

Current CLPCCD Administrative Rules and Procedures 5435 is recommended for due to the details contained therein. The recommendation is to not have an AP 5700 titled Athletics as BP 5700 titled Athletics contains the salient points.

AP 5700 ATHLETICS

References:

Education Code 66271.6, 66271.8, 67360 et seq.;
Title IX, Education Amendments of 1972

NOTE: This procedure is legally advised. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association).

- ❖ **From current CLPCCD Administrative Rules and Procedures 5435 titled Intercollegiate Athletics**

NOTE: Current CLPCCD Procedure 5435 is 11 pages in length. Consider placing most of this language in an Athletics Guidebook or Manual.

~~1. Chabot College~~

~~Intercollegiate Athletics shall be administered and financed in accordance with the following procedures.~~

~~A. Responsibility~~

~~The Dean of Physical Education and Athletics is responsible for the development of schedules for intercollegiate events and games, and for the conduct of the Chabot College Intercollegiate Athletics Program.~~

~~B. Financial Support~~

~~The Intercollegiate Athletic program will be financed by both College general funds and by an Intercollegiate Athletics Operations Fund.~~

- ~~1) **College General Funds:** The College general fund will provide financial support for the following costs incurred in conducting the intercollegiate athletic program:~~

- ~~a. Medical services including physical examinations for student athletes, and an attending physician for home football games.~~
- ~~b. Transportation of athletic teams to and from games held away from the Chabot College campus.~~
- ~~c. Cleaning of athletic team uniforms, equipment and related items.~~
- ~~d. Sterilization and renovation of athletics equipment as required by State laws.~~
- ~~e. Insurance policy premiums covering student athlete participation in the intercollegiate athletic program as required by State law.~~
- ~~f. Reference books/instructional materials.~~
- ~~g. Conference expenses for coaches and the Dean of Physical Education & Athletics.~~
- ~~h. Travel expenses incurred by members of the coaching and other support staff for scheduled games and events.~~
- ~~i. Supplies and equipment including uniforms and protective gear.~~
- ~~j. Salaries and benefits for the certificated, classified, and student staff members directly supporting the intercollegiate athletic program.~~
- ~~k. Printed materials including schedules, programs, and passes.~~
- ~~l. Athletic Conference dues.~~
- ~~m. Employment of game officials for all home games and events.~~
- ~~n. Entry fees for athletic tournaments.~~
- ~~o. Police/security services at home games and events.~~
- ~~p. Filming/video taping of practices and games.~~
- ~~q. Publicity and public information.~~
- ~~r. Ambulance services at all home football games.~~
- ~~s. Student athlete's meals and lodging expenses not funded by the Intercollegiate Athletics Operations.~~

~~The Dean of Physical Education and Athletics will present to the Vice President, Business Services an annual general fund budget request for each of the above expenditure categories. The Vice President, Business Services will process the budget requests in accordance with normal college budget development and approval processes.~~

- ~~2) **The Intercollegiate Athletics Operations Fund:** The Chabot College Intercollegiate Athletics Operations Fund will provide primary financial support for the following intercollegiate athletic program costs:~~
- ~~a. Meals and lodging of student athletes when traveling to away games and events.~~
 - ~~b. Awards in recognition of the achievement of student athletes.~~
 - ~~c. Printing of tickets for home athletic games.~~
 - ~~d. Game management costs including scorekeepers; timekeepers; sound system and scoreboard operators; announcers; statisticians; press box staff; ticket and concession sales staff; and facility clean-up.~~
 - ~~e. Other costs incurred by the intercollegiate athletics program that are not normally funded by the College general fund.~~

