



**YOUNGSTOWN  
STATE  
UNIVERSITY**

**BOARD OF TRUSTEES  
INTERCOLLEGIATE ATHLETICS COMMITTEE**

**Joseph J. Kerola, Chair  
Michael A. Peterson, Vice Chair  
All Trustees are Members**

**BACKGROUND MATERIALS  
Thursday, December 8, 2022**

**1. NCAA Campus Sexual Violence Policy Compliance**

**Tab 1**

**NCAA Board of Governors  
Policy on Campus Sexual Violence**

**Adopted August 8, 2017**

**Updated August 7, 2018**

**Revised April 28, 2020**

**Revised April 27, 2021**

**Preamble.**

The NCAA is a voluntary membership organization dedicated to promoting and developing its core values of academics, well-being and fairness among the 1,100 member schools and more than 450,000 student-athletes who participate in college sports. Sexual discrimination, sexual harassment and sexual and interpersonal violence violate human decency and the Association's core values.

**Association's Efforts in Sexual Violence Prevention.**

The Association has been actively engaged in addressing sexual violence prevention through proactive membership and societal engagement measures since 2010. In 2010, the NCAA Executive Committee (now NCAA Board of Governors) issued a directive to the NCAA Committee on Sportsmanship and Ethical Conduct to support the membership in addressing sexual violence on campus. The directive was followed-up with the 2011 Summit on Violence Prevention. In 2012, the NCAA sponsored a think tank, which led to the production of the comprehensive 2014 guide titled "Addressing Sexual Assault and Interpersonal Violence." In August 2014, the Executive Committee passed a resolution that specifies that appropriately addressing sexual violence is integral to responsible intercollegiate athletics programs. Specifically, the resolution states that addressing sexual violence: (1) Is consistent with the values and principles articulated in the NCAA Constitution; (2) Is mandated by state and federal laws; and (3) Must be part of a collaborative effort with campus policies. Following the resolution, a newly formed interdisciplinary task force produced the "Sexual Violence Prevention Toolkit" in 2016 and updated in 2019, which is endorsed by 12 Higher Education organizations, five NCAA committees and three national organizations. Also in 2016, the NCAA convened the Higher Education Summit on Sexual Assault and Interpersonal Violence which included representatives from higher education associations, NCAA Association-wide committees and subject matter experts. In August of that year, the Board of Governors appointed a Commission to Combat Campus Sexual Violence, for which the commission defined the aspirational culture for colleges and universities as:

*A positive and thriving athletics team culture that revolves around respect and empathy for all, fostering a climate in which all feel that they are respected, valued and contributing members of their teams, athletics programs and institutions; and creating an environment in which students (athletes and nonathletes alike) feel safe and secure, both emotionally and physically, and are free of fears of retaliation or reprisal. The positive culture exuded by a member institution's NCAA teams is the catalyst for a positive culture across an entire campus.*

In keeping with this aspirational culture, the commission recommended the Board of Governors adopt an Association-wide policy to reinforce previous efforts of the Association in addressing campus sexual violence and this document represents the Board of Governors' adoption of such policy.

**Overarching Principles.**

1. Intercollegiate athletics departments should be informed on and integrated in overall campus policies and processes addressing sexual and interpersonal violence prevention and acts of sexual violence, particularly those related to adjudication and resolution of matters related to sexual and interpersonal violence.
2. Intercollegiate athletics departments should review annually the most current Checklist Recommendations of the NCAA Sexual Violence Prevention Toolkit, using it as a guide with resources to conduct ongoing, comprehensive education for student- athletes, coaches and athletics administrators.
3. Intercollegiate athletics programs should utilize their platform to serve as leaders on campus through engagement in and collaboration on efforts to support campus-wide sexual and interpersonal violence prevention initiatives. This includes involving student- athletes in prevention efforts in meaningful ways across the campus, including encouraging use of leadership roles on campus to support such efforts.

