



- Revisions to Board Policy 3740 (PDF)

## Board of Trustees of the Nebraska State Colleges

### Student Affairs

POLICY NAME: ~~Athletics; Program Guidelines~~ Athletics Programs

POLICY NUMBER: 3710

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#### A. PURPOSE

To provide direction regarding the Athletics Programs at the Colleges.

#### 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 National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics (NAIA) regulation 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 governed by the NCAA or NAIA. College Club Sports do not include student organization club sports established 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 governed by the NCAA or NAIA, whichever is applicable, in accordance with College membership.
4. **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. Scope of Athletics Programs

1.1. Each College's athletics program includes its Auxiliary Programs, Club Sports and intercollegiate sports.

1.1.2. The addition, termination or reinstatement of any Intercollegiate Sport to the athletic program of the College requires Board approval.

4.2.1.3. The addition, termination or reinstatement of any Auxiliary Program or College Club Sport shall be reported to the Vice Chancellor for Student Affairs and Risk Management.

**2. Intercollegiate Sports Athletic Association and Conference Affiliations**

2.1. All athletic association and conference affiliations and any subsequent realignments of those affiliations require Board approval.

2.2. Each College shall report annually to the Vice Chancellor for Student Affairs and Risk Management whether the NCAA or NAIA, whichever is applicable, in accordance with College membership makes available liability, health, travel or other insurance coverages and in which of the coverages the College participates.

2.1-2.3. Each College will comply with the regulations and requirements of the NCAA or NAIA, whichever is applicable, in accordance with College membership and with the rules established by the athletic conferences to which each College now belongs or may join.

2.2-2.4. The Chancellor or President, as appropriate, is directed upon ascertaining that any violation of the rules and regulations of any conference or athletic association to which a College may belong or be affiliated with, are directly or indirectly violated by an employee, officer, agent or any other person under the control of the College, to take appropriate disciplinary action against such individual and report such action to the Board.

2.3-2.5. The Chancellor, on behalf of the Board, is directed upon ascertaining that any person or entity who is not an officer, employee, agent or under control of the Board, has caused a violation of the rules and regulations or any athletic conference or association or to any student of the State Colleges or any activity of the Colleges may commence legal action as deemed appropriate. Legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

**3. College Club Sports Governing Associations**

3.1. To the extent available, the College should be a member of the established governing association of a College Club Sport. The College must identify the applicable governing association when reporting the addition or reinstatement of a College Club Sport.

3.2. Any subsequent change in the membership in a governing association of a College Club Sport must be reported to the Board.

3.3. Each College shall report annually to the Vice Chancellor for Student Affairs and Risk Management whether the governing associations of the College Club Sports within the College's athletics program makes available liability, health, travel or other insurance coverages and in which of the coverages the College participates.

3.4. Each College will comply with the regulations and requirements of the governing association to which each College belongs.

3.1-3.5. The Chancellor or President, as appropriate, is directed upon ascertaining that any violation of the rules and regulations or any governing association to which a College may belong, are directly or indirectly violated by an employee, officer, agent or any other person under the control of the College, to take appropriate disciplinary action against such individual and report such action to the Board.

3.2-3.6. The Chancellor, on behalf of the Board, is directed upon ascertaining that any person or entity who is not an officer, employee, agent or under control of the Board, has caused a violation of the rules and regulations of any governing association or to any student of the State Colleges or any activity of the Colleges may commence legal action as deemed appropriate. Legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

#### **4. Auxiliary Programs Governing Associations**

4.1. To the extent available, the College should be a member of the established governing association of an Auxiliary Program. The College must identify the applicable governing association when reporting the addition or reinstatement of an Auxiliary Program.

4.2. Any subsequent change in the membership in a governing association of an Auxiliary Program must be reported to the Vice Chancellor for Student Affairs and Risk Management.

4.3. Each College shall report annually to the Vice Chancellor for Student Affairs and Risk Management whether the governing associations of the Auxiliary Programs within the College's athletics program makes available liability, health, travel or other insurance coverages and in which of the coverages the College participates.

4.4. Each College will comply with the regulations and requirements of the governing association to which each College belongs.

