



Athletics Committee Meeting

February 6, 2024 | 4:30 p.m.

Room 402, Drinko Library



February 2024 Athletics Committee Meeting_Agenda

AGENDA

4:30 p.m.

Athletics Committee

Patrick Farrell, Chair

Action Items

None

Information Items

*Christian Spears, Director of Athletics; Debra Boughton,
Executive Associate Athletic Director for Championship
Planning and Resources*

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Committee Annual Activity Calendar

Review of Institutional Compliance

Athletic Teams Update

Budget Update

Supplemental Materials

NCAA Board of Governors Policy on
Campus Sexual Violence (April 27, 2021)

24

Marshall Athletics Procedures Related to
NCAA Board of Governors Policy on
Campus Sexual Violence (July 1, 2023)

27

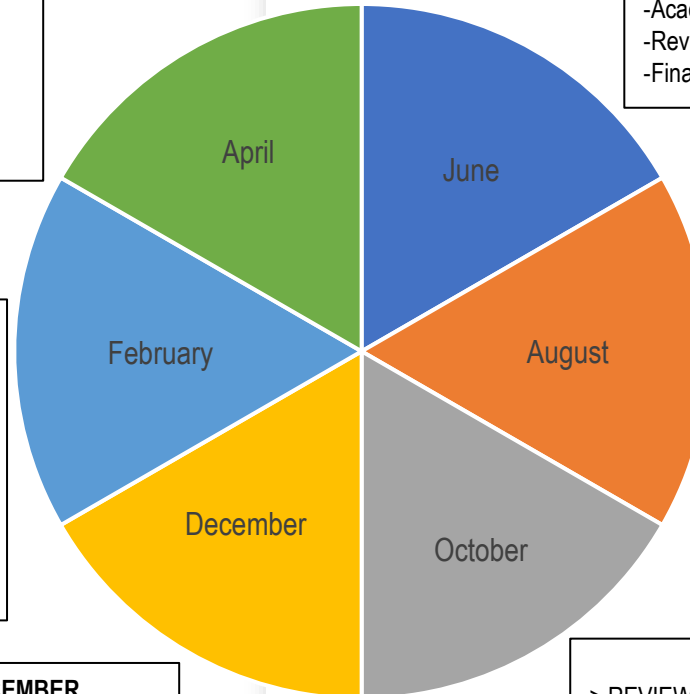
ACTIVITY WHEEL

INTERCOLLEGIATE ATHLETICS

APRIL
 > REVIEW AND SUPPORT A LONG TERM SUSTAINABLE BUSINESS MODEL
 -Budget Review and Approval
 -Revenue Generation/Economic Impact Updates

FEBRUARY
 > REVIEW OF INSTITUTIONAL COMPLIANCE
 -Annual Report on Compliance with Title IX
 -Report from Faculty Athletics Representative

DECEMBER
 > REVIEW OF DEPARTMENT PROCEDURES
 -Board of Governors policy review
 -Update on new and updated department policies



JUNE
 > REVIEW AND SUPPORT ACADEMIC SUCCESS
 -Academic Review
 -Review and Renew
 -Final SBC Standings

AUGUST
 > REVIEW AND SUPPORT COMPETITIVE EXCELLENCE
 -Executive Summaries
 -Campus Collaborations
 -Organization Chart
 -Calendar of Events
 -Policies/NCAA Rules Overview for BOG

OCTOBER
 > REVIEW AND SUPPORT AN EXTRAORDINARY STUDENT-ATHLETE EXPERIENCE
 -ALL M Update
 -Game Plan Presentation
 -Holistic Student-Athlete Review

Recurring Materials/Items
 > NCAA Legislation Updates
 > National Issue Updates
 > ATHLETIC TEAMS Updates
 > BUDGET Update
 > CAPITAL PROJECTS Update



