

## ROLE OF THE ATHLETIC BOARD

In fall 2007, the University of Wisconsin-Madison Athletic Board decided to review its role, how it conducts its work, and the role of board members. The need for this review was due in part to the NCAA athletics certification process which is to be completed in 2009 and which requires a self-study by the Division of Intercollegiate Athletics. The review also responded to issues and questions raised by board members, the University Committee and staff of the division. An ad hoc self-study committee was appointed to begin this review; it issued a report to the board dated September 16, 2008. The board considered the report at meetings held on September 19 and October 17, 2008. The board decided that the issues discussed in the report should be pursued and a document prepared for further review and action by the board. This is that document. A draft was forwarded to the University Committee for comment with the unanimous approval of the board. This document was modified to be responsive to questions asked by the University Committee and was unanimously approved by the Athletic Board at its February 20, 2009, meeting.

### **Background**

Athletics has experienced profound changes in the past couple of decades, nationally and on this campus. Here at Wisconsin, the budget has grown from about \$10 million a year to \$90 million, and the size of the operation has grown accordingly. We have added facilities, such as the Kohl Center, remodeled Camp Randall, and made financial commitments to finance these improvements. The competitive environment is more intense, as is the pressure to succeed in it. The Athletic Department staff has grown in size and professionalism in response to the demands of growth and higher expectations—on the playing fields, in the classroom, and in compliance with growing NCAA regulation.

Among the areas of increased NCAA regulation, for example, is that of the academic expectations for athletics programs. The Academic Progress Rate (APR) holds universities accountable for the academic progress of student athletes by imposing concrete consequences—the loss of scholarships—for institutions that do not satisfy its requirements. The Big Ten is currently reviewing a wide range of issues to determine whether changes in conference practices and rules are needed. The most significant changes and decisions at the conference and NCAA levels have been driven by the chancellors and presidents who have direct responsibility for the athletics programs on their campuses.

In addition to strong values, leadership of an operation of this magnitude requires a keen sense of the complex operating environment and the ability to act decisively and quickly. While our sports teams may have disappointing years in terms of the results of athletic competition, the bottom line—the academic achievement of student athletes, the competitiveness of our teams, our compliance with conference and NCAA rules, and our financial strength—must be consistent. Our record in this regard is one any institution of the first rank would be proud to have.

In examining its role in this changing world, the Athletic Board is mindful of the complex legal framework within which it operates, including NCAA and conference rules, statutes specifying authority for the administration and governance of the University of Wisconsin, and rules governing UW-Madison—rules that can lend themselves to differing interpretations.

This review examines how these policies and practices relate to the way the board functions and seeks to obviate any potential for contradictory interpretations by explaining—as necessary—the broader context of applicable authority. Rules and practices should be aligned to ensure legitimacy so that we can be effective in what we do and, more importantly, so the athletics program can continue to flourish here at UW-Madison.

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As current practices are considered, there are some important first principles. The board's responsibility is to the University of Wisconsin-Madison. We do not represent particular groups but provide diverse perspectives, made up as we are of faculty, academic staff, alumni, students, and student athletes. Board members have a responsibility to show up for meetings, be prepared, engage in a civil manner, and put in the time necessary to understand the endeavor. And institutional arrangements for the governance of athletics need to match authority with accountability.

How these principles apply to the board's role and how it functions is discussed in connection with the following issues:

- The governance of the Division of Intercollegiate Athletics
- The role of faculty in governance of the division
- The role of the Athletic Board and its priorities
- How the board functions
- The board's role and responsibilities regarding personnel
- The role of a board member
- The role of the faculty athletic representatives

The board believes that the way it functions, as described in this report, fully complies with its responsibilities under the framework provided by the Wisconsin Statutes, UW System rules, NCAA and conference rules, and *Faculty Policies and Procedures* [FPP] 6.26. To the extent that these legal authorities are subject to differing interpretations, the law requires that primacy be given to the statutes. The faculty authority over athletics as expressed in *Faculty Policies and Procedures* needs to be read in the context of current state law and UW System rules.

### **The legal framework for the governance of the Division of Intercollegiate Athletics**

What is commonly referred to as the "Athletic Department" is formally termed the "Division of Intercollegiate Athletics." It is not like the academic units on campus that are properly called "departments."<sup>1</sup> However, in deference to longstanding practice, this report will continue to refer to the "department." It is a large-scale enterprise with an annual budget of about \$90 million dollars. It is responsible for fielding teams in 23 sports involving about 850 student athletes. The department has a staff of over 330 employees and is responsible for extensive facilities, buildings, and grounds. The department has experienced extensive growth in a relatively short period of time. It is administered by an athletic director, who reports to the chancellor. Defining the governance of the department is influenced by several sources of authority: Wisconsin state law; NCAA and conference rules; and *Faculty Policies and Procedures* of the University of Wisconsin-Madison. All sources place ultimate responsibility with the institution. With respect to intercollegiate athletics, institutional responsibility has been delegated to the chancellor, as examined directly below.

The Wisconsin Statutes assign responsibility for governance of all parts of the University of Wisconsin System to the Board of Regents.<sup>2</sup> The board appoints a president of the system and a chancellor for each institution.<sup>3</sup> The board delegates to each chancellor "the necessary authority for the administration and operation of the institution within the policies and guidelines established by the board."<sup>4</sup> In administering board policies, the chancellor is to consult with the faculty.<sup>5</sup> The role of the faculty is set forth in § 36.09(4), which is discussed below.

By choosing to be a member of the NCAA, an institution obliges itself to apply and enforce the legislation adopted by the NCAA.<sup>6</sup> That legislation requires institutional control and provides that "The institution's

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president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of expenditures.”<sup>7</sup> “Administrative control or faculty control, or a combination of the two, shall constitute institutional control.”<sup>8</sup> A member institution’s president or chancellor has ultimate responsibility and final authority for the conduct of the intercollegiate athletic program and the actions of any board in control of that program.<sup>9</sup> NCAA rules do not require an institution to have an athletic board but do require that if there is a board, administration, faculty and staff shall constitute a majority of board members.<sup>10</sup>

The Big Ten Conference does not have rules as such but does publish a Statement of Principles, Priorities and Guidelines. Those principles recognize “the imperative of institutional control over intercollegiate athletic programs”<sup>11</sup> and address how the conference itself is governed.<sup>12</sup> They do not specify how an institution is to meet its control responsibilities.

To summarize: state law, NCAA rules, and Big Ten policies all require institutional control and identify the chancellor as the party in whom the responsibility for control lies. Defining the role of the faculty in governing the Athletic Department must be done in the context of the chancellor’s responsibility.

### **The role of faculty in governance of the division**

Faculty authority in connection with intercollegiate athletics is exercised through the Athletic Board, which functions as part of a shared-governance system. The board is a committee under faculty rules; its membership, functions, etc., are set forth in *Faculty Policies and Procedures* 6.26. [See Appendix B.] The board has 22 members: twelve faculty members, two members of the academic staff, four alumni, three students, and one non-voting member of the Division of Recreational Sports. Its function is to “exercise the authority of the faculty over intercollegiate athletics, subject to the review, direction and control of the Faculty Senate and of the faculty itself.” FPP 6.26.D.

The “authority of the faculty” referred to must be understood in the context of the chancellor being ultimately responsible for the institutional control of athletics. State law recognizes that chancellors are expected to consult with faculty in discharging their responsibilities<sup>13</sup> and recognizes the role of the faculty in governance:

The faculty of each institution, subject to the responsibilities and powers of the board, the president and the chancellor of such institution, shall be vested with responsibility for the immediate governance of such institution and shall actively participate in institutional policy development. As such, the faculty shall have the primary responsibility for academic and educational activities and faculty personnel matters . . . § 36.09(4), Wis. Stats.

Institutional arrangements for the governance of athletics need to match authority with accountability. The chancellor and the athletic director are accountable for the athletics program. The chancellor is accountable, by virtue of the delegation of authority from the regents, and by conference and NCAA rules. The athletic director is accountable, by virtue of the delegation from the chancellor, for day-to-day leadership and management.

### **The role of the Athletic Board and its priorities**

To define the Athletic Board’s role, agreement on priorities is essential. Those priorities are: 1) student athlete success—in academics, personal welfare, athletic experience, and campus integration; 2) rules compliance; 3) the development of a responsible and balanced budget; and 4) athletic success.

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Of the four priorities, concern for the well-being of the student athlete is 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. Increasing opportunities for integration into campus life should be an important goal. This priority is consistent with NCAA rules:

2.2 The Principle of Student Athlete Well-Being. Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student athletes.

2.2.1 Overall Educational Experience. It is the responsibility of each member institution to establish and maintain an environment in which a student athlete's activities are conducted as an integral part of the student athlete's educational experience.

The Big Ten Guiding Principles recognize "the transcendent priority of a student athlete's academic collegiate experience. It places its highest value upon high academic values. The student athlete is student first, athlete second."<sup>14</sup>

The emphasis on academic achievement and overall educational experience fits well with the matters on which Athletic Board members have the most to offer and on which the faculty has the strongest claim for primary authority.

As to the second priority, compliance should be understood to include fidelity to NCAA, Big Ten, and WCHA rules and to standards and expectations of the university. The board's role is best exercised by working with the department to develop effective procedures and in consulting with department staff who have specific compliance expertise and responsibility. The faculty athletic representatives, traditionally board members, to the NCAA, Big Ten, and WCHA have compliance responsibilities specified in the rules of those bodies.

With respect to the third priority, financial self-sufficiency, a balanced budget, and an adequate reserve are "bottom lines." But the budget of the department is ultimately a part of the larger campus and system budget and must be reviewed and approved through the campus and UW System budget process.

The fourth priority—athletic success—falls primarily within the responsibility of the coaches and the athletic director. The board's responsibility is exercised in connection with its participation in the evaluation process [discussed below].

At UW-Madison, it is hard to imagine that athletics could be financially self-sufficient without athletic and academic success and fidelity to governing rules.

In pursuing its priorities, the board functions best by maintaining a constructive and productive relationship with the athletic director and department senior staff and liaisons. A relationship based on trust, good communication and sincerity provides the best forum for constructive activities, respectful disagreement, resolving difficult questions and making hard choices. The board should set clear goals and standards and monitor the department's performance by reference to those goals and standards. The department welcomes being held accountable for its performance. The department's annual report includes specific commitments and goals and sets forth measurable benchmarks for each.

In providing appropriate advice and guidance, the board should not place itself in the apparent role of resolving what are frequently presented as false choices, such as maintaining a competitive program or

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remaining faithful to the ideals of the university. We must strive to do both. The fact is that this university has an extensive and well-respected program of intercollegiate athletics. It is the university's program and to a significant degree the program of alumni world-wide and residents of the state. Assuring the integrity and viability of that enterprise is not advanced by casting issues as artificial choices between extremes. Rather, the board must help the institution reach an appropriate balance guided by concern for the well-being of the student athlete, compliance with NCAA, conference, and university rules, and sound budgetary practices.

Any confusion about the board's role may be attributable to the fact that when the original version of what is now FPP 6.26. was adopted in the 1930s, the program for intercollegiate athletics was very different as were the Wisconsin Statutes delegating authority to the Regents and the UW System. For example, most coaches were also members of the faculty, perhaps making it necessary to create a body like the board to address faculty personnel issues.

### **How the board functions**

The board exercises its roles in a number of venues, including full board meetings, committee meetings, meetings of committee chairs with the chair of the board, committee chair interactions with Athletic Department liaisons and senior staff, and board chair interactions with the athletic director and senior staff. The board chair currently and historically has maintained frequent contact with the chancellor or a designated individual from the chancellor's office to share information about issues important to the board's role and function. The board presents an annual report to the Faculty Senate, and the board chair reports to or is available for University Committee and Faculty Senate meetings throughout the year as the need arises.

The board committee structure is essential to its successful operation. Each of the 22 board members is appointed to at least two committees, which creates an opportunity for more focused and efficient disposition of the board's responsibilities. The committees are actively involved with and connected to the programs, principles, issues and plans pertinent to the function of that committee. Committees are not intended to manage the day-to-day operations of the department; instead, they should focus on the board priorities of: 1) student athlete success—in academics, personal welfare, athletic experience and campus integration; 2) rules compliance; 3) the development of a responsible and balanced budget; and 4) athletic success.

A constructive working relationship between each committee chair and the Athletic Department senior staff liaison advances the accomplishment of the committees' work. Each new board member should receive orientation regarding the function and priorities of the board and the committees to which he or she is assigned.

The flow of information from the committees to the full board requires review and strategic planning. While communication is essential, efficient operation, timely deliberations and constructive output of the full board meetings is critically important to maintaining credibility and competence. To this end, the board assigns activity and output to one of the following categories:

- Decisions or discussions that stay in the committee and can be reviewed in the minutes but require no full board action, unless a board member requests it.

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- Decisions or discussions that come to a full board meeting and:
  - are reported to the board as an informational item only; or
  - are reported to the board for discussion and approval; or
  - are reported to the board for consideration if the committee has not been able to agree or desires advice from the board.

All these activities are recorded in committee and board minutes.

Occasionally, matters arise for decision the timing of which compels the department to act without normal consultation with the Athletic Board. For example, the budget, which is based on projections of revenue and expenses, is voted on by the board at its late-February meeting so that it can be folded into the campus and system budgets for inclusion in the state budget. There can be modifications in the projections based on the development of new information or based on action by others such as the legislature, which require immediate action to balance the budget. More specifically, information about ticket renewals is usually not available until early summer. It is possible that such information would require cuts in the operating budget to keep it balanced. Unless those adjustments can be operationalized at the beginning of the fiscal year, they cannot always have the desired effect.

So when circumstances compel decisions outside the normal process, the board delegates to the board chair and chair of the appropriate committee the necessary authority. The board chair and committee chair consult with board members who are available. Any decisions made within this time frame are reported to the appropriate committee and the board and are recorded in the minutes at the next meeting.

### **The board's role and responsibilities regarding personnel**

One of the board's committees is the Personnel Committee. It addresses functions set forth in FPP 6.26.:

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;
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; . . .

The board's participation in personnel matters focuses on academic performance and the overall student experience. The chancellor evaluates the athletic director and, as a courtesy, generally consults with the board. The athletic director evaluates the department's senior staff and shares information with and seeks the advice of the board.

As to hiring, head coaches are appointed by the chancellor on the recommendation of the athletic director. 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 chair of the Personnel Committee, in consultation with the board chair, appoints one or more board members to participate in the search and screen process. The designated board member or members discuss the process with the senior staff member with responsibility for the search-and-screen process, interview the final

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candidates, and provide feedback. The designated board member or members advise the board about the search-and-screen process, as appropriate. In certain sports, board member and board participation is necessarily more informal.

As to the performance evaluation of head coaches, primary responsibility lies with the athletic director and the department's senior staff member assigned to each sport. A board member is assigned to each sport and reviews all relevant documents, student athlete evaluations, and the senior staff member's evaluation of the head coach. The board member has access to all information available to department staff and shares the conclusions of the evaluation with the Personnel Committee. All members of the Personnel Committee also have access to all the information, if they so choose. The Personnel Committee reports to the full board and the board advises the athletic director about decisions on the renewal, extension, or termination of contracts, which depend on results of the evaluation process and are ultimately for the athletic director.

It may be that more focus by the board on academic and student welfare issues will suggest that principal responsibility for monitoring them should be placed with the Academic Affairs/Compliance and Equity, Diversity and Student Welfare Committees. Trying to address these issues primarily by the performance evaluation of head coaches may unduly limit the scope of review of those matters most directly related to the board's priorities and expertise.

### **The role of a board member**

The overall responsibility of a board member is to advance and protect the best interests of the university. This is recognized in the recently adopted board policy on conflict of interest. A board member has the opportunity to articulate interests and viewpoints of the group he or she represents—faculty, staff, students or alumni. A board member should assert and defend his or her views, give fair and objective consideration to differing opinions, and accept and abide by the board's decision once it is made.

There are two fundamental obligations that must be embraced by each board member: (1) active participation in committee and board meetings; and (2) strict adherence to matters of confidentiality where required by law and discretion.

In light of the growth of the Athletic Department—in terms of both increasing budgets and emergence of more complex issues—the importance of active participation in committee activities and board meetings cannot be overemphasized. Effective and efficient board and committee operations are critical to the success of the board's oversight role. This requires that all board members adequately prepare for, attend, and contribute to meetings of the committees to which they are assigned.

Adherence to confidentiality obligations in conducting the business of the board is also fundamental. Confidentiality required by law—such as that regarding closed meetings, medical information, or academic information—is basic. There can be no compromise of legally mandated confidentiality requirements and no tolerance for violations.

While not subject to legally mandated confidentiality requirements, other matters come before the board where premature disclosure can have a negative impact on the effective operations of the department and board oversight of those operations. For example, premature public discussion of fund-raising programs or plans can undermine those efforts. It is commonly understood that with board membership comes the obligation to maintain discretion with respect to information that is disseminated to board members. In the vast majority of cases this information eventually is disseminated to the public, so it is the premature disclosure of the information that can hinder or undermine the ability of the department to discharge its duties effectively and efficiently.

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To exercise the authority to which it can legitimately lay claim, the board must be engaged on the issues. It takes more than attending the seven board meetings per year and various committee meetings. It takes developing a level of trust so there are open exchanges of information and ideas. It takes a commitment to the best interests of the university. In an atmosphere of trust and openness, informed advice on the wide range of issues is welcomed by those with ultimate responsibility and accountability for the decisions.

In the future, the board chair will report to the University Committee if a board member fails to adhere to confidentiality or misses an excessive number of committee or board meetings.

The ad hoc self-study committee met with several former board chairs (dating back to 1990), who reported on the contentious atmosphere that pervaded board activities during their tenure. Those reports provided a helpful perspective. Given the visibility and importance of athletics, it may be that there will always be instances of contentiousness as board members and issues change.

The board strives for civility among its members while encouraging the airing of different points of view. Differences are almost always resolved within the board in the regular course of business. Occasionally, as was recently the case, a special board committee, the ad hoc self-study committee, is created to address such issues. It is possible that instances could arise where it is necessary to resort to resources outside the board to resolve differences; the board chair will consult with the University Committee when that appears to be the case.

The ad hoc committee report recommended adopting a policy speaking to several matters related to the role of a board member. Attached is Appendix A - Statement Of Expectations Of Board Members.

The board is in the process of identifying policies referred to in this document or otherwise adopted by the board. They will be reconsidered and redrafted as necessary and will be made readily available through several means, including posting on the department web site.

### **The role of the faculty athletic representatives**

The two faculty athletic representatives [faculty reps] are required to be board members. The faculty reps are appointed by the chancellor in consultation with the University Committee and the athletic director and represent the university within the NCAA, Big Ten and WCHA governance structures. Their roles vary somewhat, according to venue, but the emphasis of their work is on academic standards and student well-being.

While the work of the faculty reps is not particularly visible, it is important because they represent this university in venues that vitally affect athletics and the reputation of this institution.

Historically, the chair of the board serves as one faculty rep and one other board member serves as the other. Though there is no requirement that two be appointed, the shared-duties arrangement at UW-Madison has worked well for the most part.

The faculty reps report to the board at every meeting about developments at the conference and NCAA and meet with the chancellor periodically to discuss relevant issues. The ad hoc committee concluded that the practice of appointing the board chair as one faculty athletic representative is desirable and should be continued.

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## Conclusion

The board believes that the way it functions, as described in this report, fully complies with its responsibilities under the framework provided by the Wisconsin Statutes, UW System rules, NCAA and conference rules, and FPP 6.26. To the extent that these legal authorities are subject to differing interpretations, the law requires that primacy be given to the statutes. The faculty authority over athletics as expressed in *Faculty Policies and Procedures* needs to be read in the context of current state law and UW System rules.