4.1-4.5. The Chancellor or President, as appropriate, is directed upon ascertaining that any violation of the rules and regulations of any governing association to which a College may belong, are directly or indirectly violated by an employee, officer, agent or any other person under the control of the College, to take appropriate disciplinary action against such individual and report such action to the Board.

4.2-4.6. The Chancellor, on behalf of the Board, is directed upon ascertaining that any person or entity who is not an officer, employee, agent or under control of the Board, has caused a violation of the rules and regulations of any governing association or to any student of the State Colleges or any activity of the Colleges may commence legal action as

deemed appropriate. Legal action may include, but not be limited to, request for damages and/or injunction and/or other relief.

**5. Eligibility**

5.1. Student athletes participating in Intercollegiate Sports maintain eligibility pursuant to the regulations and requirements of the NCAA or NAIA, whichever is applicable, in accordance with College membership and with the rules established by the athletic conferences to which each College now belongs or may join.

5.1.5.2. Student athletes participating in Auxiliary Programs or College Club Sports must maintain eligibility pursuant to the regulations and requirements of the governing association to which the College belongs at the time of their participation. If no such regulations and requirements exist, the student athlete must at a minimum be in good standing with the College academically and with respect to conduct.

**6. Scholarships, Fee Waivers and Other Support**

6.1. To assure the absence of any discrimination between men's and women's athletic programs on the basis of sex, the Colleges are authorized to make available for women's Auxiliary Programs, College Club Sports and intercollegiate athletics such fee waivers, scholarships and other forms of support as are appropriately commensurate with those authorized-made available for men's Auxiliary Programs, College Club Sports and intercollegiate athletics.

6.2. No student athlete shall be given an academic scholarship or an academic grant-in-aid except when qualified for such award on the basis of academic performance the same as any other student.

**7. Athletic Facilities**

The use of athletic facilities by any outside agency or party must be authorized in writing by the President or their designee.

**FORMS/APPENDICES:**

None

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**SOURCE:**

**Policy Adopted:** June 1993

**Policy Revised:** June 2006, March 2011, March 2023

## Board of Trustees of the Nebraska State Colleges

### Student Affairs

POLICY NAME: Student Athletic Injury Insurance

POLICY NUMBER: 3720

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#### A. PURPOSE

To provide the requirements related to the provision of insurance coverage related to injuries sustained by or accidental death of student athletes while participating in ~~intercollegiate~~ Sports or College Club Sports, or 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 National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics regulation (NAIA)~~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 governed by the NCAA, or NAIA or IAW. College club sport~~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 governed by the National Collegiate Athletic Association (NCAA), or National Association of Intercollegiate Athletics regulation (NAIA), or association for Intercollegiate Athletics for Women (IAW), whichever is applicable, in accordance with College membership.

#### C. POLICY

##### 1. Student Health Insurance and Physicals

- 1.1.** All student athletes participating in an Intercollegiate Sport, or College Club Sport shall provide proof of health insurance each year prior to participation and shall maintain health insurance coverage throughout their participation.

4.1.1.2. All participants in College Club Sports and Auxiliary Programs are encouraged to secure health insurance each year prior to participation and maintain health insurance coverage throughout their participation.

4.2.1.3. Student health insurance policies may not be purchased, paid for, or otherwise reimbursed by the Colleges

1.4. Physical examinations for all student athletes participating in Intercollegiate or College Club Sports shall be mandatory and are a pre-requisite to participation.

1.5. Participants in Auxiliary Programs must certify annually they have no physical or health conditions that would pose a risk as a result of their participation.

4.3.1.6.

## 2. College Insurance Program

2.1. The Board provides insurance coverage, subject to a deductible, to student athletes for personal injuries or accidental death, occurring while participating in College organized play or practice for an intercollegiate, ~~or college club sport~~ College Club Sport, or Auxiliary Program.s

2.2. The scope and nature of the coverage and deductible may differ between intercollegiate, ~~and college club sport~~ College Club Sports, and Auxiliary Programs.

