

Student-Athlete Sexual and Interpersonal Violence Disclosure Policy

I. Luther College's Commitment to Health, Safety, Fairness, and Integrity in Athletic Programs

Luther College, including its Athletics Department, is committed to promoting a healthy, safe environment for all students, employees, and campus community members that is free of sexual and interpersonal violence. Luther College is also committed to operating its athletics programs in a fair, non-discriminatory manner to ensure that student-athletes receive equitable treatment, consistent with its policies prohibiting discrimination in its educational and athletic programs and activities. In its pursuit of health, safety, and fairness, as well as its enforcement of this policy, Luther College adheres to the fundamental values of respect, fairness, civility, and responsibility.

On April 27, 2021, the NCAA issued a revised [Policy on Campus Sexual Assault](#), which applies to all NCAA members, including Luther College. Luther College has created this Policy on Student-Athlete Sexual and Interpersonal Violence Disclosure to comply with the NCAA's requirements, to further its commitment to campus health, safety, and fairness, and to prevent sexual and interpersonal violence. This policy is intended to incorporate and supplement the College's other [policies](#) and [resources](#) related to this issue.

I. Definitions

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.

I. Annual Disclosure form for Student-Athletes.

The NCAA requires that all incoming, continuing, and transfer student-athletes complete an annual disclosure form that states whether the student-athlete has been disciplined through a Title IX proceeding, whether a student-athlete left a former institution while they were a respondent in an incomplete Title IX proceeding, or whether the student-athlete was criminally convicted of sexual, interpersonal, or other acts of violence. This form must be completed and submitted to the Title IX Coordinator and Deputy Athletics Title IX Coordinator (or their designee).

If a student-athlete fails to complete or submit this form by the submission date in question, the College will not allow for participation in the College's athletic programs. If a student-athlete

fails to make a full and accurate annual disclosure prior to their first practice for the competitive season the student-athlete could face penalties, including loss of eligibility to participate in athletic programming, as determined by the College.

A student-athlete's truthful disclosure of information in the annual disclosure form is not necessarily a bar to admission or participation in athletic programming at Luther College. The College will carefully assess all disclosed information, make an individualized assessment consistent with the College's commitment to preventing sexual or interpersonal violence, consider the nature and gravity of any disclosed conduct, the accuracy of the disclosure, the relevance of any disclosed information to the campus community and educational activities, and whether the student-athlete engaged in any mitigating or rehabilitative efforts related to the disclosed information.

II. Disclosure of new information related to sexual or interpersonal violence or serious criminal activity.

If, after submitting an annual disclosure form for a given academic year, a student-athlete is named as a respondent in a Title IX proceeding, or is charged with a crime related to sexual or interpersonal violence, or other acts of violence, the student-athlete must promptly self-disclose this information to the Title IX Coordinator. A college official will follow up with additional direction and meaningful interventions after reviewing the self-disclosure.

III. Reasonable steps to confirm a history of sexual or interpersonal violence.

Furthermore, the NCAA requires Luther College to take reasonable steps to verify 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. To comply with the NCAA's expectation, each student-athlete is required to: (1) submit their annual disclosure form provided by Luther Athletics; and (2) provide detailed information about any disclosed Title IX proceedings or criminal convictions. Then, if or when the Title IX Coordinator, in consultation with the Director of Campus Safety and Security and the Dean of Student Engagement or other members of the Title IX team, determines if there is a need to follow up with a student-athlete about the annual disclosure form, student-athletes are expected to be cooperative and honest with any questions or interviews that relate to the annual disclosure form. A student-athlete's failure to cooperate with any follow-up information requests or interviews may result in penalties for the student-athlete, including exclusion from participation in athletic programming affiliated with Luther College. Student-athletes found responsible for furnishing false information to any Luther College official may be charged and sanctioned as outlined in the Student Handbook.

