



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE:

NCAA Title IX and Serious Misconduct Disclosure Policy

VOLUME, SECTION & NUMBER:

2.1.2

ENTITIES AFFECTED:

Student-Athletes

ADMINISTRATIVE AUTHORITY:

Department of Athletics

APPROVED BY:

The Kentucky State University Board of Regents

EFFECTIVE DATE:

January 24, 2023

POLICY STATEMENT:

Pursuant to the National Collegiate Athletic Association (NCAA) Board of Governors' Policy on Campus Sexual Violence, as revised on or around April 27, 2021, Kentucky State University (KSU) is required to use due diligence in gathering pertinent information regarding the prior conduct of any current or prospective student-athlete, include a graduate or transfer student-athlete, who seeks to enroll and participate in intercollegiate athletics at KSU.

Kentucky State University is committed to fostering and creating a safe and productive campus community. In consistency with this commitment, and to ensure compliance with the NCAA Campus Sexual Violence Policy, KSU shall require all current, prospective, and transfer student-athletes to complete a Title IX and Serious Misconduct Student-Athlete Disclosure Form (Disclosure Form) and to disclose if he or she has been involved in serious misconduct. Furthermore, in a manner consistent with federal and state law, KSU shall, as an NCAA member, share relevant discipline information and incomplete Title IX proceedings resulting from a student-athletes' transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.

DEFINITIONS:**Serious Misconduct**

Serious misconduct refers to any act of rape, sexual assault, sexual violence, domestic violence, dating violence, stalking, or sexual exploitation.

Serious misconduct also includes any equivalent violation as defined under Title IX or related law, as well as any other felony or misdemeanor considered equivalent to any of the acts listed above in any jurisdiction where a current or prospective student-athlete was convicted or pleaded guilty or no-contest.

PROCEDURES:

All student-athletes, including those who are prospective and/or transfer student-athletes, shall complete the Title IX and Serious Misconduct Student Athlete Disclosure Form (Disclosure Form) before an official position on an athletic team or a financial aid agreement is offered to him or her. Current student-athletes must complete the Disclosure Form annually. Student-athletes shall answer the Disclosure Form truthfully, accurately, and completely. If it's determined that a student-athlete was untruthful or inaccurate when he or she completed the Disclosure Form, he or she shall be reviewed and may be subject to discipline up to and including a finding of ineligibility to participate in KSU athletic programs.

The Disclosure Form is appended to this Policy.

Mandatory Student-Athlete Disclosure

On an annual basis, all current student-athletes must complete the Disclosure Form. Student-athletes must complete the form truthfully, accurately, and completely, to the best of his or her knowledge.

All prospective student-athletes will receive the Disclosure Form from the Department of Athletics or the coaching staff that is recruiting the prospect. The Disclosure Form shall be completed and turned into the Department of Athletics for review before an official position on an athletics team or a financial aid agreement is offered.

Prospective and/or transfer student-athletes will have to complete the Disclosure Form prior to an offer of a grant-in-aid or offer of a walk-on position on a team, whichever comes first. Prospective and/or transfer student-athletes must also fill out a Title IX & Serious Misconduct Consent Form (Consent Form), which gives KSU written permission to contact the student-athlete's former institution for the purpose of completing an inquiry relating to whether the student-athlete was a respondent in a Title IX case and whether he or she was found responsible. If the prospective and/or transfer student-athlete attended more than one prior institution, he or she must give KSU written permission to contact all prior institutions.

The Consent Form is appended to this Policy.

Specifically, student-athletes must disclose the following:

- Whether they have ever been disciplined through a Title IX or similar campus proceeding for sexual violence, interpersonal violence, or any other act of violence. "Discipline" includes, but is not limited to, sanctions, suspensions, expulsions, and remedies resulting from informal resolutions.
- Whether they have been convicted of, or pleaded guilty or no-contest to, any crime of sexual violence, interpersonal violence, or any other act of violence.
- Whether a Title IX proceeding was incomplete or pending when they transferred.