3) Sources of Income for the Intercollegiate Athletics Operations Fund

- a. Bookstore Profits** When available, the profits of the Chabot College Bookstore provide the major source of income for the Intercollegiate Athletics Operations Fund. The College President, upon recommendation from College staff, may allocate to the Intercollegiate Athletics Operations Fund a share of the annual profits of the Bookstore to meet the needs of the program for the next succeeding year as determined by the annual budget for the Intercollegiate Athletics Operations Fund. The distribution of Bookstore profits for this purpose will be subject to the approval of the Vice President, Business Services.
- b. Gate Receipts and Concession Revenues** All gate receipts and concession revenues generated from athletic events will be credited to the Intercollegiate Athletics Operations Fund.
- c. Miscellaneous Sources of Income** Any funds donated for support of the intercollegiate athletics program by College or community sources will be credited to the Intercollegiate Athletics Operations Fund.
- d. Reserve Account** When financially possible, a reserve account will be maintained in the Intercollegiate Athletics Operations Fund to provide financial resources to cover expenses incurred each Fall before income is received or because of additional post-season games, playoffs, and other extenuating circumstances.
- e. Accountability** Records and accounts of the Intercollegiate Athletics Operations Fund will be maintained by the Chabot College Business Office and will be included in the annual audit of the District as required by State law.

4) Expenditures

- a. College General Funds** Expenditures of College general funds will be made using the regular College business procedures established for requisitioning supplies, equipment, and services. Such requisitions must be signed by the Dean of Physical Education and Athletics and must indicate the account numbers to which the expenditure is to be charged.
- b. Intercollegiate Athletics Operations Fund**
Expenditures from the Intercollegiate Athletics Operations Fund will be made using existing procedures for requesting disbursements signed by the Dean of Physical Education and Athletics.

C. Passes

Passes will be issued and honored for all home events, except tournaments and those events held under the auspices of the State Athletic Committee. A pass admitting the bearer and one guest will be issued to:

- 1) Members of the Board of Trustees.

- ~~2) Members of the faculty and staff who request them. An invitation to request a pass will be extended each Fall Semester by the Dean of Physical Education and Athletics to each academic and classified employee of the District.~~
- ~~3) Passes will be issued each year by the College President to those members of the community who serve the College in various capacities.~~
- ~~4) Those members of the faculty, staff or community who wish to bring additional members of their family to home games may purchase a family pass for an amount that is 50% of the value of two regular tickets to home games or events. This pass will admit two additional family members.~~

~~D. Support Services~~

~~The Dean of Physical Education and Athletics is responsible for providing support services for athletic events. These services include:~~

- ~~1) Supervision of spectators at all home events (crowd control).~~
- ~~2) Supervision of all student activities not directly a responsibility of the coaching staff.~~
- ~~3) All other duties as may be directed by the Vice President of Academic Services.~~

~~E. Development of Athletic Programs~~

~~Opportunities for gender balance in Intercollegiate Athletics shall be provided for under guidelines of the Coast Athletic Conference and the State Commission on Athletics.~~

~~Chabot College provides opportunities for participation in intercollegiate athletics for women in keeping with the College's goal for balance and with Title IX requirements.~~

~~The formation of a new intercollegiate athletic team requires a reasonable lead time to provide for budgeting, staffing, equipping, scheduling and other administration preparation. The activation of a new team shall generally follow these conditions and procedures:~~

- ~~1) Requests for formation of a new intercollegiate athletic team may be initiated by either student or staff.~~
- ~~2) Requests for formation of a new intercollegiate athletic team will be directed to the Dean of Physical Education and Athletics. The Dean of Physical Education and Athletics may choose to form an intramural team to explore student interest in intercollegiate competition in the proposed sport.~~
- ~~3) The formation of a new intercollegiate athletic team will normally be effective at the beginning of the academic/fiscal year when budgetary support is confirmed.~~
- ~~4) The new intercollegiate athletic sport must be one which has been sanctioned by the Coast Athletic Conference and the State Commission on Athletics.~~

~~2. Las Positas College~~

~~Intercollegiate Athletics shall be administered and in part financed following these procedures.~~

~~The Director/Dean of Athletics is responsible for the submission of schedules for intercollegiate events and activities to the College President.~~

~~Financial Support~~

~~The Intercollegiate Athletic program will be financed by both District funds and by Associated Student Body Trust Funds (ASBT).~~

~~District Funds~~ ~~The College, through budgetary approval by the Board, provides financial support for the following costs incurred in conducting the athletic program:~~