BOARD OF GOVERNORS

February 6, 2024



Christian Spears
Director of Athletics

Debra Boughton
Executive Associate AD, Championship
Planning and Resources



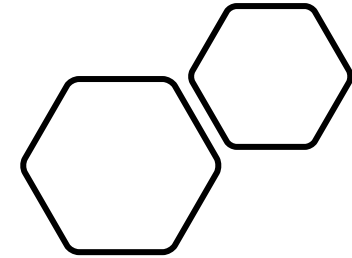
AGENDA

Activity Wheel: Review of Institutional Compliance

- Annual Report on Compliance with Title IX
 - NCAA Board of Governors Policy on Campus Sexual Violence
- Report from Faculty Athletics Representative

Recurring Materials/Topics

- Athletic Teams Updates
 - Women's Basketball Athletic Highlights
 - Rafa Simoes, New Head Women's Soccer Coach
 - Abby Herring School Records
 - Sweetheart Clinic
 - Baseball Opening Weekend, March 1-3
- Budget Update



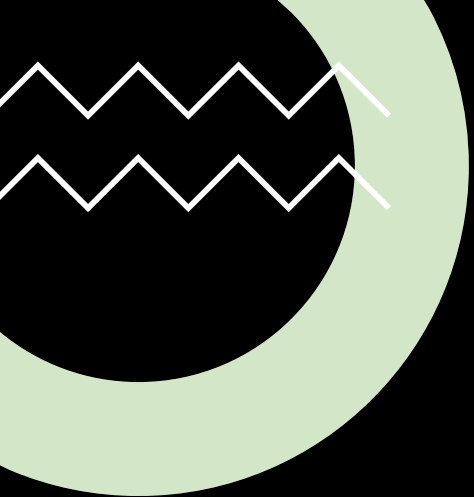


Report on Compliance with Title IX

NCAA Board of Governors Policy on Campus Sexual Violence

- Adopted August 8, 2017-Revised April 27, 2021
- Annual Attestation (initial requirements)
 1. All Athletics Department informed on, integrate in and compliant with processes regarding sexual violence prevention
 2. Policies regarding sexual violence are readily available to all athletics department staff and student-athletes
 3. All athletics department staff and student-athletes are annually educated on sexual violence intervention and response





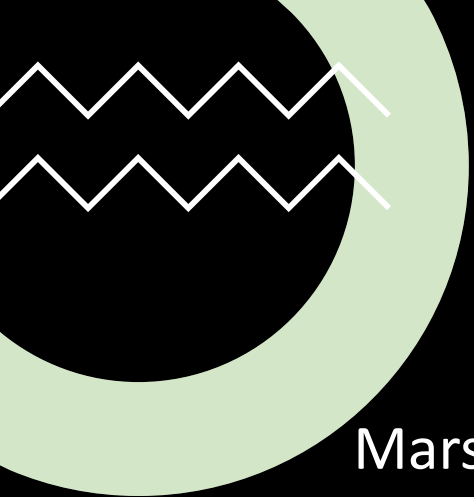
Report on Compliance with Title IX

NCAA Board of Governors Policy on Campus Sexual Violence

Annual Attestation (additional requirements added to 2022-2023 attestation)

4. All incoming, continuing and transfer student-athletes annually disclose any conduct that resulted in discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal or other acts of violence
5. Institutions have taken reasonable steps to confirm accurate reporting from number 4; including requirement to share information among institutions for any incomplete Title IX proceedings for transfer student-athletes
6. Written procedures to recruit an incoming or transfer student-athlete that the student left the institution with incomplete Title IX proceeding or was disciplined through a Title IX proceeding





Report on Compliance with Title IX

NCAA Board of Governors Policy on Campus Sexual Violence

Marshall Procedures, nos. 4-6

- Continuing student-athletes disclose as part of annual compliance forms
- Incoming and transfer student-athletes disclose prior to issuance of financial aid documents
- Confirmation Process and Affirmative Responses process managed by University Title IX Office
 - Prohibited from athletics activities
 - No written binding offer of financial aid
- Discipline and Remedial Action
 - Outcome determined by Title IX Office
- Appeals
 - Athletic Review Committee





NCAA Faculty Athletic Representative (FAR)

