

**The Lutheran University Association, Inc.**

**d/b/a/Valparaiso University**

**NCAA Student Athlete Background Disclosure Policy**

The NCAA requires Valparaiso University (“Valpo”) to collect a disclosure annually from all incoming, current and transfer college athletes. This disclosure provides detailed information to the university if their conduct has resulted in an investigation, discipline through a Title IX proceeding or a criminal conviction for sexual, interpersonal or other acts of violence. A failure by the athlete to accurately and fully disclose investigatory activity, a disciplinary action or criminal conviction may result in penalties, including a loss of athletics eligibility as determined by the university (detailed below).

Effective immediately all current student-athletes will annually complete the Valparaiso Student Athlete Background Disclosure Questionnaire (“the Questionnaire”).

A current or prospective student-athlete<sup>1</sup> who has been convicted of, pleaded guilty or no contest to a felony or misdemeanor involving Serious Misconduct, has been found a delinquent in relationship to a juvenile code equivalent, or has been disciplined by the university or athletic department at any time during enrollment at any collegiate institution (excluding temporary disciplinary action during an investigation) due to Serious Misconduct shall not be eligible for athletically-related financial aid<sup>2</sup>, practice or competition at Valparaiso University (“Valpo”). Valpo shall require all current and prospective student-athletes to complete the Valparaiso Student Athlete Background Disclosure Questionnaire regarding Serious Misconduct and if warranted, conduct an appropriate inquiry prior to providing athletically-related financial aid to a current or prospective student-athlete before allowing them to participate as a part of Valparaiso Department of Athletics. For purposes of this provision, “Serious Misconduct” is defined as any act of incest, rape, sexual assault, sexual violence, sexual harassment, domestic violence, dating violence, stalking, sexual exploitation<sup>3</sup>, hate crime, murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury. Serious Misconduct also includes any equivalent violation of Valpo student policies or student handbook of previously attended institutions, including but not limited to sexual misconduct<sup>4</sup>, sexual harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Serious Misconduct would also include any other felony or misdemeanor considered equivalent to those listed above in any jurisdiction where current or prospective student-athlete was convicted or pleaded guilty or no-contest. Any current or prospective student-athlete that does not complete the Questionnaire truthfully will not be eligible to participate in Valpo athletics, receive athletically-related financial aid and/or such aid will be rescinded, and/or may be immediately suspended from Valpo.

All prospective student-athletes will receive the questionnaire from the compliance officer or coach that is recruiting the prospect during the recruiting period. The questionnaire will have to be completed and turned into the Athletic Compliance Office for review before a letter of intent, financial aid<sup>5</sup> related to athletic participation agreement or an official position on the team is offered.

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<sup>1</sup> Prospective student-athletes include but are not limited to high school student-athletes and transfer student-athletes.

<sup>2</sup> If applicable.

<sup>3</sup> Sexual Exploitation includes but is not limited to sharing or distributing sexually explicit images of a person without that person’s consent.

<sup>4</sup> As defined in the Harassment & Sexual Misconduct Policy.

<sup>5</sup> If applicable.

For a prospective student-athlete that is transferring from another institution, the prospective student will have to complete the questionnaire prior to an offer of athletic scholarships or walk-on position on a team; whichever comes first. The transferring student must have their current institution's Title IX Officer complete a Title IX Transfer form. If the prospective transfer student attended more than one prior institution, the prospective student would have to get completed Title IX Transfer forms from all prior institutions.

Additionally, each prospective student-athlete, who is transferring to Valpo from another collegiate institution, is required to have their current school's Title IX Coordinator, as well as any previous collegiate institution(s) that the student-athlete attended, complete an additional question on the Valpo Athlete Background Disclosure questionnaire regarding whether or not the prospective student-athlete was a respondent in a matter involving Serious Misconduct and if they were found responsible. The completed additional question will have to be accompanied by the signature of the Title IX Coordinator.

The Athletic Compliance Office will receive and assess all questionnaires of current and prospective students. Any questionnaire that has a response of "yes" will be thoroughly reviewed by the Athletic Compliance Officer and the Title IX Coordinator. Together they will determine whether the student athlete or prospect has violated the policy, in which case the individual shall not be eligible for athletically-related financial aid, practice or competition at Valparaiso University. If such a violation is determined, the Compliance office will notify the head coach and Athletic Director; and issue a notification letter that includes a copy of the policy to the student-athlete or prospect, as well as the instructions on how to file a waiver of the policy. This notification should be within 15 business days of receipt of the questionnaire.

A current or prospective student-athlete or their representative may request a waiver from the policy by submitting their written request to the Valparaiso University Review Panel, defined below. A waiver will be granted when a panel from Valpo consisting of the University's Title IX Coordinator, Dean of Students, Faculty Athletics Representative, and Senior Compliance Officer following a review of the pertinent facts and written waiver request, concludes that compelling exceptional circumstances exist for a waiver of the policy.

Any waiver that is submitted will be sent directly to the Title IX Coordinator within 10 business days of the date of the letter of notification to the student-athlete. The Title IX Coordinator will forward the waiver and any accompanying information to all members of the NCAA Athlete Sexual Violence Policy Review Panel. The Panel will meet within 10 business days of the receipt of the waiver request. The panel will review all documentation and decide whether or not to grant approval of the waiver.

- If the Policy Review Panel decides to grant the waiver, the panel will immediately submit a written report with supporting documentation to the Athletics Director.

- The Athletic Director, with the advice of the General Counsel, will either approve or refute the waiver report within 5 business days of receiving the written report. The Athletic Director's decision is final.

- The student-athlete will be notified of the final decision of the waiver request by the Athletic Director through a letter or email within 5 business days of receiving the decision.