TO: UIS Campus Senate

FROM: Barbara Hayler, Professor Emerita of Criminal Justice
Chair, Committee to Investigate Intercollegiate Athletics (now disbanded)

DATE: December 3, 2010

SUBJECT: Response to the Mid-Year Report of the Intercollegiate Athletics Committee

I chaired the Senate’s Committee to Investigate Intercollegiate Athletics, which presented its findings and recommendations to the UIS Campus Senate on March 12, 2010 – almost 9 months ago. As an ad hoc body, rather than a standing committee, the Committee ceased to exist once we submitted our final report. Even though the Committee I chaired no longer exists, I remain interested in athletics. The Committee’s report provided a framework for the Senate’s use as it works to improve the quality of the UIS athletics program and to ensure that its operation is consistent with UIS values and priorities. This memo provides a preliminary implementation evaluation of what has been accomplished to date and what remains to be done.

Background and Context: Governance and Intercollegiate Athletics at UIS

Three different times in the past six years the UIS Campus Senate has been sufficiently concerned about intercollegiate athletics to seek out recommendations for improvement: once from an ad hoc Athletic Review Task Force organized by the administration, once from the Intercollegiate Athletics Committee (IAC), and most recently from an ad hoc committee made up of both faculty and staff. The most recent investigation was prompted by allegations of misconduct by coaches and mistreatment of student athletes so serious that they led the Senate to consider a vote of “no confidence” in the Chancellor. Almost two years later, the core question before the Senate is this: Do current policies and practices give the Senate confidence that the welfare of student athletes and their academic and personal growth and success are being protected and promoted as they should be by the Athletics Department?

In 2004 an ad hoc Athletic Review Task Force examined the operation and administration intercollegiate athletics at UIS and made eleven recommendations. Several of these recommendations led to investigations and short-time changes in policy, but three general issues remain unresolved more than 6 years later: maintaining systematic records on student-athlete misconduct, so that both they and the Athletics Department may be held responsible for their actions; promoting consultation and collaboration between the administration, the Campus Senate, and the Intercollegiate Athletics Committee, within the framework of shared governance; and finalizing a written policy that clearly sets out the role, responsibility and authority of the campus Health Services in relation to the Athletics Department and student-athletes.
In 2008 the Intercollegiate Athletics Committee (IAC), charged with considering the proposed move to NCAA Division II status, issued a report containing 23 recommendations. More than 30 months later most of these policy recommendations have yet to be implemented. In his memo of September 14, 2010 Associate Chancellor Wojcicki drew on the summary assessment presented in the Report of the Committee to Investigate Intercollegiate Athletics to conclude that 75% of the IAC’s recommendations had been at least partially implemented. He encouraged the IAC to see the glass as “three-quarters full.” In fact, of the 23 recommendations put forward by the IAC in 2008, the Committee to Investigate Intercollegiate Athletics found that only four had been fully implemented by 2010.

The Senate’s Committee to Investigate Intercollegiate Athletics submitted a report on March 2, 2010 that included 31 separate recommendations in four areas: Academic Quality and Integrity (4 recommendations), Student-Athlete Welfare (13 recommendations), Campus Governance of Intercollegiate Athletics (2 recommendations), and Fiscal Responsibility (12 recommendations). The administration’s initial response (in a memo dated February 25, 2010) indicated general agreement with eight of the recommendations. Associate Chancellor Wojcicki’s “4th Response Report” of September, 2010 identified 16 more recommendations to which the administration was “responding positively.” This left four recommendations to which the administration had expressed disagreement (one of which it agreed to review further) and four that had yet to be addressed at all.

One noticeable element of the administration’s responses is the lack of formal policy statements. Associate Chancellor Wojcicki discussed administration practice in several different areas in his various memos, but it is not clear whether this represents the administration’s good intentions or actual policies that are documented in some way and will remain in place until formally changed. A continuing theme throughout the 2010 Committee report was the lack of established policies that could be relied on regardless of the person who filled a position. The administration’s response to date appears to extend that problem rather than correct it.