Dr. Karen McComas, Marshall University

Athletic Committee | February 6, 2024

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Executive **SUMMARY**

According to NCAA legislation:

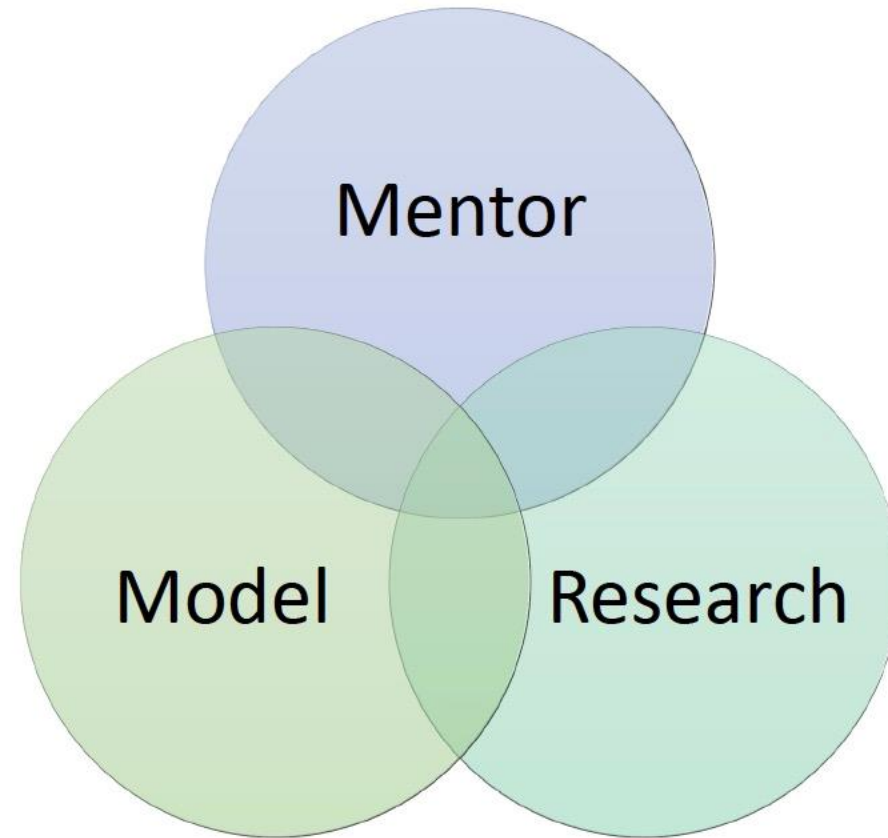
- All member schools must appoint a faculty athletic representative who must be a member of the faculty or administration who is not employed by or within the athletic department.
- The FAR is the “principal point of contact to whom student-athletes can report any action.”
- The duties of the FAR are determined by each member institution.
- Overall, the FAR aims to create an environment where student-athletes can succeed both academically and athletically.

The primary areas of responsibility that most FARs assume are:

1. Student-athlete well-being
2. Academic integrity
3. Institutional control

The NCAA Faculty Athletic Representative (FAR) serves as a vital link between the university's faculty and its athletic department.

Student-athlete **WELL-BEING**





Academic **INTEGRITY**

Eligibility

Education

Advising

Institutional **CONTROL**



**2023-2024 NCAA Division I
Manual**

Parameters of Institutional Control

Control and conduct of athletics

Compliance

Reporting






Marshall

ACADEMIC SUCCESS

FALL SEMESTER TERM 2023

3.18	3.89	3.47
Fall Cumulative GPA [ALL SPORTS]	Highest Women's Team GPA WOMEN'S GOLF	Highest Men's Team GPA MEN'S SOCCER
15	25	91
# of Teams Above a 3.0 Term GPA	# of Student-Athletes Celebrating Graduation	Graduation Success Rate [GSR] Best in the Sun Belt Conference



73

President's List

142

Dean's List

December 2023 Graduates

Bachelor's Degrees:

Baseball (1)

Men's Cross Country (2)

Football (13)

Men's Soccer (2)

