“4th Response Report”

September 14, 2010

TO: Lynn Fisher, chair, IAC

Cc: Tih-Fen Ting, Campus Senate chair
    Marcel Yoder, FAR

FROM: Ed Wojcicki, Associate Chancellor for Constituent Relations

RE: 4th formal followup from administration to Athletics investigation report

This is the latest update on the administration’s response to the special committee’s report on its investigation into UIS Athletics.

This memo:

1. Addresses 16 more recommendations in addition to the twelve we addressed earlier.

2. Considers issues by topic rather than going through each recommendation. Responding by topic makes it easier to report what we are actually doing.

3. Provides a detailed list of reports that we produce regularly and can, for the most part, share with the Intercollegiate Athletics Committee. This is in direct response to the IAC’s request that we “routinize” what data we will share and when we will share it.

4. Suggests clearly that from this point on, administration prefers to expend our time and energy implementing the steps that we say we will implement, as described below and in earlier follow-ups, as we carry on the work of the university. This year, AY2011, should be one of continuing to build bridges, sharing information, engaging in appropriate consultation, and seeing this year as one in which we work together and continue to collaborate on differences of opinion and perception.

5. Suggests four “next steps” to keep us all on the same page.

Background

Followup #1
February 25, 2010 – I submitted the administration’s response to the special committee’s draft report.

Followup #2
March 12, 2010 – Chancellor Ringeisen and Vice Chancellor Barnett attended the Campus Senate meeting to respond to various issues raised in the report.

Followup #3
May 7, 2010 – I submitted a report to the Campus Senate that provided additional information about our response to the report. The chancellor had designated me as the point person to respond on behalf of administration.

Summary of previous administration response to 31 committee recommendations

Accepted total of eight: 4, 9, 10, 20, 23, 25, 26, 28

Disagreed with four: 5, 7, 11, 16. (But upon further review this summer, we are removing #7 from this list and moving it to “Agreed to review” list.)

Agreed to review 19 more: 1, 2, 3, 6, 8, 12, 13, 14, 15, 17, 18, 19, 21, 22, 24, 27, 29, 30, 31.

To this, today we add recommendation 7, for a total of 20 to be reviewed.

Updated summary of response to recommendations:

Accepted: 8
Disagree: 3
Under review: 20

Summary of this memo, which I will call the “4th response memo”

1. Addresses 16 more recommendations of the 20 under review: specifically, numbers 1, 2, 3, 7, 8, 12, 14, 15, 17, 18, 19, 21, 22, 24, 27, and 30.

   In doing this, I think it is fair to say that we are responding positively to almost all of these sixteen, while not in agreement that we should follow each one to the letter.

2. This increases the number of formally reviewed recommendations to 27 of the 31. It also leaves just four of the recommendations not formally addressed in one of our four followup reports. The ones not yet addressed are listed at the end of this report.

3. For organizational purposes, this memo considers issues by topic rather than by committee recommendations.

4. This memo also suggests a process for the future. Not so much an ongoing series of responses to the report—something we need to get past—but rather, how we will implement an administrative plan of action that incorporates issues raised in the report. In other words, next steps as we see them and for carrying on with a sense of normalcy, rather than continuing to respond to the report as a basis for what we do. We expect this to be an ongoing conversation with campus leaders, individuals and committees, and that
our fruitful conversations will continue for the benefit of the university and our student-athletes.

Report narrative – 4th Response

Following is a continuation of the administration’s response to topics raised in the report. The recommendations are mentioned or listed in many cases to provide context, but in our view, the exact wording of the recommendations is not as critical and their spirit and general subject matter.

