90 Athletics Integrity and Conduct of Athletics Staff

Approved by Board of Trustees
Effective Date: ________________, 2021
Responsible Division: Business and Finance
Responsible Office: Compliance and Enterprise Risk Management
Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Coaches, administrators, staff, and volunteers of the University Athletics Department (collectively “Athletics Staff”) are covered by the laws, regulations, policies, and procedures applicable to other members of the University community. In addition, Athletics Staff and the University itself are subject to a wide variety of special requirements including those of the National Collegiate Athletic Association (NCAA), Conference USA (C-USA) or other applicable conferences, professional coaches' and sports' organizations, and federal and state government authorities (collectively "special requirements"). Such special requirements are designed to protect student-athletes, ensure the integrity of the University's athletic programs, and promote fair competition.

Middle Tennessee State University (MTSU or University) is committed to full compliance with all of these special requirements and engages in extensive oversight, education, and training to ensure that all Athletics Staff understand and are in compliance.

II. Scope

This policy applies to all Athletics Staff insofar as their job responsibilities are primarily in support of student-athletes or the MTSU athletic program, regardless of whether employed full-time, part-time, or temporary. The policy applies to volunteers, student workers, interns, and graduate assistants, where appropriate.

III. Definitions

A. Athletics Staff. Includes all employees insofar as their job responsibilities are primarily in support of student-athletes or the MTSU athletic program, regardless of whether employed full-time, part-time, or temporary. The policy includes volunteers, interns, graduate assistants, and student workers, where appropriate.
B. Special requirements. Those policies and other expectations of the NCAA, C-USA, or other applicable conferences, professional coaches' and sports organizations, and federal and state government authorities.

IV. Policy

A. General. Policy 851 Disciplinary Policy for Administrative and Classified Personnel applies to all Athletics Staff. In addition, all Athletics Staff are required to abide by the MTSU Statement on the Conduct of Athletics Staff.

B. Statement of Athletics Values. Student athletic programs are an integral piece of MTSU’s mission and purpose. These programs strive to provide opportunities for academic success, competitive excellence, personal and physical development, and involvement in the campus community. These programs further strive to reflect a commitment to the spirit of fair, honest, skillful, and civil competition.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University’s core values, all Athletics Staff are expected to promote the best interests of students; treat others with respect and civility; conduct all activities with the highest level of ethical standards and integrity; utilize resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn.

All MTSU Athletics Staff will adhere to the highest standards of conduct, including all elements of the MTSU Statement on the Conduct of Athletics Staff.

C. Procedures for responding to grievances or complaints from student-athletes. As noted, MTSU is committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. Accordingly, all Athletics Staff are expected to promote the best interests of student-athletes and to treat student-athletes with respect and civility while teaching and encouraging students to meet their full competitive potential. Athletics Staff shall conduct themselves in accordance with the rules of their sports and of the University, and shall avoid conduct that demeans, harasses, or threatens any person.

These expectations are contextual, however, as some behaviors that are common on the playing field would be considered disrespectful in the classroom. The intent and force of this policy are to prevent clearly prohibited behavior, including bullying, physical abuse, verbal abuse, or harassment.

Student-athletes who wish to report Athletics Staff behavior that is believed to be in violation of this policy may initiate a complaint based upon the approved MTSU
Student-Athlete Conflict Resolution Process as outlined in the Student-Athlete Handbook. The process includes provisions for anonymous reporting and third-party reporting, as may be appropriate. The process outlines the procedures and goals of reporting, the method of investigation, and resolution.

It is the intent of this policy that complaints be effectively resolved at the lowest possible level. However, the student-athlete may enter the conflict resolution process at any level by contacting any Athletics Staff member. It is the responsibility of all Athletics Staff to be familiar with this policy and with the MTSU Student-Athlete Conflict Resolution Process as outlined in the Student-Athlete Handbook, so that they can assist any student-athlete bringing forward a concern.

D. The MTSU Student-Athlete Conflict Resolution Process set forth above will not apply to the following:

1. Allegations of misconduct, discrimination, or harassment based on protected status that are covered under Policy 26 Discrimination and Harassment Based on Protected Categories Other than Sex and Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression, and Policy 29 Title IX Compliance. These allegations will be addressed in the manner set forth in the appropriate policy.