- ~~a. Athletic trainer for home competitions~~
- ~~b. Transportation of teams to and from contests held away from the Las Positas College campus~~
- ~~c. Insurance policy premiums, life, medical and accident, covering participation in the intercollegiate athletic program as required by State law~~
- ~~d. Conference expenses for coaches and the Director/Dean of Athletics~~
- ~~e. Travel expenses incurred by members of the coaching staff for scheduled events~~
- ~~f. Supplies and equipment including uniforms and protective gear~~
- ~~g. Salaries and wages for the certificated and classified staff members and for student assistants~~
- ~~h. Printing – materials, passes, programs, etc.~~
- ~~i. Rental and maintenance of facilities~~
- ~~j. The Coast Athletic Conference dues~~
- ~~k. Employment of officials at all home events~~
- ~~l. Entry fees for contests and tournaments~~
- ~~m. Security services at home events~~
- ~~n. Instructional filming *~~
- ~~o. Publicity and public information *~~

~~* From both District and Associated Student Body Trust Funds~~

~~The Director/Dean of Athletics will present to the Vice President of Student Services an annual budget request for each of the above categories and for any others that may be appropriate expenditures of District funds. The Vice President of Student Services will, in turn, present the approved request to the President, for inclusion in the preparation of the total College budget.~~

~~The Associated Student Body Trust Funds~~ ~~These funds provide financial support for the following costs incurred in conducting the athletic program:~~

- ~~a. Meals and lodging of team members when traveling.~~

- b. Awards in recognition of the achievement of athletes.
- c. Awards appreciation and recognition events.
- d. Printing of programs, tickets, covers, etc.
- e. Game management fees:
 - 1) Scorekeepers (some games and events, not all)
 - 2) Game timers
 - 3) Sound systems
 - 4) Game announcer
 - 5) Statisticians
 - 6) Pressbox manager
 - 7) Ticket sales and collections
 - 8) Game clean-up
 - 9) Other costs incurred and not payable from District funds but evaluated and considered by College representatives as eligible from Associated Student Body Trust funds.

Sources of Income for the Associated Student Body Trust Fund:

- a. **Bookstore Dividend** The profits of the Las Positas College Bookstore provide the major source of income for the Intercollegiate Athletic Program. The distribution of profits will be made upon recommendation of the appropriate committee and approval of Director of Fiscal Operations.
- b. **Gate receipts** All gate receipts received from athletic events will be credited to the Associated Student Body Trust Fund and directed to the intercollegiate athletic budget.
- c. **Miscellaneous sources of income** Any funds for athletic purposes received from other College or community sources will be directed to the Inter-collegiate Athletics budget.

Intercollegiate Athletics Budget

Accountability Records and accounts of the Associated Student Body Trust Fund will be maintained by the Business Office and will be included in the annual audit of the District as required by State law.

Expenditures:

District Funds Expenditures of District funds will be made through the District procedures established for requisitioning supplies, equipment, and services. Such requisitions must be signed by both the Director/Dean of Athletics and the Vice President of Student Services, and they must indicate the account numbers to which the expenditure is to be charged.

Associated Student Body Trust Fund Expenditures from the Associated Student Body Trust Fund will be made by purchase order, requisition or request for disbursement. All expenditures must be approved signed by the Director/Dean of Athletics, the Vice President of Student Services and College Director of Fiscal Operations.

~~**Support Services** The Director/Dean of Athletics and other identified staff are responsible for providing support services for athletic events. These services include:~~

- ~~a. Supervision of spectators at all home events (crowd control).~~
- ~~b. Supervision of all student activities not directly a responsibility of the Director/Dean of Athletics and the coaching staff.~~
- ~~c. All other duties as may be directed by the Vice President of Student Services.~~

Development of Athletic Programs

~~Opportunities for balance in Intercollegiate Athletics shall be provided for under guidelines of the Coast Athletic Conference and the State Commission on Athletics.~~

~~Las Positas College provides opportunities for participation in intercollegiate athletics for women in keeping with the College's goal for balance and with the Title IX requirements.~~

~~The activation of a new intercollegiate athletic team requires a reasonable lead time to provide for budgeting, staffing, equipping, scheduling and other administration preparation. The activation of a new team shall generally follow these conditions and procedures:~~

- ~~a. Motivation for a new team may come from either student or staff initiation.~~
- ~~b. Recommendation for a new team will be presented to the Director/Dean of Athletics. When an interest is expressed, intramural teams may be formed to consolidate the interest and give lead time for moving into intercollegiate competition.~~
- ~~c. The authorization for fielding a new team will generally become effective at the beginning of the academic/fiscal year when budgetary support is confirmed.~~
- ~~d. The activity must be one which has been sanctioned under the Coast Athletic Conference and the State Commission on Athletics.~~
- ~~e. The activity must be one for which a reasonable schedule can be made.~~

NOTE: The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from current CLPCCD Administrative Rules and Procedures 5435 titled *Intercollegiate Athletics* issued on March 19, 1996 and revised on September 19, 2000. The language in **green ink** was added during the administrative review on June 4, 2013.

