

**Special Review Panel
Response to Dr. Michael Nietzel's Four-Part Charge
February 26, 2008**

Special Review Panel Members: Dr. Bruce Johnson, Professor of Agriculture and Faculty Athletics Representative, as well as panel chair; Jodie Adams, Director of Parks, Springfield-Greene County Park Board; Kellington Boddie, student-athlete; Larry Catt, Attorney at Law, Catt, Cole, & Martin; Casey Comoroski, Associate Director of Athletics/Senior Woman Administrator (SWA); Don Hendricks, Director of University Communications; Mr. Michael Jungers, Associate Dean of Students; Dr. Tom Kane, Professor of Psychology and chair of the Faculty Senate; Michelle Nahon, Attorney at Law; and Miles Sweeney, Retired Senior Circuit Judge.

During the latter part of November 2007, three incidents involving Missouri State University (Missouri State) student-athletes were widely publicized. Only a small number of student-athletes were involved in the three incidents which occurred over a seven-month time-frame. However, the Missouri State community and the general public voiced concerns about the reputation of the Intercollegiate Athletics program at Missouri State and its longstanding tradition of operating a successful program at a high level of integrity. Faced with this challenge to Missouri State's reputation in its athletics program, President Michael Nietzel formed a 10-person Special Review Panel to examine policies and practices regarding: standards of behavior of Missouri State student-athletes; established procedures for monitoring student-athlete conduct; policies governing the reaction of coaches and athletics administrators to different levels of legal involvement in which a student-athlete may become involved; and the process followed by coaches, athletics administrators and other Missouri State officials in responding to requests for public information about incidents involving student-athletes. From the very beginning of its response to the four-point charge, the panel acknowledged that the Missouri State Department of Intercollegiate Athletics has operated an excellent program with few blemishes to its record of success in athletics competition, academics in the classroom, conformance with conference as well as NCAA rules, and conduct of its student-athletes.

Beginning with an organizational meeting December 7, the panel met eight times. During the initial meeting, Dr. Nietzel briefed the panel regarding his charge and pledged the unfettered access to coaches, student-athletes, athletics administrators, and other Missouri State resources necessary for the panel to complete its work. In subsequent meetings, the panel met with and interviewed all head coaches, representatives of each sport team on the Student-Athlete Advisory Committee (SAAC), and the Director of Athletics (AD). In these meetings, respondents addressed a number of questions designed to provide the panel with a base of information on which the four-point charge could be addressed. Between meetings, the panel reviewed pertinent written policies of Missouri State, each individual head coach, the NCAA, other universities within the Missouri Valley Conference, and other universities across the United States. The panel appreciated the full cooperation of all participants in providing information about policies and practices related to the four-point charge. The members of the panel were impressed with

the quality of Missouri State's student-athletes, the dedication of the head coaches in maintaining high standards of behavior among the student-athletes, and the administration of the athletics program in a manner that has brought honor as well as recognition to Missouri State.

This response sets forth each of the four points in Dr. Nietzel's charge. Each point is followed by the conclusions and recommendations of the panel.

1. Examine our policies and practices to determine how well we are communicating our standards and expectations for appropriate behavior by our student-athletes, beginning with recruiting and continuing through competition at Missouri State.

Conclusions:

The standards and expectations for appropriate behavior are being communicated by the coaches to the student-athletes in an appropriate manner. Some, but not all, head coaches reported the use of written policies related to behavioral expectations and associated sanctions for student-athlete violations of behavioral standards. However, we believe that there is a need for more coordination of standards and expectations at the departmental level.

Responses from head coaches indicated prospects are thoroughly screened for character traits that meet Missouri State standards. In addition to observing a prospect in competition, Missouri State coaches reported meeting with high school coaches, club coaches, teachers, guidance counselors, and visiting the parents of prospective students in the home in an effort to recruit prospects that conform to the standard of character desired by Missouri State.

Student-athletes reported that Missouri State's standards and expectations for appropriate behavior are communicated verbally, and in writing, by head coaches, assistant coaches, and staff. The student-athletes also reported that the standards and expectations are emphasized throughout the academic year, both during the season of competition as well as the off season.

Some of the exemplary practices of which the panel became aware were an acclimation period preceding the beginning of practice season; senior leadership for setting standards of behavior and discipline; team codes of ethics; and education sessions which cover alcohol possession/consumption, Missouri State's judicial system, academic requirements, and presentations by campus security and local attorneys.

Although several student-athletes reported they were not intimately familiar with on-campus recruiting rules, they indicated that appropriate standards of decorum as well as NCAA rules were reviewed by their coach prior to the hosting of prospects on official visits.

Athletes should be better informed about the University's Code of Students Rights and Responsibilities (<http://www.missouristate.edu/judicial/12331.htm>) and the importance of complying with all University policies.

Recommendations:

- 1(a) The Pledge of Ethical Conduct form, being developed by the Missouri State University Student-Athlete Advisory Committee (SAAC), or a similar Code of Conduct, should be reviewed with each student-athlete and signed by each student-athlete at the beginning of each semester. At the time the form is read and signed, the head coach should strongly emphasize the standard of behavior expected by each student-athlete at Missouri State.
- 1(b) The Department of Athletics, with input from all coaches, should review and revise the “Guidelines for Conduct” (Appendix A) to address behavioral concerns that may not be currently addressed.
- 1(c) All coaches should hold an orientation session with student-athletes shortly after arrival on campus. In addition, an orientation session should be held for all freshmen and/or new transfer student-athletes involved in the summer “bridge” program in the first week they are on campus.
- 1(d) The Department of Athletics should develop a best-practices guide for recruiting prospects.
- 1(e) Coaches should assure that student-athletes read and sign the Official Visit Guidelines form (Appendix B) and the Student Host Receipt/Instructions form (Appendix C) prior to hosting prospects on an official visit to campus. Copies of both forms should be forwarded to the Athletics Compliance Office with the original maintained in the prospect’s file.
- 1(f) Each coach should develop written standards of conduct and provide the standards to the student-athletes each year. The written standards should include, but not be limited to, alcohol use, tobacco use, drug use, personal conduct, and expectations of behavior. Additionally a copy should be provided to the Director of Athletics.

2. Examine our policies and practices for monitoring behavior of student-athletes to enable and ensure as high a level of compliance with expectations as possible.

Conclusions:

Coaches and the Associate Director of Athletics/Senior Woman Administrator reported various means of monitoring student-athlete behavior. Coaches indicated they frequently reminded student-athletes of expected behavior and the consequences for violating behavior standards. Several head coaches use written policies to specify expected behavioral standards and sanctions for violation of such standards. In addition, several coaches and student-athletes reported the incorporation of upper-class student-athlete leadership to provide appropriate guidance for freshmen-sophomore teammates.

During the first week of the fall semester, the Associate Director of Athletics/Senior Woman Administrator holds a session with each team of student-athletes. In this meeting, the Department of Intercollegiate Athletics standards of behavior are emphasized. In addition, she

meets with members of the Student-Athlete Advisory Committee (SAAC) every other week throughout the academic year. SAAC membership includes at least one student-athlete from each team.

The NCAA Challenging Athletes' Minds for Personal Success (CHAMPS)/Life Skills program includes four to six sessions conducted each academic year. Topics covered include possession and use of alcoholic beverages as well as drug use, diversity, nutrition, gambling, Sexual Harassment, Assault and Rape Prevention (SHARP) training, sex education, resumé writing, and media training.

Recommendations:

- 2(a) Each head coach should continue to meet and remind student-athletes of the standards of conduct and behavior throughout the year. The current practice employed by some head coaches of reminder meetings, which take place prior to breaks, vacation periods, as well as before the summer academic session, should continue.
- 2(b) Coaches should continue to emphasize mutual social accountability among student-athletes for conduct detrimental to the best interest of the team and the University, both in and out of season. It was clear to the panel that the role modeling and proactive leadership of upperclassmen can be used to effectively socialize new team members, deter poor judgment, and strengthen an ethical team culture.
- 2(c) The Department of Athletics should hold regular meetings for staff and coaches to discuss common issues. These meetings should include discussion regarding team policies used to: (1) assure student-athlete adherence to standards of behavior and (2) monitor student-athlete conduct.