2. Allegations of violations of NCAA or Conference-USA rules that do not involve mistreatment of one (1) or more student-athletes. These alleged rule violations will be investigated by the Athletic Compliance Office. If, however, the alleged rule violation also results in mistreatment of one (1) or more student-athletes, the allegation will be reviewed as set forth in the MTSU Student-Athlete Conflict Resolution Process.

E. Risk Management. Primary leadership, direction, oversight, and advocacy of the Athletics Department rests with the Director of Athletics. However, the activities of collegiate athletics programs on university campuses carry unique risks related to policy compliance, student safety and wellness, public perception, and legal issues.

In an effort to effectively manage student-athlete wellness and institutional risk, the Office of Compliance and Enterprise Risk Management is charged with serving as an unbiased third party for the purposes of providing effective training of Athletics Staff; appropriate oversight of compliance and risk-related issues; referrals to the Office of the University Counsel (where appropriate) on legal matters; advocacy for student-athletes (in collaboration with other University departments including, but not limited to, Athletics); and timely investigation and resolution of serious student-athlete complaints that cannot be resolved through the internal procedures of the Athletics Department.
F. Scope and Coordination with Athletics. As is true for every other MTSU student, the full range of MTSU staff are available to assist student-athletes as they navigate their university experience. In addition, approved MTSU procedures for responding to student-athlete wellness and complaints are outlined in the Student-Athlete Handbook. In most cases, student-athletes should address their concerns directly with their coach, the athletics administrator assigned to their sport, the Senior Associate AD, or the Athletics Director.

However, in circumstances in which the student-athlete does not feel that consulting with Athletics Staff will be effective, the student-athlete may instead consult with Compliance and Risk Manager in the Office of Compliance and Enterprise Risk Management. Specific processes for addressing student-athlete issues with that office are also included in the approved MTSU Student-Athlete Conflict Resolution Process as outlined in the Student-Athlete Handbook.

G. Education and Training. MTSU Athletics is charged with primary responsibility for providing effective initial and on-going training to Athletics Staff related to NCAA and C-USA compliance, policies, and procedures. In addition, MTSU Athletics is responsible for providing both individual and team training for student-athletes related to NCAA and C-USA compliance, eligibility, team and university rules, drug testing, and other Athletics Department policies and procedures.

In collaboration with MTSU Athletics and other University offices and departments, as appropriate, the MTSU Office of Compliance and Enterprise Risk Management is responsible for ensuring that student-athletes also receive training regarding student-athlete rights and responsibilities, procedures for reporting and resolving conflicts and complaints, and University resources available to assist with personal development, safety, health, wellness, counseling needs, and/or referrals for such resources.

H. Student-Athlete Mental Health. Athletics Staff may refer student-athletes to MTSU Counseling Services for assistance with a variety of mental health issues. In addition, student-athletes may access MTSU Counseling Services on their own, without contacting their coach, or through a referral by a coach or other member of the Athletics or University staff. Student contact with MTSU Counseling Services is confidential. Information about appointments or content of counseling sessions will not be shared with Athletics Staff, except as permitted by law and required to protect the life/safety of the student-athlete or when the student-athlete grants permission to share specific information.

MTSU Athletics and MTSU Counseling Services will work in collaboration to develop programs, protocols, and best practices to serve the mental health and wellness needs of student-athletes.

V. Athletics Staff Disciplinary Procedures
Athletics Staff are subject to Policy 851 Disciplinary Policy for Administrative and Classified Personnel, which outlines a progressive disciplinary policy, Policy 852 Administrative, Professional, and Faculty Grievance or Complaint, and Policy 853 Classified Grievance and Complaint Policy, which outline employee grievance processes.

While MTSU will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to determine whether and what disciplinary action will be taken in a given situation.

Forms: none.

Revisions: December 10, 2019 (original); ______, 2021.

Last Reviewed: ______ 2021.

References: Policies 26 Discrimination and Harassment Based on Protected Categories Other than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 29 Title IX Compliance; 851 Disciplinary Policy for Administrative and Classified Personnel; 852 Administrative, Professional, and Faculty Grievance or Complaint; 853 Classified Grievance and Complaint Policy; Student-Athlete Handbook.