



**BOISE STATE UNIVERSITY**

University Policy 2060

## Student-Athletes Conduct

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### **Effective Date**

June 1996

### **Last Revision Date**

December 19, 2022

### **Responsible Party**

Vice President for Student Affairs and Enrollment Management, (208) 426-1418  
Department of Intercollegiate Athletics, (208) 426-1826  
Office of Title IX and Institutional Equity, (208) 426-1258  
President's Office, (208) 426-1491

### **Scope and Audience**

This policy applies to all student-athletes, coaches, and staff in the Athletics Department.

This policy governs the Athletic Department process for violations of the law, the Student Code of Conduct, or other University policies by student-athletes. Student-athletes may separately be subject to criminal penalties and are also subject to the processes in the Student Code of Conduct and other University policies. Violations of NCAA or Conference rules, the Student-Athlete Handbook, and applicable Team Rules are governed by those documents.

Coaches and any other member of the Athletic Department staff must further follow applicable reporting requirements outlined in the Athletic Department Policy Manual (for example, related to emergencies, crimes, academic misconduct, sex-based misconduct, etc.).

## Additional Authority

- Family Educational Rights and Privacy Act of 1974 (“FERPA”) – 20 U.S.C. § 1232g
  - NCAA Board of Governors Policy on Campus Sexual Violence
  - Idaho State Board of Education Policy, Section III.T. (Student Athletes)
  - University Policy 2020 (Student Code of Conduct)
  - University Policy 2250 (Student Privacy and Release of Information)
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### 1. Policy Purpose

To comply with Idaho State Board of Education Policy, Section III.T. which outlines requirements for conduct and criminal disclosure statements, recruitment restrictions, reporting requirements, and other obligations of the university specific to student-athlete conduct.

### 2. Policy Statement

The University has a responsibility to help ensure the safety of the entire university community as well as its reputation. The conduct of student-athletes impacts them, their teammates, coaches, the Athletic Department, the university, and the Idaho State Board of Education. Accordingly, the university is obligated to take care in recruiting, signing, and keeping student-athletes.

### 3. Definitions

#### 3.1 Nolo Contendere

A plea in a court of law in which the defendant does not accept or deny responsibility for the charges but agrees to accept punishment.

#### 3.2 Sexual Misconduct Proceeding

Title IX proceeding or any other proceeding for sexual violence, sex-based harassment, sexual assault, dating violence, domestic violence, and stalking.

### 4. Applicable Student Conduct Rules

Student-athletes are subject to all National Collegiate Athletic Association (NCAA), Conference, Boise State University, and Athletic Department policies and procedures, including the Student Code of Conduct, the Student-Athlete Handbook, and applicable Team Rules.

## 5. The Student-Athlete Conduct Committee

- a. The Student-Athlete Conduct Committee consists of the following members:
  - Athletic Director, or designee
  - Senior Associate Athletic Director/SWA, or designee
  - Faculty Athletic Representative
  - Senior Associate Athletic Director for Compliance, or designee
  - Vice President of Student Affairs and Enrollment Management, or designee
  - Dean of Students, or designee
  - Vice President of University Affairs, or designee
  - General Counsel, or designee
  - Director of Title IX and Institutional Equity, or designee
- b. Five (5) members of the Student-Athlete Conduct Committee will be enlisted as a panel to make a decision as outlined in this policy and any decision must be made by a majority of the panel.

## 6. Student Records Check

- a. The NCAA requires the Athletic Department to take reasonable steps to complete a student records check prior to their participation in any intercollegiate athletic competition.
- b. The Athletics Compliance Office will provide a student records check form to each incoming student-athlete.
- c. Each incoming student-athlete must sign a FERPA release and consent for disclosure of their education records.
- d. The Athletics Compliance Office will distribute a copy of the signed form to each of the incoming student-athlete's previous institutions.

- e. For incoming high school student-athletes, a form will be provided to each high school the student-athlete attended. For minors, the form will be provided to the student-athlete's parent(s) to review and sign.
- f. Responsive records will be kept in the office of the Athletic Director. Such records are "education records" as that term is defined under the Family Education Rights and Privacy Act of 1974, as amended (FERPA).

## 7. Disclosure Statement

- a. The Athletic Department requires each student-athlete to complete and sign a disclosure statement prior to participating in any intercollegiate athletic endeavor, and annually after the initial disclosure. The disclosure statement will include a description of:
  - Any prior criminal conviction;
  - Any prior juvenile disposition wherein the student-athlete was found to have committed an act that would constitute a misdemeanor or felony if committed by an adult;
  - Any pending criminal charges, including juvenile proceedings alleging any act which would constitute a misdemeanor or felony if committed by an adult;
  - Conduct that resulted in discipline as a result of a Sexual Misconduct Proceeding; and
  - Conduct that resulted in a Sexual Misconduct Proceeding, and in which such proceeding was incomplete at the time of transfer from another institution.
- b. Completed statements will be kept in the office of the Athletic Director. These disclosure statements are considered "education records" as defined under the Family Education Rights and Privacy Act of 1974, as amended (FERPA).
- c. Failure of a student-athlete to accurately disclose all incidents described above may result in immediate suspension or dismissal from their team or the athletic program. Suspension or dismissal from their team or the athletic program may result in financial aid being revoked. A student-athlete will not be held responsible for failing to disclose a proceeding of which the student-athlete was not notified.