Student-athletes need not disclose the following:

- That they are currently under investigation in a Title IX proceeding for sexual violence, interpersonal violence, or any other act of violence unless it was pending or incomplete when they transferred.
- That they have been found “not responsible” or “not in violation” at the conclusion of a Title IX proceeding for sexual violence, interpersonal violence, or any other act of violence.
- That they have been found “not guilty,” or that their charges were dismissed without conviction, in any criminal investigation for sexual violence, interpersonal violence, or any other act of violence.

Responsive Action

Failure to comply with this Policy may jeopardize a student-athlete’s eligibility to participate in intercollegiate athletics at Kentucky State University or any other institution, and may also result in responsive or disciplinary action by the NCAA or KSU. Responsive or disciplinary action may include, but is not limited to, revocation of eligibility for athletic scholarships and removal from an athletic team.

Document Retention

KSU’s Athletic Director, or his or her designee, shall be the local custodian of disclosure records. Kentucky State University shall maintain the disclosure records for each student-athlete until he or she is no longer a student at KSU.

RELATED POLICIES & DOCUMENTS:

[NCAA Board of Governors’ Policy on Campus Sexual Violence](#)



TITLE IX & SERIOUS MISCONDUCT STUDENT-ATHLETE DISCLOSURE

Pursuant to the National Collegiate Athletic Association (NCAA) Board of Governors' Policy on Campus Sexual Violence as revised on or about April 27, 2021, Kentucky State University ("KSU") is required to use due diligence to gather pertinent information regarding the prior conduct of any current or prospective student-athlete, including a graduate student, or transfer who seeks to enroll and participate in intercollegiate athletics at KSU.

At a *minimum*, each current and prospective student-athlete is required to answer the following questions prior to the student-athlete practicing, competing, or receiving institutional financial aid:

- | | | |
|--|------------|-----------|
| 1. Do you have any criminal or juvenile delinquency charges pending against you? | Yes | No |
| 2. Do you have any civil lawsuits pending against you? | Yes | No |
| 3. Have you been convicted of, pleaded guilty to, pleaded no contest or been found a delinquent to any crime or delinquency involving: | | |
| a. Sexual Violence? | Yes | No |
| b. Rape? | Yes | No |
| c. Sexual Assault? | Yes | No |
| d. Domestic Violence? | Yes | No |
| e. Dating Violence? | Yes | No |
| f. Stalking? | Yes | No |
| g. Sexual Exploitation? | Yes | No |
| h. Sexual Harassment? | Yes | No |
| i. Incest? | Yes | No |
| j. Hate Crimes? | Yes | No |
| k. Assault with a Deadly Weapon? | Yes | No |
| l. Assault that caused Serious Bodily Injury? | Yes | No |
| m. Murder? | Yes | No |
| n. Manslaughter? | Yes | No |
| 4. Have you ever been named a suspect in a law enforcement investigation involving: | | |
| a. Sexual Violence? | Yes | No |
| b. Rape? | Yes | No |
| c. Sexual Assault? | Yes | No |
| d. Domestic Violence? | Yes | No |
| e. Dating Violence? | Yes | No |
| f. Stalking? | Yes | No |
| g. Sexual Exploitation? | Yes | No |
| h. Sexual Harassment? | Yes | No |
| i. Incest? | Yes | No |
| j. Hate Crimes? | Yes | No |
| k. Assault with a Deadly Weapon | Yes | No |
| l. Assault that caused Serious Bodily Injury? | Yes | No |
| m. Murder? | Yes | No |
| n. Manslaughter? | Yes | No |

If you answered “Yes” to Question 1 or 2 or any portion of Question 3 and 4, please provide a detailed explanation of each such matter including but not limited to the court in which each such matter is pending or was adjudicated, the case number and the date of the filing or disposition.

