

# 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

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### **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 intercollegiate sports, regardless of membership in the National Collegiate Athletic Association (NCAA) or the National Association of Intercollegiate Athletes (NAIA), any College Club Sports and any Auxiliary Programs.

### **B. DEFINITIONS**

- 1. Auxiliary Program:** A program that competes and/or performs at the collegiate level and is funded by the College for which eligibility requirements for participation by a student athlete are not governed by the NCAA or NAIA and oversight is provided by the Athletic Program.
- 2. College Club Sport:** A sport played at the collegiate level and funded by the College for which eligibility requirements for participation by a student athlete are not established by the NCAA or NAIA. College club sports do not include club sports established as student organizations under Policy 3300 and receiving student activity fees.
- 3. Intercollegiate Sport:** A sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by the National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics regulation (NAIA), whichever is applicable, in accordance with College membership.

4. **Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
5. **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.
6. **Sexual Violence:** A term used to include both forcible and non-forcible sex offenses, ranging from sexual battery to rape.
7. **Student Athlete:** A person enrolled as a student and participating in intercollegiate sports, college club sports, or auxiliary programs of the College's athletic program.

### C. POLICY

1. All new and continuing student-athletes must complete a disclosure form annually.
2. The form shall require disclosure of the following:
  - 2.1 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.
  - 2.2 Any criminal conviction involving sexual, interpersonal, or other acts of violence.
  - 2.3 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, NAIA, or governing association 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 or if the College seeks to verify the information provided on the form, 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

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### **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:** July 2022

**Policy Revised:** March 2023