Women's Soccer (2)

Volleyball (1)

Women's Track & Field (1)

Master's Degrees:

Women's Basketball (1)

Men's Soccer (1)

Volleyball (1)



Athletic Teams Updates

LEADING THE **SBC**

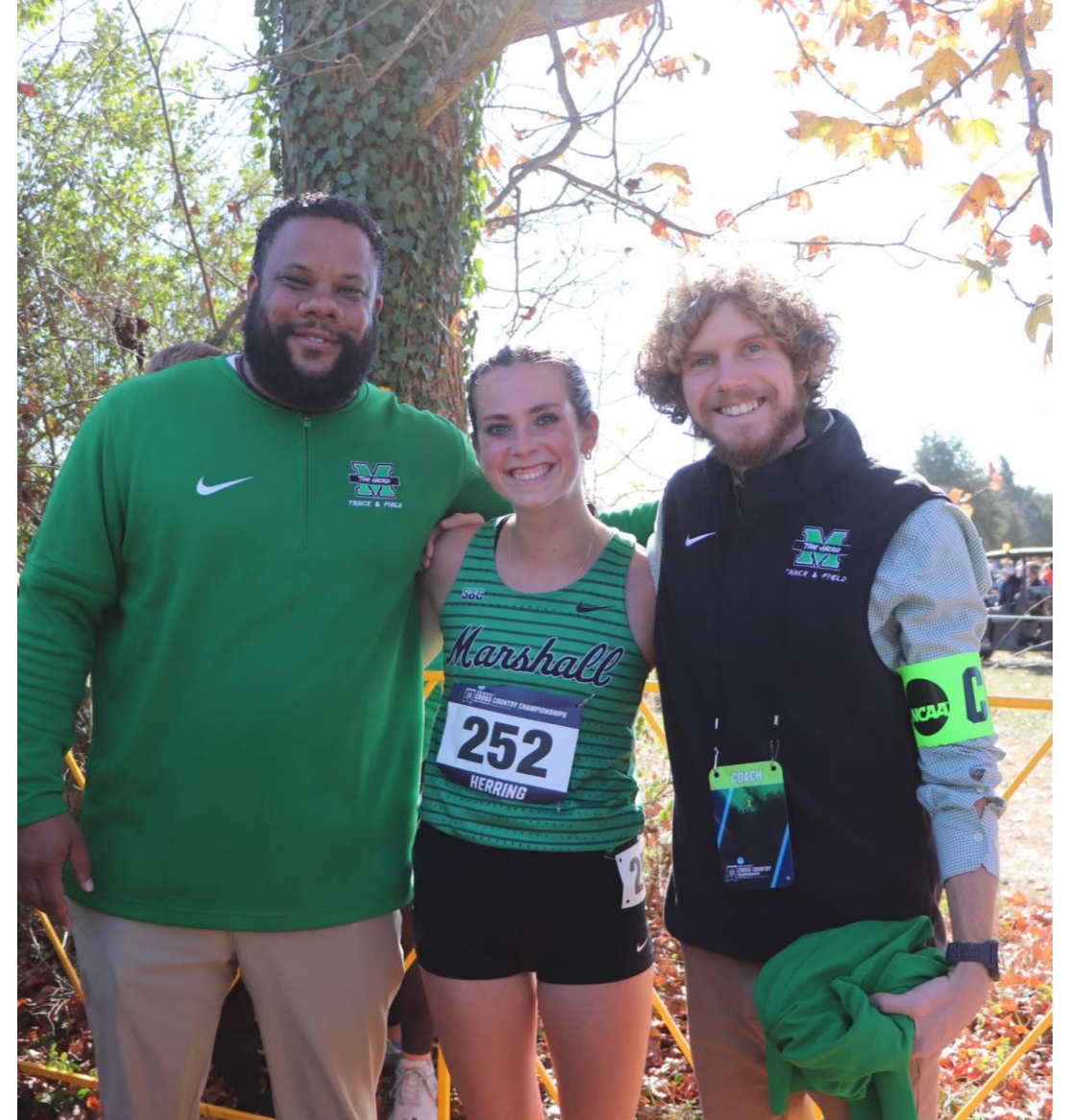
#1 Scoring Offense: 91.5 **#1** Steals Per Game: 13 **#1** FG Percentage: 47.9%
#1 3-Pointers Per Game: 15 **#1** T/O Margin: +7 **#1** Assists Per Game: 17.5
#1 3PT%: 41.7%