5. Have you been disciplined, suspended or placed on probation for any reason at any Collegiate Institution†? *If yes, please provide a detailed explanation.*
6. At the time you ceased enrollment at a previous Collegiate Institution†, were you the subject of a pending proceeding of any sort that could have resulted in disciplinary action, suspension, expulsion or probation? *If yes, please provide a detailed explanation.*
7. Have you ever provided the information requested in this matter to any other Collegiate Institution†? *If yes, please list those institutions.*

Answers to these questions, at a minimum, must be provided by each current and prospective student-athlete even when KSU has no independent reason to suspect the current or prospective student-athlete may have engaged in conduct that would trigger KSU’s Interim Title IX and Other Sexual Misconduct Policy (“Title IX Policy”). Current and prospective student-athletes shall be notified that failure to disclose any kind of Serious Misconduct may result in disciplinary action, up to and including expulsion from KSU. When KSU has an independent reason to inquire into a current or prospective student-athletes prior conduct, the institution shall conduct a thorough inquiry designed to gather all information needed to assess the situation, including but not limited to a background check and internet search. KSU is expected to ask the student-athlete and others who might possess pertinent information to provide any such information, and where appropriate, to request authorization from such persons to obtain pertinent documents and information from third parties. When a question exists whether the student-athlete has triggered the Title IX policy or engaged in serious misconduct, the KSU Student-Athlete Conduct Advisory Committee shall be notified prior to making the decision to provide aid or allow the student-athlete to practice or compete. All information provided will be kept confidential to the extent authorized by applicable law.

By checking the boxes and signing below, you certify:

- ☐ I have read and understood this form.
- ☐ All my answers are truthful to the best of my knowledge.
- ☐ I give KSU permission to looking into any of the above-disclosed matters.

Signature of Student-Athlete OR Parent/Guardian

Printed Name of Signatory

(Signature of Parent/Guardian required if Participant is under the age of 18)

Date

† The term ‘Collegiate Institution’ includes but is not limited to any two-year college (e.g., junior college or community college) and any four-year college or university.

¹ By reference to The Interim Title IX and Other Sexual Misconduct Policy and other Serious Misconduct is defined as any act of rape, sexual assault, sexual violence, domestic violence, dating violence, stalking, sexual exploitation, sexual harassment, incest, hate crimes, murder, manslaughter or any assault that employs the use of a deadly weapon or causes serious bodily injury.

<https://www.kysu.edu/student-engagement-and-campus-life/title-ix/TitleIXPolicy.pdf>



TITLE IX & SERIOUS MISCONDUCT STUDENT-ATHLETE CONSENT FORM

As a member of the National Collegiate Athletic Association (“NCAA”), Kentucky State University (“KSU”) adheres to the NCAA Board of Governors’ Policy on Campus Sexual Violence as revised on or about April 27, 2021, and gathers certain disciplinary and criminal history about incoming and transfer potential student athletes from their former institutions. Prospective student athletes who wish to participate in NCAA intercollegiate athletics must comply with this procedure.

INSTRUCTIONS:

- Each incoming or transfer prospective student athlete will fill out the top portion of this form.
- A prospective student athlete must fill out a separate form for each K-12 and post-secondary institution they have attended in the past five (5) years.
- Kentucky State University will then send this form to the identified institutions.

TO BE COMPLETED BY THE INCOMING OR TRANSFER PROSPECTIVE STUDENT-ATHLETE:

FIRST NAME: _____ LAST NAME: _____

DATE OF BIRTH: _____

AUTHORIZATION: I authorize _____ (former institution) to release disciplinary and/or criminal information from my educational records to Kentucky State University, including records related to the crimes and incidents addressed in the NCAA Policy on Campus Sexual Violence.

STUDENT SIGNATURE: _____
(Signature of Parent/Guardian required if Participant is under the age of 18)

DATE: _____

TO BE COMPLETED BY FORMER INSTITUTIONS THE STUDENT ATTENDED IN PAST FIVE (5) YEARS:

NOTE: This section must be completed by a school/college/university official with access to student’s disciplinary records.

INSTITUTION NAME: _____

INSTITUTION OFFICIAL’S NAME AND TITLE: _____

EMAIL: _____ PHONE: _____

QUESTIONS:

<i>If yes to any of the following, please provide further documentation.</i>	Yes	No
1. Has the student ever been found responsible in a Title IX or related disciplinary proceeding for sexual, interpersonal or other acts of violence?		
2. Has the student ever been criminally convicted for sexual, interpersonal or other acts of violence?		
3. Did the student have a Title IX or related disciplinary proceeding pending for sexual, interpersonal or other acts of violence when the student left the institution?		

INSTITUTION OFFICIAL'S SIGNATURE: _____

DATE: _____