2.3. Each College shall select suitable deductibles in coordination with the System Office.

2.4. For purposes of ~~intercollegiate sport~~ Intercollegiate Sports, the insurance provided by the Board shall meet the following criteria:

- Cover student athletes, ~~cheerleaders,~~ student managers, and student trainers for bodily injury sustained while participating in scheduled games, supervised practice session, and authorized group or team travel to and from such events both at home campus and when away from home campus during college sponsored events;
- Provide basic athletic injury coverage on an excess requiring that any family or employer group insurance or plan contribute its maximum before any College coverage has any liability. It shall be supplemental coverage designed to pick up balances left by the family or employer group insurance or plan and is coordinated with a catastrophic coverage plan;
- Provide medical and dental benefits to student athletes who are injured while participating in ~~intercollegiate sport~~ Intercollegiate Sports up to a maximum amount required as a deductible by the catastrophic insurance underwriter (NCAA or NAIA, as appropriate), for covered expenses incurred.



- Includes an accidental death and dismemberment benefit.
- Other benefits may be added at the discretion of the Chancellor.

2.5. For purposes of ~~college club sports~~ College Club Sports and Auxiliary programs, the insurance provided by the Board shall meet the following criteria:

- Cover ~~student athletes, cheerleaders, student managers, and student trainers~~ participants in College Club Sports, student managers, and student trainers for catastrophic bodily injury sustained while participating in scheduled games and competitions, supervised practice sessions, and authorized group or team travel to and from such events both at home campus and when away from home campus during college sponsored events;
- Provide ~~basic athletic injury~~ catastrophic coverage on an excess requiring that any family or employer group insurance or plan contribute its maximum and any deductible be satisfied before any College coverage has any liability. It shall be supplemental coverage designed to pick up balances left by the family or employer group insurance or plan and is coordinated with any coverage provided by the applicable governing body;
- Includes an accidental death and dismemberment benefit.
- Other benefits may be added at the discretion of the Chancellor.

### 3. Claims Reporting and Pre-authorization

3.1. All ~~athletic related~~ injuries related to participation in Intercollegiate Sports, College Club Sports and Auxiliary Programs are to be reported to the designated College official ~~and the Vice Chancellor for Student Affairs and Risk Management~~ within 24 hours or as soon as practical.

3.1.3.2. All concussions sustained by Student Athletes participating in Intercollegiate Sports, College Club Sports and Auxiliary Programs are to be subject to established concussion protocols and subject to reporting to the the Colleges' liability insurance carrier.

3.2.3.3. A written pre-authorization for all medical care associated with a sports injury is required to be filed with the College in order to be eligible for insurance benefits.

3.3.3.4. Each College shall establish a deadline for claims to be filed each academic year.

**FORMS/APPENDICES:**

None

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**SOURCE:**

**Policy Adopted:** March 1994

**Policy Revised:** March 2006, March 2011, September 2013, June 2015, [March 2023](#)

## Board of Trustees of the Nebraska State Colleges

### Student Affairs

POLICY NAME: Athletics; Name, Image and Likeness Activities

POLICY NUMBER: 3730

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#### A. PURPOSE

To provide guidance regarding current or prospective student athletes' use of name, image, and likeness rights or athletic reputation (NIL) for commercial or promotional purposes.

#### 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 National Collegiate Athletic Association (NCAA) or National Association of Intercollegiate Athletics regulation (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 governed by the NCAA or NAIA. College Club Sports do not include recognized student organization club sports established 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 governed by the NCAA or NAIA, whichever is applicable, in accordance with College membership.
- 1.4. NIL Activity:** Any activity that involves the use of a student athlete's name, image or likeness rights or athletic reputation for commercial or promotional purposes.
- 2.5. Professional Representation:** An individual who provides services, guidance, advice or otherwise represents a sStudent aAthlete with respect to the use of the sStudent aAthlete's use of their name, image, and likeness rights or athletic reputation for commercial or promotional purposes. Such individual would include, but not be limited to, an athletic agent, brand management company, marketing consultant, tax advisor, financial advisor, or attorney.
- 3.6. Sponsor:** Any individual or organization that pays money or provides goods or services in exchange for advertising rights.

**4.7. Student Athlete:** Prospective or current NSCS student athlete participating in, or expected to, participate in an intercollegiate/Intercollegiate Sport, athletics program college club sport or Auxiliary program for the College.