Rafa Simoes



Women's Head Soccer Coach





Sweetheart
Clinic, January
20, 2024

A wide-angle photograph of a baseball stadium taken from an elevated position behind home plate. The green grass of the infield and outfield is visible, along with the brown dirt of the base paths. The stadium seating, with green seats in the foreground, is partially visible on the left. In the background, there are stadium lights and a cloudy sky. The text "Baseball Opening Weekend" is overlaid in white, centered on the image.

Baseball Opening Weekend

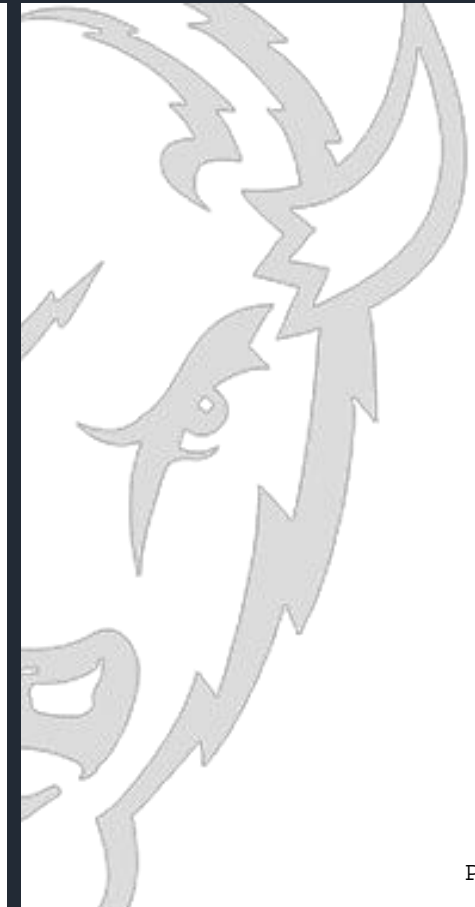
Inaugural Season: March 1st - 3rd

BUDGET UPDATE

Q2



- Revenue
 - Auxiliary Enterprise
 - Big Green Transfers
 - Student Fee Allocation
 - Institutional Support
 - Tuition Waivers
 - University Allocation and Other Transfers
- Expenses
 - Salaries and Benefits
 - Team/Staff Travel
 - Supplies and Other Services
 - Scholarships





BOARD OF GOVERNORS

Christian Spears
Director of Athletics

Debra Boughton
Executive Associate AD, Championship
Planning and Resources



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 inter-disciplinary 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.

Marshall Athletics Procedures Related to NCAA Board of Governors Policy on Campus Sexual Violence

Adopted September 1, 2022

Revised July 1, 2023

The [NCAA Board of Governors Policy on Campus Sexual Violence](#) requires all incoming first-year students, transfer, and continuing student-athletes to annually disclose to Marshall Athletics whether their conduct, whether on or off campus, has resulted in any of the following:

1. An investigation into sexual misconduct or a Title IX violation;
2. Discipline through a Title IX or other sexual misconduct proceeding; or
3. A criminal conviction for sexual, interpersonal, or other acts of violence

The process for student-athletes disclosing information included in items 1, 2, and 3 listed above, as well as the Department of Athletics' process for confirming the information, are delineated below. Failure to disclose this information may result in discipline and penalties, up to and including denial of admission and loss of athletically related financial aid, eligibility, and/or dismissal from the University.

Additionally, Marshall University and Marshall Athletics are obligated to provide information relating to items 1, 2, and 3 listed above for current student-athletes transferring from Marshall to other NCAA member colleges and universities.

