

# MARSHALL UNIVERSITY BOARD OF GOVERNORS

## Policy No. GA-7

### INTERCOLLEGIATE ATHLETICS

#### 1. GENERAL

- 1.1 Scope: Policy concerning Marshall University athletics and all of its affiliates.
- 1.2 Authority: W.Va. Code 18B-2A-4
- 1.3 Passage Date: September 12, 2019
- 1.4 Effective Date: October 15, 2019

#### 2. Intercollegiate Athletics Oversight Policy

Intercollegiate athletics is an integral part of Marshall University and supports the institution's commitment to high quality educational and academic achievement. To accomplish this mission the Board of Governors is committed to maintaining a competitive Division 1 athletics program with high academic standards for student-athletes that also contributes to the welfare of the institution and the community. The purpose of this policy is to outline the roles and responsibilities of the Board of Governors (BOG), the BOG Athletics Committee, the President, and the Director of Athletics.

(Adapted from Association of Governing Boards Board of Directors' Statement on Governing Boards' Responsibilities for Intercollegiate Athletics, September 25, 2018)

##### 2.1 The Board of Governors, as the fiduciary body for Marshall University, provides oversight through the following actions.

- 1. Delegating administrative responsibility for intercollegiate athletics to the President while still maintaining the ultimate responsibility for athletics policy and effective fiduciary oversight of athletics.
- 2. Approving an athletics department mission statement that is committed to upholding the integrity of the athletics program and ensuring it advances our institution's educational mission.
- 3. Periodically reviewing and advising on a strategic plan that makes explicit the ways in which the athletics department is expected to advance the institution's mission including meaningful benchmarks to gauge the success of the athletics department.
- 4. Approving the athletics department's annual budget as part of the university's process.
  - 4.1 The Board will consider Title IX requirements and all expenses controlled by the University, including, but not limited to, salaries, benefits, and scholarships when considering increases in student fees and institutional support.
  - 4.2 Subject to approval by the Board, "department-generated revenue" from sources including, but not limited to, ticket sales, fundraising, marketing rights, and any expense savings may be reinvested in Athletic Department activities in order to assist the department to be competitive at the conference and national level.
- 5. Approving BOG Athletics Committee recommendations for contracts, contract revisions, or contract extensions for Athletics Department personnel with buyout clauses or compensation greater than \$200,000.
- 6. Ensuring an effective culture of compliance in athletics programs.
- 7. Approving the addition or elimination of any intercollegiate sport.
- 8. Approving any change in the university's athletics conference affiliations.

9. Conducting periodic educational sessions for the Board of Governors to ensure every member understands their individual responsibilities with regard to this policy and applicable NCAA and conference rules.

## **2.2 The BOG Athletics Committee provides oversight through the following actions.**

1. Periodically reviewing information about the primary areas of athletics policy and ensuring that the mission and goals of the athletics department are consistent with the university's overall mission and goals.
2. Recommending to the Board of Governors an athletics department mission statement that is committed to upholding the integrity of the athletics program and ensuring it advances our institution's educational mission.
3. Recommending to the Board of Governors a strategic plan that makes explicit the ways in which the athletics department is expected to advance the institution's mission including meaningful benchmarks to gauge the success of the athletics department for the board to monitor.
4. Monitoring the finances and business model of the institution's athletics program including fundraising, capital expenditures, and debt service commitments.
5. Recommending to the Board of Governors the athletics department's annual budget as part of the university's budgeting process.
6. Recommending to the Board of Governors contracts, contract revisions, or contract extensions for Athletics Department personnel with buyout clauses or compensation greater than \$200,000.
7. Ensuring institutional policies account for physical safety risks and well being of our student-athletes.
8. Reviewing outcomes related to our institution's plans for gender equity in athletics programs under Title IX.
9. Monitoring athletics department personnel and student-athletes' compliance with laws and regulations including those pertaining to sexual misconduct.
10. Monitoring policies related to the use of campus athletics facilities, including youth camps, and other activities adjunct to the intercollegiate athletics program.
11. Ensuring institutional policies include youth protection measures for minors on campus.
12. Ensuring that donor and sponsorship support of intercollegiate athletics reflects our institutional priorities and those revenues remain under institutional control.