## Endnotes

1. **UWS 1.03 Department.** “Department” means a group of faculty members recognized by the faculty and chancellor of the institution, and the board of regents, as dealing with a common field of knowledge or as having a common or closely related disciplinary or interdisciplinary interest.
2. Wis. Stat. § 36.09 **Responsibilities.** (1) THE BOARD OF REGENTS.  
(a) The primary responsibility for governance of the system shall be vested in the board which shall enact policies and promulgate rules for governing the system . . .
3. Wis. Stat. § 36.09 **Responsibilities.** (1) THE BOARD OF REGENTS.  
...  
(e) The board shall appoint a president of the system; a chancellor for each institution; . . .
4. Wis. Stat. § 36.09 **Responsibilities.** (1) THE BOARD OF REGENTS.  
...  
(f) The board shall delegate to each chancellor the necessary authority for the administration and operation of the institution within the policies and guidelines established by the board. The board may also delegate or rescind other authority to chancellors, committees of the board, administrative officers, members of the faculty and student or such other groups as it deems appropriate.
5. Wis. Stat. § 36.09 **Responsibilities.**  
...  
(3) THE CHANCELLORS.  
(a) The chancellors shall be the executive heads of their respective faculties and institutions and shall be vested with the responsibility of administering board policies under the coordinating direction of the president and be accountable and report to the president and the board on the operation and administration of their institutions. Subject to board policy the chancellors of the institutions in consultation with their faculties shall be responsible for designing curricula and setting degree requirements; determining academic standards and establishing grading systems; defining and administering institutional standards for faculty peer evaluation and screening candidates for appointment, promotion and tenure; recommending individual merit increases; administering associated auxiliary services; and administering all funds, from whatever source, allocated, generated or intended for use of their institutions.
6. **NCAA Fundamental Policy 13.2 Obligations of Member Institutions.** Legislation governing the conduct of intercollegiate athletics programs of member institutions shall apply to basic athletics issues such as admissions, financial aid, eligibility and recruiting. Member institutions shall be obligated to apply and enforce this legislation, and the enforcement procedures of the association shall be applied to an institution when it fails to fulfill this obligation.

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7. NCAA **Principle Of Institutional Control and Responsibility 2.1.1 Responsibility for Control.**

8. NCAA **Principle 6.01.1 Institutional Control.**

9. NCAA **Principle 6.1.1 President or Chancellor.**

10. NCAA **Principle 6.1.2 Athletic Board.** A board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions, is not required. However, if such a board exists, it must conform to the following provisions.

**6.1.2.1 Composition.** Administration and/or faculty staff members shall constitute at least a majority of the board in control of athletics or an athletics advisory board, irrespective of the president or chancellor's responsibility and authority or whether the athletics department is financed in whole or in part by student fees. . . .

11. Big Ten Conference **Principle 4 Institutional Responsibility.**

12. Big Ten Conference **Principle 5 Presidential Authority and Faculty Control.**

13. See § 36.09(3)(a), Wis. Stats., note 5, above.

14. Big Ten Conference **Principle 1 Academic Priority.**

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## APPENDIX A

### STATEMENT OF EXPECTATIONS OF BOARD MEMBERS

The function of the Athletic Board is defined in *Faculty Policy and Procedures* 6.26.D., which provides:

The Athletic Board exercises the authority of the faculty over intercollegiate athletics, subject to the review, direction and control of the Faculty Senate and of the faculty itself. The Athletic Board has the responsibility and authority to take all action appropriate to the supervision of the intercollegiate athletic program, including but not limited to the following:  
[12-item list omitted here; see Appendix B - FPP 6.26.]

Each member of the board must be willing to make a strong and sustained personal commitment of time, talent and energy in order to meet the challenges of this demanding role. The purpose of this statement is two-fold: first, to inform potential nominees to the board of the level of commitment they will be asked to make; and second, to inform the faculty and public of what the board expects of its members. These expectations are as follows:

(a) To be well-informed:

- To understand the Athletic Department, its mission, structure, programs, financial framework, strengths, challenges, and current issues; and
- To understand the role of the Athletic Board and how it relates to the role of chancellor and the roles of faculty, academic staff, and students.

Being well-informed requires the following:

1. Participation in an orientation session for new board members. Preparation for this session involves review of material provided in advance.
2. Thorough review of agenda materials and other information pertinent to issues before the board; careful consideration of options for addressing these issues.

(b) To be an active and contributing participant in the work of the Athletic Board. This includes, but is not limited to:

1. Regular attendance at meetings of the board.
2. Service on committees to which the member has been appointed. This will include meetings scheduled between board meetings.
3. Attending Athletic Department and university functions.
4. Giving a fair and objective hearing to differing opinions.
5. Discussing issues fully, but accepting and supporting the board's decision once it is made.
6. Representing the public interest in general and not the interest of any particular constituency.