“Agreement on Eight” – UIS administrative response to the 2010 Committee report, dated February 25, 2010 and included as Appendix Ten of the Committee’s report

Nine months after the administration stated that it would be able “to implement the spirit, if not the complete letter” of eight identified recommendations, much remains to be done. Five recommendations (Nos. 20, 23, 25, 26 and 28) were part of the report’s section on Fiscal Responsibility. According to the IAC mid-year report dated November 26, 2010, some progress has been made. However, it appears that neither the IAC nor the Senate yet has an accurate final accounting for the FY2010 year, a complete current budget for FY2011, or an accurate proposed budget for FY2012. In the interest of transparency, these documents should be readily available to all interested parties on campus (Recommendation 21). The Committee recommended a study and report on the impact that student fee levels have on the UIS student body (Recommendation 28). Having accepted this recommendation last February, how does the administration propose to implement it, and how will it share this information?
Two other “accepted” recommendations were for the Athletics Department to develop consistent, generally applicable team rules regarding drug and alcohol use (Recommendation 9) and to provide student-athletes with better information on how to bring a complaint outside of the Athletics Department (Recommendation 10). The section on team rules in the Student-Athlete Handbooks for 2009-10 and 2010-11 (p. 12 in each Handbook) is almost identical, with different team policies on drug and alcohol use still possible. If this is what the administration and the Director of Athletics intend they should make that clear, so that the purpose and value of the recommendation can be discussed. The Athletics Department’s “No Tolerance” policy does not address the issue raised in Recommendation 9, since it applies only when violations of campus or housing policies or formal charges under state law are involved, and does not foreclose variable team rules in addition to this basic policy. As far as the Committee could determine, the “No Tolerance” policy was not triggered in either the Spring 2009 softball tournament incident or the Fall 2009 hate crime arrests, since no alcohol- or drug-related violations of campus policies or state law were formally charged.

The Student-Athlete Handbook section on how to bring a complaint related to athletics also has not changed. It continues to refer only to appeals within the Athletics Department, and states that “The Director of Athletics decision is FINAL” (found on page 12 in both Handbooks).

One of the “accepted” recommendations (No. 4) required the Athletics Department to continue existing practice, and that has been done. As the IAC mid-year report points out, however, the ways in which coaches seek information from faculty continue to be of concern.

“Areas of Disagreement on Four” – UIS administrative response to the 2010 Committee report, dated February 25, 2010 and included as Appendix Ten of the Committee’s report

The administration initially reported that it disagreed with some or all of four recommendations: Recommendation 5 (implementing a 2008 recommendation that regular reports on the academic advising process for student-athletes be prepared to allow the campus academic advising structure to review the process); Recommendation 7 (creating a database of campus violations by students that would provide accurate information on student-athletes to both the Athletics Department and the IAC, first proposed by the Athletic Review Task Force in 2004); Recommendation 11 (a process for external review of allegations of misconduct by members of the Athletics Department); and Recommendation 16 (improved definition of the kind of “emergency or crisis” that requires the Director of Athletics to inform and consult the IAC Chair and the Faculty Athletics Representative or FAR). The administration subsequently shifted Recommendation 7 from the “Disagree With” category to an “Agree to Review” category.

The administration has said that it sees no point in more clearly defining the outlines of the relationship between the IAC and the administration, since “any attempt to prepare a ‘set of criteria’ ultimately would fail to be complete” (memo of February 25, 2010). But in his follow-up memo of May 7, 2010, Associate Chancellor Wojcicki wrote that “an understanding of the
role of the IAC needs clarification.” In his report dated September 14, 2010 Mr. Wojcicki stated that the administration preferred to simply let the bylaws (revised in 2009) “be operative for another two years or so, and then perhaps reviewed.” Such an approach places the onus on the IAC to identify times when it has not been properly consulted or informed and then confront the administration about them. This does not seem to be the most productive way to promote collaboration and shared governance.