**Each university chancellor/president, director of athletics and campus Title IX coordinator\* must attest annually that:**

1. The athletics department is informed on, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual and interpersonal violence.
2. The institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX coordinator\*, are readily available within the department of athletics, and are provided to student- athletes.
3. All student-athletes, coaches and staff have been educated each year on sexual violence prevention, intervention and response, to the extent allowable by state law and collective bargaining agreements.
4. All incoming, continuing and transfer student-athletes have completed an annual disclosure related to their conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence.\*\* Transfer student-athletes also must disclose whether a Title IX proceeding was incomplete at the time of transfer. Failure to make a full and accurate disclosure could result in penalties, including loss of eligibility to participate in athletics as determined by the member institution.

5. Institutions have taken reasonable steps to confirm whether incoming, continuing and transfer student-athletes have been disciplined through a Title IX proceeding or criminally convicted of sexual, interpersonal or other acts of violence.\*\* In a manner consistent with federal and state law, all NCAA member institutions must share relevant discipline information and incomplete Title IX proceedings as a result of transfer with other member institutions when a student-athlete attempts to enroll in a new college or university.
  
6. An institution choosing to recruit an incoming student-athlete or accept a transfer student-athlete must have a written procedure that directs its staff to gather information that reasonably yields information from the former institution(s) to put the recruiting institutional leadership on notice that the student left the institution with an incomplete Title IX proceeding, was disciplined through a Title IX proceeding or has a criminal conviction for sexual, interpersonal or other acts of violence.\*\* Failure to have it written and to gather information consistent with that procedure could result in penalties.

*[Note: Item Nos. 4 to 6 above require attestation beginning with the 2022-2023 academic year attestation.]*

Further, the athletics department will cooperate with college or university investigations into reports and matters related to sexual and interpersonal violence involving student-athletes and athletics department staff in a manner compliant with institutional policies for all students.

**If a school is not able to attest their compliance with the above requirements, it will be prohibited from hosting any NCAA championship competitions for the next applicable academic year.**

\*For international members and schools that do not receive federal funding, or are otherwise exempt from Title IX, the signature should be from the Title IX coordinator or institutional staff member with comparable responsibilities

\*\*A person who has been disciplined through a Title IX proceeding or criminally convicted, regardless of the degree, and whether the result of a plea or court determination, of either of the following:

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

**Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.

**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.



**YOUNGSTOWN STATE UNIVERSITY- DEPARTMENT OF INTERCOLLEGIATE ATHLETICS**

**DUE DILIGENCE QUESTIONNAIRE**

Youngstown State University ("YSU") is required by the NCAA Policy on Campus Sexual Violence to use due diligence in reviewing the prior conduct of any current or prospective<sup>1</sup> student-athlete, including a graduate student, who seeks to participate in intercollegiate athletics at YSU.

At a *minimum*, each current and prospective student-athlete is required to answer the following questions prior to the student-athlete practicing or competing in an NCAA sport for YSU, receiving athletically related aid, or receiving a conditional offer for the same:

- |  |     |    |
|--|-----|----|
| 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 |

*If you answered "Yes" to Question 1 or 2 or any portion of Question 3, please provide a detailed explanation on the attached Exhibit A of this form (the last page) for 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.*

4. Have you been disciplined, suspended or placed on probation for any nonacademic reason at any Collegiate Institution<sup>†</sup> other than YSU? *If yes, please provide a detailed explanation on the attached Exhibit A of this form.*

Yes    No

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

<sup>†</sup> 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.



5. Were you the subject of a pending proceeding of any sort that could have resulted in disciplinary action, suspension, expulsion or probation at a previous Collegiate Institution<sup>†</sup>? *If yes, please provide a detailed explanation on the attached Exhibit A of this form.*

Yes No

6. Have you ever provided the information requested in this questionnaire to any other Collegiate Institution<sup>†</sup>? *If yes, please list those institutions on the attached Exhibit A of this form.*