Notwithstanding the contents of a disclosure, the Title IX Coordinator (or their designees) may also elect, at their discretion, to use additional investigation methods to understand a student-athlete's alleged history of sexual or interpersonal violence. The Title IX Coordinator may elect to engage in further inquiry or investigation efforts for many reasons, including the confirmation of factual information suggesting that the student-athlete may have a history of sexual or interpersonal violence, information suggesting a student-athlete may have recently

been involved with an incident of sexual or interpersonal violence, or information suggesting the student-athlete may not have been completely honest and forthcoming in the annual disclosure form.

Additional investigation methods may include criminal background checks, requests for references, review of publicly available records, interviews with the student-athlete or third parties, requests for information from other educational institutions (subject to privacy laws, FERPA), and other research. When deciding whether further investigation is needed, or deciding how to conduct any additional investigation, Luther College will adhere to all applicable state and federal laws and will apply its inquiry and investigation methods in a fair and equitable manner.

IV. Verification of information for incoming and transfer-student athletes

For incoming and transfer student-athletes, the NCAA requires that the College gather information from any former educational institution to put Luther College's leadership on notice that a student left a former educational institution with an incomplete Title IX proceeding, received discipline through a Title IX proceeding, or has a criminal conviction for sexual, interpersonal or other acts of violence. To comply with this requirement, the College requires incoming and transfer student-athletes to complete a legally-compliant educational records release (FERPA release) directed to the former educational institution, which will authorize the former institution to release information about any known Title IX proceedings in which the student-athlete was named as a respondent and which are incomplete, any known Title IX proceedings that resulted in discipline against the student-athlete, and any known history of criminal or interpersonal violence by the student-athlete.

Luther College will provide this form to the student-athlete to complete, and the student-athlete must return the release to the Title IX Coordinator or a designated official for the Athletic Department so that the College may conduct the required inquiry. A failure to furnish the release may result in penalties for the student-athlete, including potential exclusion from participating in athletic events affiliated with the College. Student-athletes will not be penalized if the previous institution fails to complete and return the verification form, but the College will reasonably attempt to verify all information provided in the disclosure form.

V. Information-sharing with other future educational institutions.

The NCAA requires Luther College to share certain relevant disciplinary information involving a student-athlete, including an incomplete Title IX proceeding, for any Luther College student-athlete who transfers to another educational institution. In doing so, the College will not release any information about a student's disciplinary history unless it receives a legally-compliant educational records release request (FERPA release).

VI. Recordkeeping.

Luther College will maintain all completed disclosure forms, as well as any records generated in any investigation or inquiry related to a student-athlete's history of sexual or interpersonal

violence or criminal convictions. Disclosure materials will be stored within the Office of Student Engagement and maintained for seven years of issuance.

VII. Other Policies and Resources Related to Sexual Violence

Luther College has a number of policies that relate to or prohibit sexual or interpersonal violence on campus. Members of Luther's Athletic Department are informed on, integrated with, and compliant with the College's policies and resources related to: (1) sexual violence prevention; and (2) College's adjudication and resolution of known or reported acts of sexual or interpersonal violence, which are set forth in the policies identified below:

- Title IX Policy <https://www.luther.edu/titleix/>
- Conduct of Conduct Sexual Misconduct Policy https://www.luther.edu/studentlife/student-handbook/?policy_id=678287
- Code of Conduct Proscribed Conduct https://www.luther.edu/studentlife/student-handbook/?policy_id=678261

These policies are available to students, faculty, staff, coaches, and the public on the College's website. Luther College has a Title IX Coordinator, who oversees the institution's efforts to prevent, respond and remedy sexual violence. Contact information for the Title IX Coordinator is below:

Kasey Nikkel, Title IX Coordinator, kasey.nikkel@luther.edu, (563)387-1825

VIII. Cooperation with College policies and procedures

Notwithstanding the provisions of this policy, the Luther College Athletics Department will cooperate, and act in compliance with, all College policies, processes, and procedures into reports and matters related to sexual and interpersonal violence involving student-athletes and Athletics Department staff. This includes investigations and adjudications under College policy.

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