Continuing Student-Athletes

All continuing student-athletes must complete a disclosure form as part of their "Annual Compliance Beginning-of-the-Year Forms" packet. Incoming first-year students and transfer student athletes who previously completed the disclosure form will also complete a disclosure form as part of the "Annual Compliance Forms" packet.

A continuing student is one who has registered in the preceding semester; or the preceding spring semester if registering for the fall semester.

An incoming student is a student who has applied for admission or been made an offer of admission but has yet to be accepted for admission.

A transfer student is any student who has attended a college or university following graduation from high school or after obtaining a General Educational Development ("GED") who has applied for admission or been made an offer of admission but has not been accepted for admission.

Incoming Freshmen and Transfer Student-Athletes

The Compliance Office will electronically issue the Marshall University Disclosure Form to all incoming first-year students and transfer student-athletes. The Disclosure must be completed and returned to the Compliance Office at the following times or when requested by Marshall Athletics:

- For non-scholarship student-athletes, after the Athletics compliance office confirms payment of the deposit for admission; or
- For scholarship student-athletes, a minimum of five (5) business days prior to issuing Athletic Financial Aid documents*; and
- For all student-athletes, including first-year students, as part of the annual compliance beginning-of-the-year forms packet.

Admission to the University and distribution of athletically related financial aid are all contingent upon the successful completion, submission, and review of the disclosure form and related information as required by the University admission process. Affirmative responses may result in additional time needed for issuing Athletic Financial Aid documents.

Incoming first-year students and transfer student-athletes must disclose any conduct that meets the criteria in 1, 2, and/or 3 above to the Athletic Department throughout the recruiting and admission process, regardless of the date or place of the occurrence.

Transfer student-athletes have an additional obligation to disclose whether sexual misconduct or Title IX proceeding is not complete at the time of transfer.

Ongoing Notification Obligations

All student-athletes have a continuing obligation to notify their coaches immediately of any conduct that they would otherwise need to disclose on the annual disclosure form. In addition, all incoming student-athletes and transfer student-athletes have an ongoing obligation to disclose any conduct that meets the criteria in 1, 2, and/or 3 above to the Athletics Department throughout the recruiting, transfer, and/or admission process.

Confirmation Process and Affirmative Responses

The Athletics Department has an obligation to take reasonable steps to confirm the information provided on the disclosure forms.

If, during the recruiting process, an incoming first-year student or transfer student-athlete discloses to a member of the Athletics Department staff that they would need to answer any of the questions on the disclosure form in the affirmative, the Department of Athletics, the University's Title IX Office, and Student Conduct will engage in a similar process should the Department of Athletics choose to continue with the recruitment of the prospective student-athlete.

If an incoming first-year student, transfer, or continuing student-athlete answers any of the questions on the disclosure in the affirmative, the information will be shared with the Athletics Department Executive Team, who will communicate the responses to the University's Title IX Office for inquiry/investigation. There will be no participation in athletic events, meetings, activities, etc., including but not limited to using Marshall athletic facilities¹, until both the inquiry/investigation is completed, and the written recommendations have been issued and

¹ This means facilities controlled by the Athletics department and would not include the Buck or the Recreation Center.

accepted by the student-athlete. No written binding offer of financial aid will be made until the inquiry/investigation is completed. If an investigation is undertaken against a continuing student, the investigation will follow the procedures set forth under the Formal Resolution of the Title IX Grievance Procedures for Students, found in Appendix B, Section 1 of the Student Disciplinary Procedures, including the assignment of an advisor. If an investigation is undertaken against an incoming student or transfer student, the investigation will follow the procedures set forth under Formal Resolution, but the University is not required to assign an advisor as the student has not been admitted. Steps in the inquiry/investigation may include, but are not limited to, the following:

- Interviewing the incoming first-year student, transfer, or continuing student-athlete for additional information;
- Requesting documentation from previous institution(s);
- Requesting /documentation from the local police department(s);
- Interviewing additional individuals with knowledge of the situation;
- Conducting a formal investigation pursuant to Administrative Procedures, Student-03, Student Disciplinary Procedures

After completion of the inquiry/investigation, the University's Title IX Office may work with the Athletics Department and University Student Conduct to determine any potential ramifications of the disclosed conduct, as delineated in the Disciplinary and Remedial Action section below.

