



## **Student-Athlete Attestation Form of Serious Misconduct** *Info Sheet for Student-Athletes*

**Policy Statement.** Pursuant to the City University of New York (“CUNY”) Policy on Student-Athlete Attestation of Serious Misconduct (“the Policy”), CUNY will gather information regarding the prior misconduct of any current, prospective or transfer student-athlete who seeks to participate in intercollegiate athletics at CUNY (“covered student-athletes”) and will do so annually.

**How will CUNY use this information?** CUNY will review the information provided on this form and take reasonable steps to confirm the circumstances of the serious misconduct. Thereafter, a Campus Level Review Panel will review the available information and determine whether the prior serious misconduct impacts a student-athlete’s eligibility to participate in intercollegiate athletics at CUNY.

**Requirement: All covered student-athletes are required to attest annually whether they have been (1) disciplined through a campus misconduct proceeding involving serious misconduct; or (2) have been convicted of, pled guilty to, or pled no contest to a crime of serious misconduct.** Covered student-athletes are required to complete the form accurately, completely and to the best of their knowledge.

**What must be disclosed?** All applicable convictions must be disclosed. Applicable discipline from prior educational institutions, including high school through present, must be disclosed.

**Student-athletes must disclose:**

- Whether they have ever been disciplined through a campus misconduct proceeding for serious misconduct;
- Whether they have been convicted of, pled guilty to or pled no contest to any crime of serious misconduct; and
- Whether, if a transfer student-athlete, a campus misconduct proceeding involving serious misconduct is incomplete or pending at the time of transfer and/or when the Attestation is completed.

**Student-athletes should not disclose:**

- That they are currently under investigation for serious misconduct, other than the exceptions for transfer student-athletes listed above;
- That they have been found "not responsible" or "not in violation" through a campus misconduct proceeding for serious misconduct;
- That they are currently under investigation, or have ever been named a suspect, for a criminal matter involving serious misconduct;
- That they have been found "not guilty" or otherwise had charges dismissed without a conviction in a criminal investigation involving serious misconduct;
- Convictions that are sealed; and/or
- Conduct which has been previously disclosed via an Attestation in accordance with the procedures outlined in this Policy.

**Additional Requirements for Transfer Students.** For transfer students, regardless of whether a disclosure is made, CUNY will request records of: (1) incomplete or pending campus proceedings involving serious misconduct against the student-athlete, and (2) campus misconduct proceedings involving serious misconduct which resulted in discipline for the student-athlete. These records will be requested from the institution from which the student is transferring, or from the institution most recently attended.



## Student-Athlete Attestation Form of Serious Misconduct

*Prior to completing this form, please read the CUNY Policy on Student-Athlete Attestation of Serious Misconduct and review the definitions in Attachment A.*

**Section A – Attestation (to be completed by the student-athlete)**

*If you answer “yes” to any of the below-listed questions, proceed to Section B. Otherwise, proceed to Section C.*

Please answer ‘Yes’ or ‘No’ to the following questions	Yes	No
Have you been convicted of, pled guilty to, or pled no contest to any crime involving serious misconduct?		
Have you been disciplined through a campus misconduct proceeding for acts involving serious misconduct? Include every prior educational institution, including high school through present.		
<b>For transfer students:</b> Is a campus misconduct proceeding for acts involving serious misconduct, pending or incomplete at the time of your transfer and/or at the time this form is being completed?		

**Note:** If you are a transfer student-athlete, regardless of your answers, you must sign the FERPA release (Section D) on the following page to allow the release of records from the institution you are transferring from or from the institution you most recently attended.

**Section B – Disclosure Information (to be completed by the student-athlete).**

**If you answered “yes” to any of the questions in Section A, you must:**

- **B1. Provide Additional Information.** On a separate page, identify the misconduct, including, but not limited to: the date of the incident(s), the date of the conviction(s) or disciplinary proceeding(s), a description of the incident(s), and the court(s) or institution(s) through which you were disciplined or convicted. In addition, you may submit any additional information that you would like the Campus Level Review Panel to consider. The information you provide will be considered your complete submission to the Campus Level Review Panel; *and*
- **B2. Complete a FERPA Release.** Complete the FERPA release (Section D) on the following page for every educational institution which may have record of the conviction or campus misconduct proceeding.

**Section C –Signature (to be completed by the student-athlete)**

By signing below, I attest that, to the best of my knowledge and belief, that all information attested to on this form is accurate and complete, and that providing purposefully false information on this form could result in penalties by CUNY and the NCAA, including jeopardizing my eligibility and/or scholarship receipt.