I.
TABLE OF REPORTS

REGULAR REPORTS AND BUDGET ISSUES:
TYPE OF REPORT, WHO PREPARES THEM, AND WHEN THEY ARE PREPARED

<table>
<thead>
<tr>
<th>Name or type of report</th>
<th>Who prepares, and for whom</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Graduation Rate Survey Data:</strong> Data are collected on the number of students entering the institution as full-time, first-time, degree/certificate-seeking undergraduate students in a particular year (cohort), by race/ethnicity and gender; the number completing their program within 150 percent of normal time to completion; the number that transfer to other institutions.</td>
<td>Office of Institutional Research (OIR), for NCAA</td>
<td>June 1 annually</td>
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<tr>
<td><strong>Enrollment Data:</strong> We provide the NCAA with the number of full-time baccalaureate degree-seeking students enrolled as of census in the study-body, by ethnicity category and by gender. This is the total number of undergraduates, not just freshmen. Additionally, we list the number of students listed in the student-body column that received athletically related aid for basketball, baseball, and all other sports combined (i.e., five separate sport categories).</td>
<td>OIR, for NCAA</td>
<td>June 1 annually</td>
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<tr>
<td><strong>Academic Success Rate Data</strong>: The ASR is a supplemental report that measures the academic success for all Division II student-athletes, not just scholarship student-athletes who came to UIS as first-time, full-time freshmen. To that end, our ASR is comprised of several student-athlete populations including 1) freshmen who entered UIS and received athletic aid, 2) transfers who received athletically related financial aid their first term at UIS, 3) non-scholarship student-athletes and 4) walk-ons. The ASR discounts those students who separate from UIS prior to graduation, but who would have been academically eligible to compete had they returned. Students are placed into cohorts based on their first year of full-time attendance at any institution. As an example, this year's cohort data included athletes whose first year of full-time attendance at any institution was 2003-2004.</td>
<td>OIR, for NCAA</td>
<td>June 1 annually</td>
</tr>
<tr>
<td><strong>Academic Performance Census Data</strong>: These data include term-by-term GPA, number of credits earned, and major information of all student-athletes (note: data are submitted at the athlete level). These data will be submitted via the Academic Tracking System (ATS). These data will be due 12 weeks following the first day of classes.</td>
<td>OIR, for NCAA</td>
<td>12 weeks after the first day of classes, starting in the fall of 2010, annually</td>
</tr>
<tr>
<td><strong>Intercollegiate Expenditures</strong>: Report of athletic waivers and scholarships and other Athletics expenditures at UIS</td>
<td>Andy Sestak in UA, for the University of Illinois, which submits the information on all three campuses to the Illinois Board of Higher Education, based in part on information provided by UIS Department of Athletics</td>
<td>Early October annually</td>
</tr>
<tr>
<td><strong>Sports Sponsorship Report:</strong></td>
<td>Consists of many statistics, such as the number of games we played and many other details</td>
<td>UIS AD, for NCAA</td>
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<tr>
<td><strong>Federal Equity and Athletics Disclosure Act (EADA):</strong></td>
<td>Detailed report of revenue and expenses in UIS Athletics. This report is related to requirements of Title IX.</td>
<td>UIS AD, with review by AEO Deanie Brown</td>
</tr>
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<td><strong>Institutional Self-Study Guide (ISSG):</strong></td>
<td>Conducted every five years, a comprehensive study of Athletics</td>
<td>UIS AD</td>
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<td><strong>Student Athletics fee:</strong></td>
<td>UIS students pay an Athletics fee.</td>
<td>Student Affairs, in collaboration with Athletics, for consideration by UA and the Board of Trustees. Consultation with the Student Government Association is part of the process.</td>
</tr>
<tr>
<td><strong>Budget: Preparing the next year’s budget</strong></td>
<td>AD, for Chancellor</td>
<td>AD, for Chancellor</td>
</tr>
<tr>
<td><strong>Budget review 1 – reviewing previous year</strong></td>
<td>AD, for IAC and Chancellor</td>
<td>AD, for IAC and Chancellor</td>
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<td><strong>Budget review 2 – review year-to-date</strong></td>
<td>AD, for IAC and Chancellor</td>
<td>AD, for IAC and Chancellor</td>
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<tr>
<td><strong>Budget review 3 – review year-to-date</strong></td>
<td>AD, for IAC and Chancellor</td>
<td>AD, for IAC and Chancellor</td>
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<tr>
<td><strong>Consultant’s report on fundraising</strong></td>
<td>For AD and Chancellor, and then shared with the IAC</td>
<td>For AD and Chancellor, and then shared with the IAC</td>
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Those reports reflect several of the recommendations that we considered to be “under review.”

The IAC chair told the administration that it would be helpful to “routinize” how we will handle reports and share them with the IAC. We believeing that compiling this table, with a willingness to share these reports with the IAC, except for information that is protected by privacy laws or policy or a reasonable expectation of privacy, goes a long way toward providing the kind of expectations that the IAC has for reviewing reported information. We remain open to further
discussion about how to share this information or information not covered in these reports.