Yes No

Failure to disclose any kind of Serious Misconduct may result in disciplinary action, up to and including expulsion from YSU. Answers to these questions, at a minimum, must be provided by each current and prospective student-athlete even when YSU has no Independent Reason to suspect conduct that would constitute Serious Misconduct<sup>2</sup>. In order to verify the accuracy of the information disclosed herein, YSU shall take reasonable steps as required by the NCAA to gather all information needed to assess the situation, including but not limited to a public records check. YSU shall 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 the facts reasonably demonstrate that a student-athlete has engaged in an occurrence of Serious Misconduct, a Review Board shall make the determination of eligibility for athletically related aid and/or eligibility to play an NCAA sport for YSU. All information provided will be kept confidential to the extent authorized by applicable law. Student-athletes who do not submit this form, who fail to disclose pertinent information, or who are determined by the Review Board to be ineligible to play an NCAA sport for YSU shall have conditional offers to play an NCAA sport for YSU and/or athletically related aid revoked by the YSU Department of Intercollegiate Athletics, and shall have any existing agreements for athletically related aid become voidable at the sole discretion of the YSU Department of Intercollegiate Athletics.

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 YSU permission to investigate any of the above-disclosed matters.

\_\_\_\_\_  
Signature of Student-Athlete

\_\_\_\_\_  
Printed Name of Student-Athlete

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Guardian (if student-athlete is under 18)

<sup>2</sup> "Serious Misconduct" is defined by Youngstown State University Board Policy 3356-2-05 as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon, as defined in division (A) of section 2923.11 of the Ohio Revised Code, or causes serious bodily injury. Serious Misconduct includes any equivalent violation of the Student Code of Conduct including but not limited to sexual misconduct (as defined in Youngstown State University Board Policy 3356-2-05), including harassment, sexual violence, sexual assault, stalking, domestic violence and/or dating violence. Serious Misconduct also includes any other felony or misdemeanor considered equivalent to those listed above in any jurisdiction where the prospective, continuing, or transfer-athlete was convicted or pleaded guilty or no-contest.



YOUNGSTOWN STATE UNIVERSITY- DEPARTMENT OF INTERCOLLEGIATE ATHLETICS

**RELEASE OF BACKGROUND INFORMATION**

I, \_\_\_\_\_ hereby authorize Youngstown State University and/or its agents to conduct an independent background investigation in order to verify the accuracy of the information I have disclosed herein. This authorization shall remain in effect for as long as I am an active student-athlete on an NCAA sport team roster at Youngstown State University.

I release Youngstown State University and/or its agents and any person or entity which provides information pursuant to this authorization from any and all liabilities, claims or lawsuits in regard to the information obtained from any and all of the above referenced sources used.

The following is my true and complete legal name, and all information is true and correct to the best of my knowledge:

Full Legal Name: \_\_\_\_\_

Local Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Permanent Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date of Birth: \_\_\_\_\_ Driver's License State & Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For an individual under the age of 18, a parent or guardian must sign and agree on behalf of the minor for the release of background information. \***

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**YOUNGSTOWN STATE UNIVERSITY- DEPARTMENT OF INTERCOLLEGIATE ATHLETICS**

**EXHIBIT A – ADDITIONAL INFORMATION**

Please use this space to provide the requested additional information in the inquiries above.

Court/Collegiate Institution: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date of Filing/Disposition: \_\_\_\_\_

Detailed Explanation of Events: *(attach additional sheets to this form if needed for further explanation)*

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Court/Collegiate Institution: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date of Filing/Disposition: \_\_\_\_\_

Detailed Explanation of Events: *(attach additional sheets to this form if needed for further explanation)*

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Court/Collegiate Institution: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date of Filing/Disposition: \_\_\_\_\_

Detailed Explanation of Events: *(attach additional sheets to this form if needed for further explanation)*

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Court/Collegiate Institution: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date of Filing/Disposition: \_\_\_\_\_

Detailed Explanation of Events: *(attach additional sheets to this form if needed for further explanation)*

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**PART B: INSTITUTION INFORMATION**

This form should only be completed by institutional officials who have access to and are authorized to release information related to the requested education records. Please answer the following questions regarding the above-named prospective transfer student-athlete who is seeking to play an NCAA sport for Youngstown State University.