**5.8. Team Contract:** Any contract between the Board of Trustees, the College or the athletic department of the College and a sponsor.

**6.9. Working Day:** Monday through Friday, excluding holidays.

## C. POLICY

### 1. Student Athlete Compensation and Contracts

Student athletes participating in intercollegiate/Intercollegiate Sports,- College Club Sports/sports or Auxiliary Programs on behalf of the College are permitted to earn compensation for the use of their name, image, likeness, or athletic reputation subject to the limitations set forth in this policy. Nothing herein shall limit the College's right to use a student athlete's name, image, and likeness or athletic reputation in connection with the promotion of its athletics programming.

#### 1.1. Compensation

- Compensation earned under student athlete contracts for NIL activity must be for fair market value and for actual work or services performed.
- Boosters may only compensate a student athlete or arrange compensation for a student athlete for NIL activity if done so on behalf of a business entity if the Booster is an owner, an employee, or has a similar direct relationship with the entity. Boosters shall not provide professional representation to student athletes.
- College and NSCS employees are prohibited from compensating, arranging compensation or negotiating on behalf of a student athlete for the use of the student athlete's name, image, and likeness rights or athletic reputation.

#### 1.2. Contract Requirements

- Student athletes shall not enter into a contract with a sponsor in which compensation is contingent on enrollment at a particular College or athletic participation or performance.
- Student athletes shall not enter into a contract for NIL activity with vendors engaged in gambling or sports wagering, associated with athletic performance enhancing drugs, or associated with alcohol or illegal drugs.
- Student Athletes shall not enter into a contract with a sponsor that provides compensation to the sStudent aAthlete for NIL Activity if the contract requires the sStudent aAthlete to display the sponsor's

apparel or to otherwise advertise for the sponsor during official team and compliance with the contract would conflict with a team contract.

### 1.3. Conflicts and Disclosures

- If the College asserts a conflict between a sStudent aAthlete's contract and a Team Contract, the College must provide a copy of the Team Contract to the sStudent aAthlete and their professional representation. The sStudent aAthlete and their professional representation are prohibited from disclosing the terms of the Team Contract.
- Any student athlete who enters into a contract that provides compensation for the use of the student athlete's name, image or likeness rights or athletic reputation shall disclose such contract to the Athletic Director of the College in writing within five (5) working days of signing the contract by providing a copy of the applicable contract ~~or~~ **completing**.
- Unless otherwise required by law, the College shall not disclose any terms of a student athlete's contract for NIL activities that the student athlete or the student athlete's professional representation deems to be a trade secret or otherwise non-disclosable.

## **2. Use of College Brand and Facilities**

A sStudent aAthlete engaged in NIL activity shall not use or display the College's name, brand, logo, trademark without prior written approval from the College. Such use includes, but is not limited to, wearing College apparel, whether purchased personally or provided by the College, wearing athletic uniforms, displaying mascots, banners, or posters. The College may refuse to provide approval if such would conflict with an existing Team or College agreement or otherwise be deemed by the College to potentially negatively impact the College's brand or reputation.

If brand use is granted, then the student athlete and sponsor must comply with the College's brand standards and/or guidelines.

A student athlete engaged in NIL activity shall not use video or photographic images of official team activities without prior written approval from the College.

The use of College facilities for NIL activities shall require written approval in advance in compliance with the College's facility use policies and procedures and include any applicable agreements, waiver of liability forms, insurance, and rental fees.

## **3. Other Considerations**

Pell Grant or other need-based financial aid could be impacted by compensation received from NIL activity. Student athletes should contact the College Financial Aid Office with questions about financial aid implications.

International student athletes should not enter into any contracts for NIL activity without guidance from the College's office responsible for international programs regarding any potential immigration issues.

## FORMS/APPENDICES:

NIL Optional Reporting Form

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### SOURCE:

**Legal Reference:** RRS 48-3601 to 48-3609 Nebraska Fair Pay to Play Act

**Policy Adopted:** September 2021

**Policy Revised: March 2023**

## 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 level 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.

**2.4. Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.

**3.5. 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.

**4.7. 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**