reference: NCAA Board of Governors Policy on Campus Sexual Violence

Adopted August 8, 2017

Updated August 7, 2018

Revised April 30, 2020

Revised April 27, 2021

Policy Adopted: