

REPORT OF THE *AD HOC* COMMITTEE TO REVIEW THE ATHLETIC BOARD

17 March 2010

At its 4 May 2009 meeting, the Faculty Senate adopted a motion that directed the University Committee to appoint an *ad hoc* committee “to review the Athletic Board under *Faculty Policies and Procedures* 6.26.” Thus, in a letter dated 27 October 2009, the University Committee appointed seven faculty members to the *Ad Hoc* Committee to Review the Athletic Board.

The *ad hoc* committee accepted as its charge to determine whether the board is conducting itself in compliance with *FPP* 6.26. In executing its charge, the committee interviewed numerous persons, including the board chair, the athletic director, chairs of board committees, other current and former members of the board, and members of the Faculty Senate. (All current members of the board were invited to meet with the *ad hoc* committee.) The committee also reviewed Faculty Documents 2114, 2114a, 2127, the September 18, 2008 Athletic Board Self-Study, and numerous other documents provided by the board and other individuals.¹ Committee members also attended a regular meeting of the board and a meeting of its personnel committee. Except for a hiatus during the winter break, the *ad hoc* committee met weekly beginning at the end of October.

The *ad hoc* committee saw no evidence of lack of compliance in parts A., B., C. and E. of *FPP* 6.26. Parts A., B., and C. are straightforward descriptions of the board membership, appointment tenure and procedures for selection of the board chair and faculty athletic representatives. Also, the board complies with part E. through its annual reporting to the senate, and in ongoing dialog between the University Committee and the board chair. The *ad hoc* committee focused, therefore, on whether the board’s current actions and processes are in compliance with *FPP* 6.26.D.1. through 6.26.D.12., which deal with the board’s functions.

Based on the whole of the evidence before it, the conclusion of the *ad hoc* committee is that the board generally complies with *FPP* 6.26.D. In most cases the duties of the board are clearly defined by *FPP*, and in reviewing the board’s compliance with *FPP*, the *ad hoc* committee sought to determine whether there exists evidence of the active development of policy, input, and strategy. For each part of 6.26.D. listed below, the following provides an assessment of board processes and activity. Recommendations are interspersed with these and are summarized in the conclusion.

1. *Establishing and implementing academic and other eligibility standards for recruitment of student athletes.*

The board adheres to UW-Madison Admissions and Eligibility Standards and monitors adherence through both the board’s Academic and Compliance Committee and the faculty athletic representatives to the NCAA, Big Ten, and WCHA. In particular, the faculty athletic representatives certify eligibility and rosters with the help of the registrar. Both the academic and compliance committee and the faculty athletic representatives work with athletic department personnel in carrying out their functions.

¹ Additional documents reviewed included: Athletic Board Student Evaluation Forms, Athletic Board minutes, and board committee minutes. In total, the committee met with: Professor Walter Dickey, Athletic Board chair; Professor Philip Brown, Athletic Board Finances, Facilities and Operations Committee co-chair; Professor Michael Plesha, Athletic Board Finances, Facilities and Operations Committee co-chair; Professor Judith Harackiewicz, Athletic Board Personnel Committee chair; Professor Dale Bjorling, Athletic Board Academic and Compliance Committee chair; Ms. Barbara Smith, Athletic Board Equity, Diversity and Student Welfare Committee chair; Dr. Jeffrey Anders, Athletic Board member; Professor Bruce Jones, former Athletic Board chair; Professor Jeremi Suri, former Athletic Board member; Professor Donald Downs, Faculty Senator; Athletic Department Director Barry Alvarez.

2. *Establishing and implementing academic standards, such as grade point and class attendance, and other requirements for participation in intercollegiate athletics.*

These activities are also handled principally, and effectively, by the academic and compliance committee and the faculty athletic representatives. For example, the academic and compliance committee monitors the students within each sport by cumulative GPA. In addition, the academic and compliance committee monitors student athletes whose GPAs fall below 2.5; those students are restricted from missing more than six class days due to competition schedules.

The board is active in other ways relevant to academic standards. For example, as a result of board policy, late adds of directed study courses now require approval of the board chair. Moreover, the chair of the academic and compliance committee monitors independent study enrollment and reads all student athletes' independent study papers. In another instance, the board recently initiated and implemented a rule whereby add/drop deadlines for student athletes were shortened. Finally, the board was praised by athletic department director Alvarez for improving a student disciplinary procedure originally mandated by our former chancellor, John Wiley.

3. *Overseeing the Division of Intercollegiate Athletics' systems for providing student athletes with academic services, and monitoring the academic progress of student athletes.*

As noted in part 2 above, the academic and compliance committee monitors progress of students toward degrees, including academic progress reports, sport cumulative GPA, individuals with GPA below 2.5, etc. The athletic department provides academic services including class checkers, tutors, study hall, and academic advisors. These services are monitored by the academic and compliance committee.

4. *Establishing and implementing policies on equity and nondiscrimination.*

The Equity, Diversity and Student Welfare Committee is responsible for these matters. This meets seven times per year and is responsible for monitoring the climate for student athletes. The committee reviews and monitors different financial reporting statements for expenditures for all 22 sports and compares them with expenditures by peer institutions. The NCAA re-certification process requires a 17-point plan for gender equity compliance, which the athletic department prepares and the committee reviews. The equity, diversity and student welfare committee is given the opportunity to make suggestions for improvement and attempts to ensure that the department is following each point. There is also a 13-point diversity plan that is monitored. At the end of each sport's season, student athletes are asked to complete an online survey developed by board members. The survey asks about climate, use of time, quality of experience, etc., and the results are provided to each sport's board liaison, the administrator and coach. The equity, diversity and student welfare committee then monitors how the sport administrator follows up on this feedback.

Finally, growing out of the board self-study, and based on a meeting of the committee chairs, a need was identified for monitoring tools for diversity issues. These have since been developed and adopted. This illustrates an active involvement of the board, not only in carrying out its monitoring function, but providing improvements in implementing its charge.

5. *Reviewing and approving schedules for athletic events, including participation in all post-season events.*

The academic and compliance committee approves all schedules and, in doing so, takes into account board policies on missed class days and examination schedules.

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6. *Participating actively in the search-and-screen process for head coaches and senior departmental administrators; approving the employment contracts of such persons. The board initiates personnel recommendations, which are subject to the approval of the chancellor and the board of regents; if such recommendations are disapproved, the authority to make further recommendations reverts to the Athletic Board.*

The committee found ambiguities in the language of part 6 that made it difficult to assess compliance by the board. These ambiguities include, especially, the sense of “participating actively” in the search-and-screen process, and the meaning of “initiating” personnel recommendations. By some definitions the board is in compliance, and by others, not.

In recent hires of coaches, search and screen committees have usually consisted of four individuals who actively participate in hiring: the sport’s administrator from the athletic department, another senior staff member from the athletic department, and usually two board members. One of the board members is often the board’s liaison for the sport in question (see #7 below). Although the board’s rules do not require it, another of the members is most often the personnel committee chair; the board chair might also participate. Based on a set of clearly defined hiring criteria generated by the sport’s administrator, a subset of candidates is selected for interviews. Board members are actively involved in the case of an on-campus interview. Upon a candidate’s selection by the athletic department, the search and screen committee’s recommendation is reported to the full board, although the board does not usually vote on the recommendation.

If “active participation” was intended to mean that every search and screen committee includes all board members, then the board is not in compliance. However, the board’s actions do appear to comply in principle with Faculty Document 2114a, as approved on 4 May 2009 (p. 7): “Head coaches are appointed by the chancellor on the recommendation of the Athletic Board. These are ‘limited unclassified staff appointments’ under § 36.17, Wisconsin Statutes and UWS 15, Wisconsin Administrative Code. When the department undertakes the hiring of a head coach, the board may delegate participation to a faculty-majority subcommittee. The subcommittee participates in the search-and-screen process, and makes recommendations to the board for action.”

The *ad hoc* committee contemplated providing clarifying definitions in *FPP* that resolve the noted ambiguities, but saw merit in letting them stand. To be overly prescriptive in *FPP* runs the risk of creating inflexibility that may lead to an inability to address unforeseen issues that arise in the future.