Date Approved:

(This new procedure replaces current Administrative Rules and Procedures 5435)

Legal Citations for AP 5700

EDUCATION CODE SECTIONS 78223, 66271.6, 66271.8, 67360 et seq.

78223. The governing board of a community college district may enforce rules and regulations relating to eligibility for and participation in intercollegiate athletics. The rules and regulations may include, but are not limited to, those adopted by a voluntary association, one of whose purposes is to govern intercollegiate athletics among schools and colleges.

66271.6. The Legislature finds and declares all of the following:

(a) On June 23, 1972, Congress enacted Title IX of the **Education** Amendments of 1972 to the 1964 Civil Rights Act. This landmark legislation provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

(b) While Title IX applies to all aspects of educational opportunities, it is well-known for opening the door to athletics for girls and women.

(c) In 1975, the United States Department of Health, **Education** and Welfare enacted regulations requiring that secondary and postsecondary schools comply with Title IX immediately. Those that could show real barriers to immediate compliance had just three years to meet the regulations, including equalizing their athletic programs.

(d) California state law has included several athletic equity provisions similar to those in Title IX since 1976. For example, the Sex Equity in **Education** Act provides, in subdivision (a) of Section 221.7, that: "It is the intent of the Legislature that opportunities for participation in athletics be provided equally to male and female pupils." Similar provisions are expressly applicable to community colleges and the California State University.

(e) Enhancing athletic opportunities for young women and girls is vitally important because of the significant benefits athletic opportunities provide including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. For some women and girls, the financial support made available through athletic scholarships can make it possible to attend college.

(f) Title IX has promoted significant advances for women and girls to participate in sports. While fewer than 32,000 women participated in college sports nationally prior to the enactment of Title IX, today approximately 163,000 women participate--a nearly five fold--or more than 400 percent increase. Athletic opportunities for girls at the high school level nationally have grown even more dramatically--from 294,000 in 1972 to 2,800,000 today--an 894 percent increase. California boasts the second highest number of high school girls participating in athletics nationwide--a total of 270,000 girls in California's high schools now participate in interscholastic athletics.

(g) Men's intercollegiate athletic participation has also increased, rising from approximately 220,000 in 1981-82 to approximately 232,000 in 1998-99. Between 1981-82 and 1998-99, football participation increased by 7,199; men's participation in baseball, lacrosse, and soccer also increased during the same time period. High school boys' participation rates have also increased--jumping 8.2 percent in the last three years in California.

(h) The dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will rush through. Courts have repeatedly recognized that it is unfounded and unlawful to claim that women and girls are less interested in sports than men and boys. As one court stated, "interest and ability rarely develop in a vacuum; they evolve as a function of opportunity and experience . . ." (Cohen v. Brown University (1st Cir. 1996) 101 F.3d 155, 179). Accordingly, courts have repeatedly rejected arguments that the assessed interest level of girls in athletics should determine Title IX compliance (Neal v. California State University (9th Cir. 1999) 198 F.3d. 763, 767). Thus, interest surveys cannot accurately determine whether an educational institution has effectively accommodated the interests and abilities of female students.

(i) The United States Department of **Education** uses a three-part test adopted in 1979 to determine whether an educational institution has met the key Title IX requirement that a school "effectively accommodate the interests and abilities of members of both sexes" when it comes to athletic participation. All three prongs of the test have been used successfully by schools to comply with Title IX, and have given schools flexibility in structuring their athletic programs. The three-part test neither imposes quotas or requires preferential treatment, nor requires mirror-image men's and women's sports programs. The lawfulness of the three-part test has been affirmed by every federal appellate court to consider the issue.