If you have any questions, or you believe you received this form in error, or are not the appropriate individual to complete the form, please contact the Youngstown State University Athletic Compliance Office at (330) 941-2283 or email at [ncaacompliance@ysu.edu](mailto:ncaacompliance@ysu.edu). For purposes of completing this form, and pursuant to the NCAA’s Policy on Campus Sexual Violence, the following definitions apply:

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

**Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.

**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.

(1) Has the prospective transfer student-athlete been subject to discipline for violating Title IX and/or other nonacademic misconduct relating to interpersonal violence, sexual violence, or other act of violence?	YES	NO
(2) Does the student have any <i>incomplete</i> Title IX proceedings and/or other nonacademic misconduct proceedings relating to interpersonal violence, sexual violence, or other act of violence?	YES	NO
(3) Does the institution have knowledge as to whether the prospective transfer student-athlete has been criminally convicted of any one of the following offenses (as defined above):		
a. Interpersonal violence?	YES	NO
b. Sexual violence?	YES	NO
c. Other acts of violence?	YES	NO

If you answered “Yes” to any of the questions above, please provide a separate letter and/or records detailing the allegation and outcome for each matter.

By signing below, you acknowledge that you have answered the above questions on behalf of the institution to the best of your knowledge and that the records provided, if any, are true and accurate copies of the records as maintained by the institution.

\_\_\_\_\_  
Signature and Printed Name of Institutional Title IX Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Printed Name of Institutional Student Conduct Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Institution Name

\_\_\_\_\_  
Contact Telephone

\_\_\_\_\_  
Contact Email

## Review Board Scoring Rubric

	5	4	3	2	1
<b>Nature of and circumstances surrounding any crimes or known conduct violations</b>	Minor offenses; minor misdemeanors; safety of others minimally impacted; questionable or accidental	Minor to moderate offenses; moderate misdemeanors; safety of others moderately impacted; negligent or reckless	Moderate offenses; highest level misdemeanors; safety of others severely impacted; accessory or complicit	Moderate to severe offenses; felonies; danger to others; intentionally committed but remorse evident	Severe offenses; felonies; extreme danger to others; intentionally committed with concern for reoccurrence
<b>Time elapsed since any crimes or known conduct violations</b>	4 or more years since last known occurrence	3 or more years since last known occurrence, but less than 4 years	2 or more years since last known occurrence, but less than 3 years	1 or more years since last known occurrence, but less than 2 years	Less than 1 year since last known occurrence
<b>Rehabilitation record and completion of any sentences or sanctions from any crimes or known conduct violations</b>	Completed all sentences and sanctions timely and completely	Completed all sentences and sanctions mostly timely and completely	Completed all sentences and sanctions somewhat timely and completely	Partially completed sentences and sanctions	Completed none of sentences or sanctions; uncooperative or refused participation
<b>The actions and activities of the individual's subsequent school or work history</b>	Exemplary academic and/or work history since last known occurrence with no conduct incidents	Academic and/or work history since last known occurrence shows at least one conduct incident of concern	Academic and/or work history since last known occurrence shows at least two conduct incidents of concern	Academic and/or work history since last known occurrence is unsuccessful due to conduct	No attempt has been made to retry academic and/or work career since last known occurrence
<b>Truthfulness and completeness of the candidate's disclosure of any crimes or known conduct violations</b>	All five of the following occurred: 1. Complete disclosure 2. Accurate disclosure 3. Timely disclosure 4. Disclosure to athletics 5. Disclosure to admissions	Four of the following occurred: 1. Complete disclosure 2. Accurate disclosure 3. Timely disclosure 4. Disclosure to athletics 5. Disclosure to admissions	Three of the following occurred: 1. Complete disclosure 2. Accurate disclosure 3. Timely disclosure 4. Disclosure to athletics 5. Disclosure to admissions	Two of the following occurred: 1. Complete disclosure 2. Accurate disclosure 3. Timely disclosure 4. Disclosure to athletics 5. Disclosure to admissions	One or less of the following occurred: 1. Complete disclosure 2. Accurate disclosure 3. Timely disclosure 4. Disclosure to athletics 5. Disclosure to admissions

Name \_\_\_\_\_

Averaged score \_\_\_\_\_ (Combined scores from all five categories above, divided by 5)

*An averaged score of 3.0 or higher is required to make a determination of eligibility.*

Comments \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_