## **2.3 The President, with authority and responsibility given by the Board of Governors, leads the intercollegiate athletics programs through the following actions.**

1. Establishing and maintaining institutional control over a competitive intercollegiate athletics program.
2. Recommending to the BOG Athletics Committee a strategic plan that makes explicit the ways in which the athletics department will advance the institution's mission including meaningful benchmarks to gauge the success of the athletics department. The President will report progress to the Board of Governors.
3. Communicating to the BOG Athletics Committee an annual report on the success of meeting agreed upon goals, standards, and benchmarks for intercollegiate athletics program including delivering any insightful information on trends and anomalies in student-athlete enrollment, academic progress, and degree completion.
4. Providing the BOG Athletics Committee regular updates concerning athletics department's fundraising efforts, capital expenditures, debt service commitments, and

budgetary proposals. The president will seek advice regarding such proposals from the BOG Athletic Committee prior to making recommendations concerning athletic policies and issues that require action by the entire Governing Board.

5. Gaining BOG Athletics Committee approval for the athletics budget as part of the university's budgeting process.
6. Gaining BOG Athletics Committee approval of any major policy, capital expenditures, budgetary proposals and/or issues that require action by the entire Board of Governors.
7. Communicating to the BOG Athletics Committee an annual report on the success of meeting institutional outcomes as they relate to compliance with Title IX concerning gender equity and any laws and regulations to which the university is subject.
8. Ensuring compliance officers with responsibility for athletics report to a university chief compliance officer and that there is clear policy that protects whistleblowers from punitive action.
9. Hiring a Director of Athletics that reports directly to the President. The President will seek the advice of the BOG Athletics Committee on a potential hire and on any contract renewals or extensions.
10. The President will seek the advice of the BOG Athletics Committee on appointments and terminations of head coaches.
11. Before approving and signing contracts, contract revisions, or contract extensions for Athletics Department personnel with buyout clauses or compensation greater than \$200,000, the President will get express consent from the BOG Athletics Committee for the terms and conditions of such contracts.
12. Conveying to the Director of Athletics our institutional expectations for rules compliance and ethical conduct.
13. The President shall prepare an annual performance evaluation of the Director of Athletics that includes, but is not limited to, the following:
  - a. Commitment to the health and safety of student-athletes;
  - b. Commitment to the academic performance of student-athletes;
  - c. Administration of the athletics program;
  - d. Administration of the athletics budget;
  - e. Knowledge of and full compliance with NCAA, conference, and university rules;
  - f. Commitment to ethical conduct and integrity;
  - g. Representation of the university;
  - h. Ability to recruit coaches who can be competitively successful and fulfill the mission and goals of the university.
14. Designating a member of the faculty to serve as the faculty athletics representative (FAR) who is an at-will appointee and will serve an initial four-year term. The FAR may be reappointed for additional two-year terms at the discretion of the president. The faculty athletics representative shall:
  - a. Assure that the institution's academic integrity is being maintained in athletics;
  - b. Have full access to academic records of student-athletes;
  - c. Assure that student-athletes are afforded opportunity and support to successfully complete their degree program;
  - d. Monitor institutional efforts to comply with NCAA and conference rules and regulations;
  - e. Report relevant matters involving intercollegiate athletics to the President, Director of Athletics, the Faculty Senate, and the BOG Athletic Committee.

## **2.4 The Director of Athletics is responsible for the following actions.**

1. Developing a mission statement that reflects the university's mission and academic values.
2. Creating a strategic plan that makes explicit the ways in which the athletics department will advance the institution's mission including meaningful benchmarks to gauge the success of the athletics department for the President to monitor and report to the Board of Governors.
3. Ensuring the strategic plan accounts for the physical safety risks inherent to sport and that periodic board discussions of student well-being are informed by relevant medical research, as well as summary data on athletics-related student health risks.
4. Meeting regularly with the President to seek advice and approval for matters concerning major policy, fundraising, capital expenditures, debt service commitments, and budgetary proposals.
5. Clearly communicating our institutional expectations for compliance and ethical conduct to coaches, administrators, students, faculty, boosters, and alumni.
6. Monitoring and ensuring compliance with NCAA and conference rules by all athletics department personnel. Rules violations will be self-reported to the NCAA and/or conference offices.
7. Ensuring that student-athletes are held to the same academic and behavioral standards that all students are required to meet, and student-athletes have opportunities for a well-balanced academic, social, and athletic experience.
8. Hiring and supervising all athletics department personnel. Gaining the approval from the President for hiring and terminating all head coaching positions.
9. Seeking the advice and approval of the President and of the BOG Athletic Committee to use the institution's name or logo in the endorsement of commercial products or services for personal gain by any Athletic Department personnel, and for such personnel to accept outside compensation or gratuities from athletics shoe, apparel, or equipment manufacturers in exchange for the use of such merchandise during practice or competition.
10. Ensuring candidates for all athletics department positions are assessed with regard to their willingness and ability to abide by NCAA and conference rules.
11. In searches for candidates for head-coaching positions, a university official shall contact the NCAA National Office to determine whether those under serious consideration have been involved in NCAA rule violations.