3. Examine our policies and practices to determine if we are adequately prepared to react to different levels of legal involvement that a student may encounter, ranging from arrest, to facing criminal charges, to being convicted of a crime.

Conclusions:

With the exception of some recruiting guidelines, the Department of Athletics does not have written policies for responding to different levels of legal involvement that a student-athlete may encounter.

There is a need for greater consistency with respect to sanctions applied in cases involving serious violations. However, coaches need to be given flexibility with respect to addressing lesser violations on an individual basis.

When alleged behavior is addressed through the University's Student Judicial System, student-athletes must be afforded the same rights of privacy as all other students under the Family Education Rights and Privacy Act (FERPA) (<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>).

Recommendations:

- 3(a) The Department of Athletics should develop written policies regarding expected student-athlete standards of behavior and departmental/team sanctions for student-athlete misconduct. In addition, Department policy should indicate the process that should be followed in situations when a student-athlete breach of standards of conduct also involves violation of local, state, and/or federal laws.
- 3(b) The Department of Athletics should establish classifications of misconduct that distinguish between serious violations, such as felony offenses and violations of University or Athletic department probation, and other acts of behavior detrimental to the tradition of college athletics at Missouri State. The Student-Athlete Code of Conduct used by Fresno State University (Appendix D) is suggested as a guide for establishing defined levels of misconduct. We observe that the policy should be sufficiently flexible to allow the coach to deal with lesser violations on an individual basis.
- 3(c) The Department of Athletics has an established policy (Appendix E) and procedure for social networking sites. It is suggested that the current policy be reviewed and revised to include statements regarding acts detrimental to the reputation of college athletics at Missouri State; with the Utah State University Athletics policy (Appendix F) used as a model for establishing such guidelines.
- 3(d) The Department of Athletics should establish departmental/team sanctions for more serious categories of misconduct. These sanctions should be consistently applied to all sports whether in season or out of season.
- 3(e) During each team's annual orientation session, an attorney should speak about the criminal justice system, consequences of violating local, state, and federal laws, and the general procedure that follows a person's arrest for committing a crime.
- 3(f) During each team's annual orientation session, a representative of Missouri State's Office of Judicial Programs should review the Code of Student Rights and Responsibilities as well as Missouri State's judicial system.
- 3(g) The Department of Athletics should establish guidelines of reporting for the various levels of misconduct. This must include clearly defined and acceptable standards of behavior with appropriate disciplinary action to be taken if standards are not met.
- 3(h) The Department of Athletics should develop a written procedure whereby a student-athlete could appeal sanctions for inappropriate behavior.

4. Examine our policies and practices regarding how we respond to requests for public information.

Conclusions:

When student-athletes have been involved in violations of standards of behavior, representatives

of the media seek to obtain information from various sources within the Department including coaches, student-athletes, and administrators.

The general consensus among the head coaches, student-athletes, and the Director of Athletics is that one member of the staff should be identified as the spokesperson for the Department in situations where a student-athlete has been accused/arrested for a serious crime.

Recommendations:

- 4(a) When a student-athlete is involved in an issue categorized as being serious under the overall policy, the initial spokesperson for the Department should be the Director of Athletics.
- 4(b) When a student-athlete is involved in an issue categorized as being serious under the overall policy, Missouri State's President and General Counsel should be consulted prior to releasing information to the media.
- 4(c) To improve their effectiveness in responding to media interviews and requests for information, head coaches and athletics administrators should participate in the Missouri State University training program, "Working with Media in Good Times and Bad" (<http://www.news.missouristate.edu/MediaTraining.htm>).

Timeline for Implementation of Recommended Policies:

The deadline to implement and post online both team and department-wide policies, unless otherwise specified, should be on or before August 1, 2008.

This report represents the unanimous consent of the members of the panel.