Although some of the reports in the table above are said to be created for the IAC, we list them all because of our willingness to share them all. It might not be prudent to say we will make “copies” for everybody, because it might turn out that is more paper than anyone really wants. So the process of sharing the reports and information in them needs to be worked out.

II. WRITTEN POLICIES

The report and the committee expressed concerns about various policies where clarification in writing would be helpful. Here are our responses:

**Database of on-campus infractions and dealing with infractions and policy violations (Recommendations 7, 8, 14 and 15)**

We agree that a database of on-campus infractions should be developed and maintained, and this information should include all infractions dealt with by Student Affairs. So the scope goes beyond Athletics; it is more of a Student Affairs issue.

It would not be possible for us to keep a totally accurate or complete database of off-campus infractions. And we do not intend to do so.

One new thing that will be made clear to student-athletes is that if a student-athlete is involved in an incident, the SA is expected to report the matter to his or her coach immediately.

If any incident involves an athlete that we know about, UIS administration will contact the AD and/or the coach. Or, if the coach and/or AD finds out first, he or she will notify the Chancellor's Office.

Administration will also notify the FAR and the IAC chair about any serious incidents involving student-athletes' or coaches' violations of campus policy or violations of the law.

The coach and Student Affairs will respond independently to the violation of policy--Student Affairs as it relates to the University Student Code of Conduct, and Athletics as it relates to team policy, department policy, or character of the team.

The Associate Dean of Students or the appropriate person in Residence Life will deal with student based on a report. If an incident involves two or more students, including a student-athlete, then the associate dean of students may intervene depending on situation. UIS does not deal with off-campus behavior unless the welfare of another student is involved. The Associate Dean of Students, Residence Life, the VCSA, and the Associate Chancellor for Constituent Relations receive reports on Monday morning from the UIS police. The chief meets with the AD if a student-athlete gets in trouble with the police.
We do not see the IAC as having an administrative role in response to incidents, but we will continue to work with the IAC leadership on what information about infractions could/should be shared, and how often. In consulting with the FAR about serious incidents, we will keep the lines of communication open and involve the FAR to the extent that that would be helpful in addressing the situation.

The new edition of the Student-Athlete Handbook has strengthened language about how UIS will respond to incidents involving student-athletes, and what the expectations of student-athletes and coaches are. Administration will continue to review the language and discuss where stronger language about expectations and processes might be beneficial to student-athletes, the department and the university.

**Zero-tolerance policy (Recommendation 16)**

This policy, in the Student-Athlete Handbook, is clear. It describes what is expected of department personnel, coaches, and student-athletes, and what the penalties are for first and subsequent violations of the policy.

**Policy on physicals for student-athletes (Recommendation 12)**

This is evolving. While Recommendation 12 called for codifying some agreements that were reached in 2008 and 2009, and we reported earlier that we would have this policy in writing by the summer of 2010, experience has taught us that all of this requires further discussion. For example, many student-athletes were able to get their physicals during orientation in 2010 rather than waiting until they came to campus in the fall. This was practical and efficient, and not discussed when the earlier agreements were reached. The VCSA, AD and Associate Chancellor for Constituent Relations have had a number of conversations about this, and will also continue to discuss this with the IAC before putting the policy into writing. But we all agree that the policy needs to be written and clear.

### III.

**IAC, GOVERNANCE ISSUES, and STUDENT AFFAIRS**

**Admissions (Recommendation 1)**

We agree that campus admissions processes should be equal for all students, that no exceptions should be made because a potential student is an athlete. To the best of our knowledge there are no special considerations given to athletes. UIS does not have a special admissions policy for athletes. Non-quantifiable factors are taken into consideration as part of the freshman admissions policy. There is the possibility for conditional admission for any student who applies.

**FERPA and notification of faculty of suspended students (Recommendation 17)**
The Registrar is the official UIS FERPA officer. FERPA requires that anyone accessing private student records have a "legitimate educational interest" in the information. In most cases, the IAC does not have such a legitimate educational interest.

The Registrar has an online tutorial about FERPA that is available to everyone. At UIS, there is a lack of clarity about how to interpret FERPA. Therefore, the VCSA will ask the Registrar to visit the question of whether additional FERPA training is needed, and how it might be carried out for faculty, staff and students.