## 8. Reviewing Disclosure Statements and Student Records Check and Determining Disqualification

- a. Each completed disclosure statement and student records check will be reviewed by the Senior Associate Athletic Director for Compliance, or their designee.
- b. Disclosure statements and/or student records checks which indicate a conviction, disposition, charge, or misconduct will be forwarded to the Student-Athlete Conduct Committee. If the Student-Athlete Conduct Committee determines a review is necessary, the student-athlete will be given the opportunity to provide a response or written explanation for the committee to review before making a decision.
- c. The Student-Athlete Conduct Committee will determine if any conviction, disposition, charge, or misconduct disclosed by a student-athlete prior to participation or in response to a student records check will result in suspension or dismissal from their team or the athletic program. Dismissal from the athletic program may result in financial aid being revoked.

## 9. Recruitment Restrictions

- a. The University shall not knowingly recruit any person as a player for an intercollegiate athletic team who has been convicted of a felony or, in the case of a juvenile, who has been found to have committed an act which would constitute a felony if committed by an adult.
- b. Exceptions to this restriction may be granted only by the President upon recommendation of the Athletic Director and the Faculty Athletic Representative. Such decisions must be reported in writing to the Executive Director of the Idaho State Board of Education at the time the exception is granted.

## 10. Reporting Requirements

- a. Student-athletes must immediately report to their head coach and to the Athletic Director, and/or their designee, any incident which may result in:
  - A Student Code of Conduct investigation or violation;
  - Another University policy investigation or violation; and/or

- A criminal investigation or charges against them.

(Refer to the current Student-Athlete Handbook for designee(s) and contact information).

- b. Coaches and any other member of the Athletic Department staff must immediately inform the Athletic Director, and/or their designee, of any knowledge of any criminal investigation of, violation by, or charge against one of their student-athletes.
- c. The Athletic Director will report any criminal investigation of or violation by, and any serious Student Code of Conduct or other University policy investigation of, violation by, or charge against one of their student-athletes to the Vice President for Student Affairs and Enrollment Management and to the President, and/or their designee.
- d. The President, and/or their designee, will report any criminal investigation of, violation by, or charge against one of their student-athletes to the Executive Director of the Idaho State Board of Education as soon as possible after learning of the investigation, violation, and/or charges. The report to the Executive Director of the Idaho State Board of Education must include a description of the alleged violation and the university's proposed action, if any. Verbal reports to the Executive Director of the Idaho State Board of Education must be followed up with written notification (e.g., email, text, memo, etc.).
- e. The same reporting procedure outlined in 10.b-d. above will be utilized if a student-athlete is convicted of a criminal charge.

## 11. Sanctions for Conduct after Enrollment

- a. Any student-athlete charged with a criminal violation or a violation of the Student Code of Conduct or other University policy must be referred to the Senior Associate Athletic Director/SWA, or their designee.
- b. The Senior Associate Athletic Director/SWA, or their designee, may forward the information to the Student-Athlete Conduct Committee for review.
- c. If the Student-Athlete Conduct Committee determines a review is necessary, the student-athlete will be given the opportunity to provide a response or written explanation for the committee to review before making a decision.
- d. The Student-Athlete Conduct Committee will determine if any criminal conviction or finding of responsibility for a violation of the Student Code of Conduct or other University policy will result in disciplinary action up to and including dismissal from their team or the

athletic program. Suspension or dismissal from their team or the athletic program may result in financial aid being revoked, at the discretion of the Student-Athlete Conduct Committee.

- e. Failure by the student-athlete to immediately report an incident which may result in an investigation, policy violation, or criminal charges to their head coach and to the Athletic Director or their designee, may separately subject the student-athlete to sanctions up to and including dismissal from the athletic program.

## **12. Felony Conviction after Enrollment**

- a. A student-athlete convicted of a felony after enrollment, including a plea of Nolo Contendere on a felony charge, will be removed from their team and will not be allowed to participate again in intercollegiate athletics at any Idaho public college or university pursuant to Idaho State Board of Education policy.
- b. The University may cancel any athletic financial aid received by a student-athlete who is convicted of a felony (subject to NCAA regulations and the University's applicable policies and/or applicable student conduct process). Nothing in this policy will be construed to limit the exercise of disciplinary actions under the Student Code of Conduct.

## **13. Student-Athlete Handbook and Team Rules**

- a. Each student-athlete is provided an electronic copy of the Student-Athlete Handbook at the beginning of each academic year and must sign a statement acknowledging receipt of the Handbook.
- b. Each head coach must hold a team meeting at the beginning of the academic year. Attendance at this meeting is mandatory. The head coach will verbally review the team rules with the student-athletes. Each team member must receive a copy of the team rules and sign a statement acknowledging receipt of the rules and attendance at the meeting where the rules were verbally reviewed.

## **14. Drug Education and Testing**

Student-athletes are required annually to give written consent for drug testing as required by the Boise State University Intercollegiate Athletic Drug Education and Drug Testing Policy, and the NCAA drug testing program as a condition of the privilege of participating in intercollegiate athletics.

## **15.Related Information**

University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking)

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## **Revision History**

January 2011; December 19, 2022