

Office/Contact: University Intercollegiate Athletics

Source: [SDBOR Policy 3:23](#)

Forms: Serious Misconduct Disclosure Form

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**SOUTH DAKOTA STATE UNIVERSITY**  
**Policy and Procedure Manual**

SUBJECT: Student-Athlete Serious Misconduct

NUMBER: 3:11

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1. Purpose

This policy and its procedures implement SDBOR Policy 3:23 and NCAA Policy on Campus Sexual Violence. Student-athletes currently enrolled at the University, eligible and participating in University Intercollegiate Athletics, are subject to this policy and procedures for conduct in process or occurring after May 1, 2022.

2. Definitions

- a. Student-athlete: any current or incoming student at the University or other SDBOR institution who has been invited to participate in an organized and competitive sport through the institution's Intercollegiate Athletics Department.
- b. Serious Misconduct: having been held responsible through a Title IX, student conduct, or other proceeding, or a criminal conviction for sexual, interpersonal, or other acts of violence, or other felony convictions of conduct that would constitute a violation of SDBOR policies, including but not limited to those categorized generally under the following:
  - i. Interpersonal Violence: violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
  - ii. Sexual Violence: a term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.
  - iii. 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. Policy

- a. All University Intercollegiate Athletics employees and Student-athletes will participate annually in sexual violence prevention, intervention, and response programming and education in conformity with SDBOR and University requirements.
- b. The University's Intercollegiate Athletics Director, or designee, will ensure that Student-athlete actions are coordinated in conjunction with the SDBOR and institutional conduct, non-discrimination, and all other campus and system policies.
- c. The University's Intercollegiate Athletics Director, or designee, will verify and ensure compliance with this procedure and applicable SDBOR and University policies.

#### 4. Procedures

##### a. Annual Disclosures

- i. All incoming, continuing, and transfer Student-athletes must complete the required annual disclosure form. Before a national letter of intent (“NLI”) may be issued, or prior to allowing a Student-athlete who is not receiving athletic-related financial aid to participate, the University’s Intercollegiate Athletics Department will verify that the required disclosure form has been signed, submitted, reviewed, and cleared. Verbal commitments made to Student-athletes will be conditioned on successful completion, review, and verification of the required disclosures.
- ii. Failure to make full and accurate disclosure could result in loss of eligibility to participate in athletics programs as determined by the University’s Intercollegiate Athletics Director, or designee. Such loss of eligibility at the University will be considered by other SDBOR institutions upon any transfer of Student-athlete.
- iii. Student-athletes who, after Due Diligence Review, are determined to have been disciplined through a Title IX, student conduct, or other proceeding, or a criminal conviction of Serious Misconduct, will not be eligible for University Athletics participation, financial aid, practice, competition, or other University Athletics programming.
- iv. Student-athletes with unresolved proceedings related to Serious Misconduct will not be eligible for University Athletics participation, financial aid, practice, competition, or other University Athletics programming if independent inquiry of the University’s Title IX Office validates the Serious Misconduct alleged.
- v. Loss of eligibility or a determination of ineligibility pursuant to this policy shall have no bearing on, or otherwise impact, the academic status or standing of a student. Any violation of SDBOR or University policies involving the same underlying facts which resulted in loss of eligibility or ineligibility pursuant to this policy will be addressed in accordance with, and pursuant to, the applicable SDBOR or University policies.

##### b. Due Diligence Review

- i. The University’s Intercollegiate Athletics Director, or designee, will receive Annual Disclosure forms, verify that Student-athletes have met the Annual Disclosure requirements and that all forms are fully completed, and make assurances of compliance with the requirements of this and applicable NCAA policies. Forms indicating that Serious Misconduct occurred, or that are observed to contain inaccurate disclosures, will be forwarded to the University’s Title IX Office for further review, with notice to the Student-athlete.
- ii. Current Student-athletes must annually complete the required disclosure form by June 15<sup>th</sup> of each year.

- iii. Upon receipt for review and in accordance with applicable privacy laws, the University's Title IX Office will gather information from any prior institution(s), relevant court systems, and other sources that may possess information regarding the Serious Misconduct in question. The Student-athlete will be provided an opportunity to respond during verification processes.
- iv. Student-athletes will cooperate with institutional efforts to verify information related to Serious Misconduct, including but not limited to completion of necessary consent forms and releases of information required by another institution or entity, in order to timely obtain records.
- v. Verification of inaccurate Annual Disclosures, finding of responsibility for, or conviction of, Serious Misconduct, or incomplete proceedings during participation in University Athletics programs or verified from an Annual Disclosure in accordance with the requirements of this policy, will result in ineligibility for athletic financial aid, participation, practice, competition, or other University Athletics programming. Student-athletes will be notified of ineligibility status by the University's Intercollegiate Athletics designee and if any, their right to appeal.
- vi. An appeal committee consisting of the University's: 1) Intercollegiate Athletics Compliance Officer [Chair]; 2) Title IX Coordinator; 3) Dean of Students; and 5) one University Police Department Officer will hear appeals of denials of eligibility resulting from review of Annual Disclosure reviews and determinations for current Student-athletes. Appeal determinations regarding athletics eligibility are not subject to an appeal of right.

#### 5. Responsible Administrator

The University's Intercollegiate Athletics Compliance Officer, successor, or designee, is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 05/01/2022.