(j) Despite major advances in athletic opportunities for females since 1972, discrimination still limits athletic opportunities for girls and women at all educational levels today. For example, although women in Division I colleges are 53 percent of the student body, they receive only 41 percent of the opportunities to play sports, 36 percent of the overall athletic operating budgets, and 32 percent of the dollars spent to recruit new athletes.

(k) In California, the percentage of female athletes at California State University (CSU) campuses actually declined from 36 percent in 1977 to 30 percent in 1990. In 1993, California National Organization for Women (Cal NOW) filed suit against the CSU system alleging violations of California's gender equity in athletics law. Ultimately, CSU and Cal NOW entered into a consent decree focusing on participation, expenditures, and grants-in-aid for women athletes. As a result of the consent decree, women now comprise over 52 percent of CSU athletes, expenditures on women's sports have increased 315 percent in the last 10 years and grants-in-aid for female athletes have increased 232 percent during the same time period.

(l) Despite major gains for women under California and federal law, inequities in the treatment of men's and women's and boys' and girls' athletic teams at some educational institutions remain. These inequities include, but are not limited to, all of the following:

- (1) Participation rates for women and girls.
- (2) Number of sports offered.
- (3) Number of levels of teams.
- (4) Encouragement by spirit and band groups.
- (5) Facilities.
- (6) Locker rooms.
- (7) Scheduling of games and practice times.
- (8) Level of financial support by the district, school, booster club or clubs, and outside sponsors.
- (9) Treatment of coaches.

- (10) Opportunities to receive coaching and academic tutors.
- (11) Travel and per diem allowance.
- (12) Medical and training facilities and services.
- (13) Housing and dining facilities and services.
- (14) Scholarship money.
- (15) Publicity.

(m) Educational institutions at all levels are strongly encouraged to take immediate active steps toward full compliance with Title IX and California's gender equity in athletics laws by reviewing all aspects of their athletic program, including those factors listed in subdivision (l) where appropriate, to ensure that they are offering male and female student athletes equivalent opportunities to play sports and that they are treating male and female athletes fairly. The need to encourage and increase athletic participation by girls and women is especially strong at educational institutions serving inner-city and urban communities. Full compliance with Title IX is nondiscretionary.

66271.8. (a) The Legislature finds and declares that female students should be accorded opportunities for participation in public postsecondary educational institution athletic programs equivalent to those accorded male students.

(b) In apportioning public funds, public postsecondary educational institutions shall apportion amounts available for athletics to ensure that equitable amounts will be allocated for all students, except that allowances may be made for differences in the costs of various athletic programs. Notwithstanding any other provision of law, no public funds shall be used in connection with any athletic program conducted under the auspices of a public postsecondary educational institution, or any student organization within the postsecondary educational institution, that does not provide equivalent opportunity to both sexes for participation and use of facilities. The factors considered when determining whether an educational institution has provided equivalent opportunity include, but are not limited to, all of the following:

(1) Whether the selection of sports and levels of competition offered effectively accommodate the athletic interests and abilities of members of both sexes.

- (2) The provision of equipment and supplies.
- (3) Scheduling of games and practice times.
- (4) Selection of the season for a sport.
- (5) Location of the games and practices.
- (6) Compensation for coaches.
- (7) Travel arrangements.
- (8) Per diem.
- (9) Locker rooms.
- (10) Practice and competitive facilities.
- (11) Medical services.
- (12) Housing facilities.
- (13) Dining facilities.
- (14) Scholarships.
- (15) Publicity.

(c) Whether a postsecondary educational institution has effectively accommodated the athletic interests and abilities of members of both sexes shall be assessed in any one of the following ways:

(1) Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.

(2) Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion that is demonstrably responsive to the developing interest and abilities of the members of that sex.

(3) Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a history and continuing practice of program expansion as required in paragraph (2), whether the institution can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

(d) Nothing in this section shall be construed to invalidate any existing consent decree or any other settlement agreement entered into by an educational institution to address gender equity in athletic programs.

(e) Nothing in this section shall be construed to require a public postsecondary educational institution to require competition between male and female students in school-sponsored athletic programs.

(f) If an educational institution must cut its athletic budget, the educational institution shall do so consistently with its legal obligation to comply with both state and federal gender equity laws.

(g) It is the intent of the Legislature that the three-part test articulated in subdivision (c) be interpreted as it has been in the policies and regulations of the Office of Civil Rights in effect on January 1, 2003.