The University reserves the right to confirm the accuracy and completeness of any information provided on the disclosure form.

Disciplinary and Remedial Action

Continuing, incoming, and transfer student-athletes who respond in the affirmative and are found to have been investigated and/or disciplined through student misconduct or Title IX proceeding or had been convicted for sexual, interpersonal, or other acts of violence may be subject to University and Athletics disciplinary and/or remedial action, including but not limited to the following:

- Warning;
- Behavioral contract;
- Mandatory education or training;
- Team/participation probation;
- Restricted use of athletics services and/or facilities;
- Suspension from competition and/or practice;
- Revocation or reduction of athletically-related aid;
- Dismissal from the team; and
- Any other sanctions the Title IX Office/Office of Student Affairs/Student Conduct Office deem appropriate.

The decision to require disciplinary and/or remedial action will be determined by the Title IX Coordinator. Notification of the disciplinary and/or remedial action will be sent via e-mail to the person's Marshall University email address or to the email address provided by a participant who is not a member of the Marshall University community. At the discretion of the Title IX

Coordinator, an alternative means of delivering formal correspondence may be utilized if circumstances warrant. Once emailed or otherwise sent or given in person, correspondence will be presumptively delivered.

Additionally, any continuing, incoming, or transfer student-athlete who fails to truthfully (to the best of their knowledge) disclose via the Disclosure Form during or after an investigation or conviction may be subject to disciplinary action under Student Disciplinary Procedures, including but not limited to any of the above-listed penalties.

Appeals

If an incoming first-year student, transfer, or continuing student-athlete is subject to disciplinary and/or remedial action under this policy, they may appeal this sanction as follows:

1. The incoming first-year student, transfer, or continuing student-athlete shall file a written appeal with all supporting documentation with the Athletic Review Committee comprised of the President or designee, a Faculty Athletics Representative, and a Department of Athletics Executive Team member within 5 (five) working days of receipt of the notice of the sanction.
2. The sanction(s) imposed shall remain in effect while the appeal is pending.
3. The Athletic Review Committee shall consider all relevant material. The Athletic Review Committee may permit the student-athlete and/or other witnesses to appear to make a statement. Any statements may be recorded.
4. The incoming first-year student, transfer, or continuing student-athlete may have an advisor present whose role is limited strictly to advising the student-athlete and who shall only participate in this manner if asked by the Athletic Review Committee.
5. The Athletic Review Committee shall issue a written decision within 10 (ten) business days of receiving the Appeal. The decision of the Athletic Review Committee is final.

Providing Information to Other Institutions

Any requests received from other NCAA member colleges and universities for similar information must be sent to the Athletics Compliance Office. The Athletics Compliance Office will ensure that a FERPA release has been received from the applicable student-athlete or will proceed as otherwise permitted under FERPA. If a FERPA release does not accompany the request, the Compliance Office will assign a FERPA release to the former student-athlete through DocuSign.

Once a FERPA release has been received or the request is otherwise permitted in accordance with FERPA, a member of the Athletics administration will correspond with the Title IX Office and Student Conduct Offices to coordinate the response to the request. Depending on the nature of the

request, the Title IX Office, the Student Conduct Office, or the Athletics Compliance Office will respond to the inquiry.

Related Policies and Procedures

- MUBOG, SA-1 Marshall University Code of Student Rights and Responsibilities
- MUBOG, GA-1 Marshall University Policy on Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation
- STUDENT-3, Student Disciplinary Procedures
- PERS-1, Employee Sexual Misconduct Procedures
- Department of Athletics Student-Athlete Code of Conduct
- NCAA Appeals Legislation and Procedure for Nonrenewal or Cancellation of Athletics Scholarship
- NCAA Board of Governors Policy on Campus Sexual Violence