The *ad hoc* committee **recommends** that, for clarity, the board adopt into its procedures a rule stipulating that any decisions made under *FPP* 6.26.D.6. must be ratified by vote of the full board before they can be passed to the chancellor for final action. The point was made numerous times that the need for discretion and speed make it difficult for the board to be involved in every aspect of the hiring of head coaches, especially for marquee sports. Nevertheless, the committee’s recommendation is that the board ratify, by a vote of the full board, any hiring actions or recommendations made by a committee or subcommittee of the board, or made by any member(s) of the athletic department. Thus, even if a hiring decision is made by the athletic department and announced to the press, it must still be ratified by the board, which has controlling authority in determining whether or not that decision can be passed to the chancellor. Doing so would preserve the board’s role in providing checks and balances in hiring; to do less would weaken the board’s governance responsibilities.

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7. *Setting criteria to be applied in evaluating the performance of Division of Intercollegiate Athletics staff; reviewing and approving the evaluations of head coaches and senior departmental administrators and approving their contract renewals.*

Each sport has a board member who serves as the board's liaison to that sport and to that sport's athletic department administrator. Liaisons have access to coaching staff, observe practices and attend at least one away game. The sport's administrator is responsible for drafting the written evaluation of the coach, which is shared with the liaison for response. The final draft is then presented to the personnel committee for review. In addition, the liaison and the committee chair read all student evaluations of a coach. Recently, students asked for a better tool for their evaluation of coaches, and this has been developed by the board. The evaluations are available for review by any board member upon request, although there was some concern expressed that these are not easily obtained. The *ad hoc* committee therefore **recommends** that the board, and the personnel committee in particular, ensure that all board members requesting such documentation be given easy access to it.

All board members may attend and vote in the personnel committee meeting in which coaches are reviewed.² Both the renewal and bonus recommendations for each coach are voted on by the board members attending the personnel committee meeting. As evidence of active participation, in the last year the board made changes to the specific performance criteria under which coaches receive bonuses. In particular, the board provides greater input into deciding whether coaches qualify for 100% of their bonuses. Moreover, the board has also played an active role in concert with the athletic department in determining contract renewals. Finally, in the case of nonrenewal for a coach, there is an appeal process in place whereby a coach can appeal the decision and appear before the personnel committee for reconsideration of his or her status.

The result of all of this process is a series of recommendations made by the personnel committee, and voted upon by the full board. Representatives of our *ad hoc* committee who observed the personnel committee's deliberations found the process to be active and thorough, and indicative of an effectively functioning board relative to coach evaluation and student welfare issues. Moreover, there is a feedback loop in place where recommendations in a coach's evaluation are followed up by the sport's athletic department administrator, and progress is discussed the following year.

8. *Approving awards and prizes.*

The academic and compliance committee selects student athletes for two different awards. Board Scholar Awards are given to a male and a female athlete based on nominations from staff and are approved by the committee. Remington Scholars are selected by the committee from student athletes in their senior year, and awards are made to the male and the female athletes with the highest GPAs.

In addition, the two faculty athletic representatives nominate student athletes for at least four different NCAA awards. (NCAA rules require that these nominations be made by the faculty athletic representatives.)

² In fact, board members can attend, participate and vote in any committee meetings/decisions, not just those of the personnel committee. Emails are sent out encouraging board members to attend committee meetings; the meetings of the personnel committee and the finances, facilities and operations committee draw the greatest level of participation.

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9. *Setting policy for and approval of uses of Division of Intercollegiate Athletics facilities.*

The Finances, Facilities and Operations Committee reviews and maintains a dialog with the athletic department regarding facility needs and priorities. One example in which the finances, facilities and operations committee was actively involved dealt with the need for improved soccer facilities. This need was identified by the board based on student evaluations of coaches, and the board then pushed the athletic department to rebuild these facilities, which they did.

10. *Participating actively in the development of fiscally responsible departmental budgets and approving them for recommendation to the chancellor.*

The finances, facilities and operations committee sets policies on rates for use of facilities, responds to facilities needs and planning proposals, and meets several times a year with staff to develop the athletic department's annual budget, which is presented to the full board for action in February. The board appears to be actively engaged in this process.