67360. (a) Except as provided in subdivision (b), no person shall give, offer, promise, or attempt to give any money or other thing of value to any particular student athlete or member of the immediate family of the student athlete for either of the following purposes:

(1) To induce, encourage, or reward the student athlete's application, enrollment, or attendance, at a public or private institution of postsecondary **education** in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution.

(2) To induce, encourage, or reward the student athlete's participation in an intercollegiate sporting event, contest, exhibition, or program.

No person shall aid and abet any act described in this subdivision.

(b) This section does not apply to any public or private institution of postsecondary **education** or to any officer or employee of that institution when the institution, officer, or employee is acting in accordance with an official written policy of that institution which is in compliance with the bylaws of the National Collegiate Athletic Association; or to any intercollegiate athletic awards approved or administered by the student athlete's institution; or to any other student of that institution; or to any member of the immediate family of the student athlete.

(c) For purposes of this section, the following definitions apply:

(1) "Immediate family" means the student athlete's spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of those persons, or guardian of any of those persons.

(2) "Student athlete" means a student at a public or private institution of postsecondary **education** who engages in, is eligible to engage, or may be eligible to engage, in, any intercollegiate

sporting event, contest, exhibition, or program, or an individual who has applied, is eligible to apply, or may be eligible to apply in the future to a public or private institution of postsecondary **education**.

(d) Except as provided in subdivision (b), any person who engages in conduct knowing or having reason to know that such conduct is in violation of subdivision (a) shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000), or three times the amount given, offered, or promised to the student athlete or immediate family member of the athlete, whichever is greater. The district attorney of any county in which a violation occurs shall enforce this chapter.

67361. (a) Except as provided in subdivision (b), no student athlete or member of his or her immediate family, as defined by subdivision (c) of Section **67360**, shall solicit or accept any money or other thing of value as an inducement, encouragement, or reward, the giving of which is in violation of subdivision (a) of Section **67360**.

No person shall aid and abet any act described in this subdivision.

(b) This section does not apply to any student athlete who receives any money or other thing of value from a public or private institution or officers or employees of that institution, offered in accordance with an official written policy of that institution, which is in compliance with the bylaws of the National Collegiate Athletic Association; or from any other student of that institution; or from any member of the immediate family of the student athlete; nor shall this section apply to any student athlete who receives any intercollegiate athletic award approved or administered by that institution.

(c) Except as provided in subdivision (b), any person who engages in conduct knowing or having reason to know that such conduct is in violation of subdivision (a) shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000) or an amount equal to the amount accepted by the student athlete or immediate family member, whichever is greater. The district attorney of any county in which a violation occurs shall enforce this chapter.

67362. (a) Notwithstanding Section 78223 or any other provision of law, no student athlete enrolled at any campus of the University of California, the California State University, or the California Community Colleges may participate as a member of any intercollegiate athletic team, or as a participant in any intercollegiate athletic event, except in a manner available to the general public, if he or she, at any time after his or her enrollment as a college or university student, is prosecuted as an adult and is convicted of a violation of Section 187, 209, 210, 211, 220, 243.8, 245, 261, 262, 264.1, 286, 288, 288a, 288.5, 289, or 459 of, or is convicted of attempted murder pursuant to subdivision (a) of Section 664 of, the Penal **Code**.

(b) An institution to which this section applies may rely upon the declaration of a student athlete to determine his or her eligibility for participation in intercollegiate athletics with respect to the requirements of this section. Any declaration obtained from a student athlete pursuant to this subdivision shall contain a notice advising the student that he or she may be subject to disciplinary action, including, but not limited to, suspension, dismissal, or expulsion, if the student knowingly provides false information in the declaration. An institution to which this section applies may, at the discretion of its appropriate administrators, seek independent

confirmation of the truth of any and all of the statements of a student athlete taken pursuant to this subdivision.

(c) A student convicted of a violation of any of the Penal **Code** sections listed in subdivision (a) is eligible to participate as a member of an intercollegiate athletic team after he or she successfully completes the entire term of his or her probation or successfully completes his or her assigned prison term and parole period, if any.

(d) A student who knowingly provides a false declaration pursuant to subdivision (b) may be subject to disciplinary action under Section 66017 of the **Education Code**.