**Student Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**ID#:** \_\_\_\_\_ **Athletic Status (circle one):** First-Year Transfer Returning

**Sport/s:** \_\_\_\_\_



**Student-Athlete Attestation Form of Serious Misconduct**  
*FERPA Release*

**Section D - FERPA Release (to be completed by ALL transfer students and any student-athlete who made a disclosure in Section A)**

*For Incoming Student-Athletes Under the Age of 18 ONLY: a parent or guardian signature is required.*

First Name:	Last Name:
Date of Birth:	Address:
<p>Release of Records: The Family Educational Rights and Privacy Act of 1974) prohibits access to, or release of, educational records or personally identifiable information contained in such records (other than directory information) without the written consent of the student, with certain exceptions. I hereby authorize (<b>School Name</b>) _____ to release the information requested on the following page (in Section E), from my educational records, to the City University of New York.</p>	
Student Signature:	Date:
Parent/Guardian Signature (FOR INCOMING STUDENT-ATHLETES UNDER THE AGE OF 18 ONLY):   Relationship to Student-Athlete:	Date:



**Student-Athlete Attestation Form of Serious Misconduct  
Statement of Disciplinary Standing**

**Section E – Statement of Disciplinary Standing** (*Section E should not be filled out by student-athletes. This section should be completed by a school official, at the educational institution attended by the student-athlete, who has access to disciplinary records and Title IX records).*

*Please answer the following questions as they relate to the student-athlete referenced on the prior page (Section D). Prior to completing this form, please review the definitions in Attachment A.*

- 1) Was the student ever disciplined through a campus misconduct proceeding for conduct constituting serious misconduct?  
Yes                      No
  
- 2) Are any campus misconduct proceedings currently pending, or incomplete, against the student?  
Yes                      No
  
- 3) To your knowledge, was the student ever convicted of, pled guilty to, or pled no contest to a crime of serious misconduct?  
Yes                      No

*If you answered “yes” to any of the above questions, please identify the misconduct, including, but not limited to: the date of the incident(s), a description of the incident(s), and the court(s) or institution(s) through the student was disciplined or convicted. Attach additional pages as necessary.*

This institution has a policy which prevents me from responding \_\_\_\_\_

I would prefer to discuss this student over the phone \_\_\_\_\_

Official’s Signature:	Date:
Title:	Contact:

**Please return this form and direct any questions to \_\_\_\_\_.**

## **Student-Athlete Attestation Form of Serious Misconduct**

### **Attachment A - Definitions**

- **Campus Misconduct Proceeding(s):** An umbrella term that refers to investigations,<sup>1</sup> hearings and/or adjudications, conducted by an educational institution, including high schools.
- **Covered Student-athlete:** A “Covered Student-athlete” is any current, incoming or transfer student (as defined below) at a CUNY institution who has been invited to participate, or is currently participating, in NCAA or NJCAA athletics (“intercollegiate athletics”) at CUNY.
- **Crime:** A crime refers to a violation of local, state, and/or federal law (also known as an offense) that has resulted in an individual having a, or adding to an existing, criminal record.
- **Discipline:** “Discipline” means any final finding of or acceptance of responsibility (including an acceptance of responsibility as the result of an informal resolution).
- **Interpersonal Violence:** “Interpersonal Violence,” as defined by the NCAA Campus Sexual Violence Policy, shall mean any violence that is predominantly caused due to the relationship between the victim and the perpetrator, including dating and domestic violence.
- **Other Acts of Violence:** “Other Acts of Violence,” as defined by the NCAA Campus Sexual Violence Policy, shall mean crimes including murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury.
- **Serious Misconduct:** An umbrella term which includes conduct constituting interpersonal violence, sexual misconduct and other acts of violence (as previously defined in this Policy).
- **Sexual Misconduct:** “Sexual Misconduct” shall include all conduct that constitutes Sexual Violence, as defined by the NCAA Campus Sexual Violence Policy,<sup>2</sup> and all prohibited conducted under the PSM,<sup>3</sup> including, but not limited to:
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<sup>1</sup> For purpose of this policy, an investigation shall constitute a “campus misconduct proceeding” at the time the Respondent is notified or otherwise becomes aware of the pending charges for conduct/acts constituting serious misconduct (as defined above).

<sup>2</sup> As defined by the NCAA Board of Governors Policy on Campus Sexual Violence, the term “sexual violence” includes both forcible and nonforcible sexual offenses, ranging from sexual battery to rape.

<sup>3</sup> Please refer to the PSM (see Section III, Page 5) for a complete list of prohibited conduct and applicable definitions.

- **Sexual Assault: Contact:** any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person’s consent. Sexual touching includes contact under or over clothing with another person’s anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of these body parts; making another person touch any of these body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
  - **Sexual Assault: Penetration:** any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person’s consent. This term includes incest and statutory rape.
  - **Sexual Harassment:** unwelcome verbal or physical behavior based on a person’s sex (including sexual orientation, gender, gender expression and gender identity, including transgender status). Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive.
  - **Stalking:** engaging in a course of conduct, based on sex (including sexual orientation, gender, gender expression and gender identity, including transgender status), directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress.
  - **Voyeurism:** unlawful surveillance or otherwise engaging in conduct that violates a person’s right to privacy in connection with their body and/or sexual activity.
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- **Transfer Student:** A “Transfer Student” is an applicant seeking to enroll at CUNY, who has previously attended any college, university, vocational school, religious school and/or proprietary school since graduating from high school or secondary school.<sup>4</sup>

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<sup>4</sup> An applicant seeking to enroll at CUNY will be considered a transfer student even if they are not seeking transfer credit or have decided to change their major/program of study. Second degree students are also considered transfer students.