11. *Approving prices and policies for tickets for Division of Intercollegiate Athletics events.*

Ticket prices are reviewed and approved by the finances, facilities and operations committee, and then by the board. The *ad hoc* committee was pleased to see evidence of this very recently in an article in the *Milwaukee Journal* (JSOnline, 22 February 2010):

“Barring a reversal by Wisconsin’s athletic board later this week, UW football fans will pay an increase of \$3 per ticket for the 2010 season, up to \$42 per game for the general public and up to \$22 for students.

“The Finance, Facilities and Operations Committee of the UW athletic board on Tuesday approved the price increase as part of the 2010-’11 athletic department budget.

“The full athletic board must approve the budget and the price increase for football tickets. The board is scheduled to vote on the budget during its meeting on Friday.”

[...]

“Alvarez attended the committee meeting Tuesday but UW announced earlier Tuesday no official in the department would comment publicly on the price increase until after the athletic board meeting on Friday. Alvarez is set to answer questions after the board meeting.”

The quoted material also reflects evidence of good communication between the board and the athletic department regarding the release of material to the press. Premature release of information to the press by the athletic department, prior to adequate briefing and approval by the board, is damaging in many respects. Although there appears to be good communication generally between the board and athletic department, the *ad hoc* committee **recommends** in particular that the athletic department and board establish standards and procedures to ensure that there is good information flow between the two bodies with regard to actions taken and press releases to the media. Indeed, given the high level of expectations for and scrutiny of the board, both the board and the athletic department must be always mindful of the need for transparency in their actions and decision making, and generally establish standards and procedures to that end.

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12. *Monitoring compliance with all rules and regulations of the NCAA, Big Ten and WCHA; reviewing and approving petitions to the NCAA, Big Ten, and WCHA; taking appropriate action on proposed legislation by the NCAA, Big Ten and WCHA; certifying to the NCAA, Big Ten and WCHA compliance with their eligibility requirements.*

The academic and compliance committee and faculty athletic representatives monitor these as noted above, and also monitor mascot compliance issues. There is evidence that, in the current structure, compliance is taken very seriously, regardless of the size of a given infraction. For example, when compliance problems are reported to athletic department director Alvarez, he interacts with one or more board members to report the problem and develop an appropriate resolution. One instance was cited of a secondary (i.e., minor) violation of NCAA recruiting rules wherein a meal reimbursement was temporarily mishandled. This was reviewed by the academic and compliance committee and reported to the NCAA.

Conclusions and Recommendations:

The *Ad Hoc* Committee to Review the Athletic Board finds that the Athletic Board is largely in compliance with *FPP* 6.26. There is clear and extensive evidence that the board fulfills its responsibilities in active, constructive ways, and that it is not a passive “rubber stamp.” Regardless, the *ad hoc* committee finds processes and policies that warrant clarification and improvement. Recommendations in this regard appear above with further elaboration. In summary, the *ad hoc* committee recommends:

1. that the board adopt into its procedures a rule stipulating that any decisions made under *FPP* 6.26.D.6. must be ratified by vote of the full board;
2. that the board, and the personnel committee in particular, ensure that all board members requesting student evaluations and other evaluative documentation be given ready access to those documents;
3. that the athletic department and board establish standards and procedures to ensure that there is good information flow between the two bodies with regard to actions taken and press releases to the media.

Beginning with the board’s self-study, and concluding with the Faculty Senate’s approval of Faculty Document 2114a, a considerable amount of effort has been expended to clarify the board’s role in overseeing athletics. The board’s adoption of Faculty Document 2114a as a guiding document for its policies and procedures is a strong and positive action. Regardless, the committee believes that its first recommendation, which is more rigorous than 2114a regarding the hiring of coaches, is necessary to ensure that the board retains a strong governance role.

In its self-study, the board identified its highest priority as “student athlete success – in academics, personal welfare, athletic experience and campus integration.” The self-study further elaborates: “. . . concern for the well-being of the student athlete should be the board’s primary guiding principle. This includes providing and improving opportunities to pursue athletic ambitions, academic advancement and accomplishment, and personal and social development.” The *ad hoc* committee commends the board for placing high emphasis on these activities and goals. Further, through the efforts of many, there is a trusting relationship between the board and athletic department, and the board’s advice and guidance are sought by the athletic department. It is clear that board members are hard-working and dedicated, and that their efforts merit recognition.

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Respectfully submitted:

The *Ad Hoc* Committee to Review the Athletic Board

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