There is the specific question of whether Student Affairs should contact the faculty of students who are suspended from the university—that is, from classes and/or Housing. Our answer is no. Students who are suspended have the responsibility to notify their faculty about the suspension. They are also responsible for telling the faculty member they have been reinstated. Student Affairs needs to be careful that we do not get caught in the arrangements between a faculty and a student.

We expect the Vice Chancellor for Academic Affairs and the deans to get the word to faculty members that this is the UIS process.

**IAC oversight and consultation regarding incidents and hiring (Recommendations 14, 15 and 19 and others mentioning the role of the IAC)**

The administration does not agree with the level of oversight and consultation that the report recommends for the IAC when it comes to incidents involving student-athletes (14 and 15). But we are not closing the conversation on this issue.

The new IAC bylaws have not been in effect very long. We believe that if all parties operate in good faith, they will work out both the letter and the spirit of the bylaws. We believe the bylaws need to be operative another two years or so, and then perhaps reviewed. Let’s give them a chance to work.

We agree with Recommendation 19, which says the process for hiring the Director of Athletics should be the same process used to hire other directors at UIS.

**Just keeping track: After all this, recommendations not yet reviewed formally:**

6: academic support services for student-athletes  
13: code of conduct for coaches  
29: reallocation of General Revenue Funds and student fees  
31: audit process and NCAA financial review requirement

**Conclusion: Proposed next steps**

1. Internal review of this document by Chancellor Ringeisen, AD Jehlicka, and Vice Chancellor Barnett.
(Completed August 16, 2010.)

2. Submission of this reviewed document to Lynn Fisher, IAC chair; Marcel Yoder, FAR; and Tih-Fen Ting, Campus Senate chair.

   Administration would appreciate their feedback before taking this document any farther. Maybe there is something that could be easily fixed by mutual agreement before distributing this document more widely.

(Completed September 8, 2010, with a note from Lynn Fisher to Ed Wojcicki.)

We assume that they will then want to share our response with the IAC membership, and we have no objection to that. At that point, it really becomes a public document.

3. Dr. Fisher and Ed Wojcicki will discuss the Table of Reports above, with each getting whatever input they need, in order to establish a reasonable process of sharing information in those reports, especially with IAC members.*

*Because of an administrative change that occurred on September 8, 2010 (see the language below), Dr. Tim Barnett will be assuming the role assigned to Ed Wojcicki in #3 above.

The language announcing an administrative change came in a note from Chancellor Ringeisen to Dr. Timothy Barnett, Vice Chancellor for Student Affairs. Here is the language of that note:

From: Ringeisen, Richard D
Sent: Wednesday, September 08, 2010 4:42 PM
To: Barnett, Timothy
Cc: Jehlicka, Rodger; Berman, Harry J; Wojcicki, Edward R; Michael, Erica Tesar; Lambert, Charlene; Ting, Tih-Fen; Fisher, Lynn Ellen
Subject: "dotted" line

Tim,

This is to confirm in writing the agreement we reached this afternoon relative to your role in assisting the chancellor in his work with the Department of Intercollegiate Athletics. First, athletics will continue its direct reporting line to the Chancellor. However, a currently existing "dotted line" from athletics to the Associate Chancellor for Constituent Relations will now shift to a "dotted line" from athletics to you, the Vice Chancellor for Student Affairs.

We will change your job description to account for this change. Basically you will assume the relationship which Ed Wojcicki has had with athletics, wherein the Athletics Director (AD) will come to you, often informally, to "try out" ideas, to discuss anticipated actions on his part, and seek your advice on such actions. You are herein given the authority to determine as to whether such decisions need approval of the Chancellor before enacting, or whether they are matters that you feel comfortable approving for action by the AD. In all cases, you will inform the chancellor of such discussions and / or decisions. You will also work with the AD on athletic matters related to the Campus Senate.
Furthermore, the Chancellor’s Executive Assistant (Charlene Lambert) will continue to provide the AD with contract services, and the Chancellor’s Budget Officer (Erica Michael) will continue to advise and work with the AD on his budget. The athletic director will continue his scheduled bi-weekly appointments with the chancellor and be a direct report to that office. Please let me know if there are questions. Your amended job description should be a more formal explanation of your responsibilities.

Thank you for your willingness to assume this responsibility and for your continued good work for UIS. RDR

Richard D. Ringeisen, Chancellor
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