The IAC’s mid-year report does not document much progress on Recommendations 5 or 11, although a subcommittee does have plans to look at issues related to academic advising. Progress has been made on Recommendation 7, creating a database that includes all campus infractions and providing information in a more timely manner to both the IAC and the FAR. In his report of September 14, 2010 Associate Chancellor Wojcicki states that it will be made clear that any athlete who is involved in an incident is expected to report the matter to his or her coach immediately. Presumably the Athletics Department is also expected to see that the incident is known to Student Affairs, but that is not explicitly stated. This illustrates the problems that can arise when a policy or process is informally described but not formalized. The Committee to Investigate Intercollegiate Athletics repeatedly encountered situations where the lack of a formal policy could be easily referenced led to conflicting interpretations and applications of general principles and to the loss of institutional memory and knowledge over time. That is why the Committee strongly recommended that written policies be developed. It appears that the IAC and the Campus Senate must take the lead if this is to happen.


The administration agreed to review, but not necessarily implement, most of the remaining recommendations. Sixteen of the 19 identified recommendations have actually been reviewed to date. The following recommendations were discussed in general terms in Associate Chancellor Wojcicki’s September, 2010 report: four in the area of Academic Quality and Integrity (Recommendations 1, 2 & 3); five dealing with Student-Athlete Welfare (8, 12, 14, 15 & 17); two on Campus Governance of Intercollegiate Athletics (18 & 19); and five related to Fiscal Responsibility (21, 22, 24, 27 & 30). Mr. Wojcicki summarizes the administration’s actions as “responding positively to almost all of these sixteen, while not in agreement that we should follow each one to the letter.” “Responding” does not necessarily mean implementing either the recommendation or some alternate policy. The following section provides an assessment of the administration’s actions to date.

Academic Quality and Integrity: Progress has been made in reaching agreement on reports to be regularly prepared (Recommendations 2 and 3), as discussed in the IAC’s mid-year report. Many of the reports described by Associate Chancellor Wojcicki in his September, 2010 memo are prepared to meet specific NCAA requirements. Is there additional information that should be compiled at the same time to meet IAC or FAR needs? NCAA obligations should be considered as a minimum floor, not as a limiting framework. In his discussion Mr. Wojcicki
writes that the administration is willing to share these reports with the IAC “except for information that is protected by privacy laws or policy or a reasonable expectation of privacy.” How do these exceptions apply to the identified reports? Have they been clearly identified and discussed with the IAC and the FAR?

No admissions policies have been referred to IAC for discussion (Recommendation 1), not even those that govern the consideration of “non-quantifiable factors” or that regulate conditional admission. Does this mean that these policies will never be used to ease the admission of a recruited athlete? Does any person or office have responsibility to oversee their use?

**Student-Athlete Welfare:** Associate Chancellor Wojcicki groups together Recommendation 7 (already discussed earlier in this memo) with Recommendations 8, 14 and 15. The latter three deal specifically with the need for clear, written policies. It is not clear from Mr. Wojcicki’s informal discussion whether or not such policies yet exist. He states that the administration will notify the FAR and IAC Chair about “serious incidents” involving violations of campus policy or state law, without explaining what would be considered a “serious incident.” He states that the new (2010-2011) edition of the Student-Athlete Handbook has strengthened language about how UIS will respond to incidents and what the expectations and processes are, but a comparison of the 2009-2010 and 2010-2011 Handbooks reveals only small differences. Can Mr. Wojcicki explain how the language has been strengthened? What person or office in the administration is responsible for the continuing review of the language that he mentions?

Policy on the relationship of Campus Health Services with the Athletics Department is described by Associate Chancellor Wojcicki as “evolving.” This has been a subject of intermittent disagreement since at least 2004. According to Mr. Wojcicki “we all agree that the policy needs to be written and clear.” Is there a timetable for achieving such a policy? Is UIS making progress toward that goal?

As the IAC’s mid-year report documents, there continues to be disagreement over the appropriate interpretation and application of FERPA (Recommendation 17). The various documents do not provide persuasive reasons why UIS has decided that a faculty member has no “legitimate educational interest” in knowing which students are entitled to attend his or her class and which ones are prohibited from doing so. To require a faculty member to depend on information provided by the student is somewhat like requiring the Bursar to take a student’s word for whether tuition and fees have been paid. If UIS persists in this interpretation, the explanation should come directly from the FERPA officer (the Registrar) or the Vice Chancellor for Academic Affairs, to ensure that all faculty members receive the same information and explanation.

**Campus Governance of Intercollegiate Athletics:** Based on Associate Chancellor Wojcicki’s September, 2010 memo and the IAC’s mid-year report, little progress seems to have been made on these recommendations. The Campus Senate Bylaws provisions, negotiated in consultation with the Chancellor’s office, acknowledge: (1) the central role that faculty play in
overseeing the intercollegiate athletics program as it pertains to academic and educational objectives; and (2) the responsibility of the IAC to advise the Chancellor and the Athletic Director on matters related to budget and finance, personnel, and various operational aspects of the athletics program. The administration evidently disagrees with the view of these responsibilities taken by the Senate and the IAC in past years, but declines to state its views on what the relationship should be. This approach seems more likely to resurrect past disagreements with a new cast of characters than to resolve them.

**Fiscal Responsibility:** Recommendations 21, 22, 24, 27 and 30 all deal with budgetary issues, which are discussed thoroughly in the IAC’s mid-year report. Budget information is not currently made available as recommended in Recommendation 21, and no plans to do so have been presented. Interim Chancellor Berman presented an FY2012 budget proposal to the IAC that included a planned doubling in General Revenue Fund funding. This would result in GRF funding of about $400,000 (20-25% of the total Athletics budget), up substantially from the $75,000 in GRF funding that was officially budgeted as recently as FY2010. Governance bodies such as the Campus Planning and Budget Committee, as well as the IAC, would normally be consulted about a change of such magnitude. Bringing this information to the IAC after decisions have apparently been made does not allow the IAC to fulfill the advisory responsibilities that are central to many of these recommendations (including Recommendation 23, which deals specifically with the existing deficit).

**“Four Recommendations Still to be Reviewed” – Identified in UIS administrative followup, dated September 14, 2010**

**Recommendation 13: Code of Conduct for Coaches.** The Committee to Investigate Intercollegiate Athletics recommended that such codes be in place before the start of the 2011-2012 season. While it is still possible to meet that deadline, there is relatively little time left for meaningful consultation and discussion.

**Recommendation 31: Audit Process and NCAA Financial Review Requirement.** The Committee to Investigate Intercollegiate Athletics was not persuaded that the University of Illinois audit process would satisfy the NCAA financial review requirement. A review of the most recent audit indicated that it does not examine athletics as a separate operational area nor does it examine specific programs at the individual campuses. However, the Committee asked the Chancellor to make his own finding. This is one of the major requirements associated with NCAA membership, and the cost of any required audit needs to be included in the Athletics budget.

**Recommendation 29: Reallocation of GRF and Student Fee Income.** According to the IAC mid-year report, the Interim Chancellor defended his decision to allocate more GRF funds to athletics by pointing to the larger sum that would be added to academic programs. Academic programs are the core purpose of the university, and serve every student at the university. Athletics is related to the core academic mission, but directly serves fewer than 200
undergraduate students. Recommendation 29 urges that these decisions be made in a transparent fashion, and as part of the overall budget and planning process. The IAC report is the first information that most of the UIS community has received about these proposed changes.

Recommendation 29 was also prompted in part by the Chancellor’s decision in FY2010 to transfer $50,000 in student fees from services for on-line students to the athletics program. Has a comparable change in allocation been made again this year? If so, through what processes?

**Recommendation 6: Academic Support Services for Student-Athletes.** This recommendation endorsed the approach taken by the IAC in its 2008 recommendations that support services for all students should be improved as needed so that student-athletes would not be privileged over other students in their access to services. This basic principle of fair treatment for all students has not yet been reviewed or commented on by the administration.