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(c) To adhere to high standards of ethical conduct and to comply fully with laws relating to conduct of public officials and boards. This includes, but is not limited to:

1. Avoidance of any conflict of interest and adherence to the standards of conduct for public officials, as set forth in the board's ethics policy. In the case of any potential conflict of interest, the board member is expected to seek clarification. Where a conflict of interest is found to exist, the board member must abstain from participating in the discussion and from voting on the matter in question.
2. Full compliance with the open meetings and public records laws.
3. Full compliance with the board's gambling policy.
4. Maintenance of confidentiality when appropriate.

(d) To accept responsibility for effectively and efficiently exercising the authority of the board in the public interest. This includes, but is not limited to:

1. Preservation and enhancement of high academic standards for student athletes.
2. Sound financial management.
3. Prudent stewardship of university assets.
4. Systematic annual performance evaluation of the head coaches.
5. Establishment and maintenance of a strong system of accountability.
6. Strategic planning to address future needs.
7. Advocacy for the value of intercollegiate athletics to the faculty and staff, the state and its citizens.
8. Periodic board assessment.

#### **COMMENT**

This is a statement of expectations for members of the University of Wisconsin-Madison Athletic Board. It is intended to follow through on a recommendation of the ad hoc study committee of September 16, 2008, and is modeled as closely as possible on Regent Policy Document 2-2 **STATEMENT OF EXPECTATIONS OF BOARD MEMBERS**.

This statement was approved by the Athletic Board on December 5, 2008.

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## APPENDIX B

### UNIVERSITY OF WISCONSIN-MADISON FACULTY POLICIES AND PROCEDURES

#### 6.26. ATHLETIC BOARD.

##### A. MEMBERSHIP. The Athletic Board consists of the following members:

1. Twelve members of the university faculty, as defined in 1.02.A of Faculty Policies and Procedures, who shall have one vote each and shall be appointed by the University Committee after consultation with and approval of the chancellor.
2. Two members of the academic staff, who shall have one vote each and shall be appointed by the Academic Staff Executive Committee after consultation with and approval of the chancellor.
3. Four alumni each with one vote who shall be appointed by the Wisconsin Alumni Association after consultation with the chancellor and the chair of the Athletic Board.
4. Three student memberships with one vote each. Two shall be held by students selected by the organization representing UW-Madison students; one shall be shared by two students elected by the organization representing UW-Madison student athletes. Of the two student athletes, one shall be a member of a women's team and one a member of a men's team.
5. One non-voting representative of the Division of Recreational Sports.

##### B. TENURE OF APPOINTMENTS.

1. The academic staff and faculty members shall serve four-year terms, and may be reappointed for one additional four-year term. Faculty representatives to the NCAA, the Big Ten and Western Collegiate Hockey Association and other faculty members of the Athletic Board performing extraordinary responsibilities may be appointed on an annual basis beyond two four-year terms. The terms of faculty members shall be staggered. A faculty or academic staff member who takes a leave of one year or less during a four-year term may serve out the remainder of his or her term, if any, upon returning to university service. Temporary replacements of faculty members shall be appointed by the University Committee in consultation with and approval of the chancellor. Temporary replacements of the academic staff member shall be appointed by the Academic Staff Executive Committee in consultation with and approval of the chancellor.
2. Alumni members shall serve four-year terms and may not be reappointed. Their appointments shall be staggered.
3. Student members shall serve one-year terms and may be reappointed.

C. SELECTION OF THE CHAIR OF THE BOARD AND OF FACULTY REPRESENTATIVES TO INTERCOLLEGIATE ATHLETIC ORGANIZATIONS. The chair of the Athletic Board and the university's faculty representatives to the NCAA, the Big Ten and the Western Collegiate Hockey Association shall be faculty members of the Board and shall be selected by the chancellor in consultation with the University Committee.

D. FUNCTIONS. The Athletic Board exercises the authority of the faculty over intercollegiate athletics, subject to the review, direction and control of the Faculty Senate and of the faculty itself. The Athletic Board has the responsibility and authority to take all action appropriate to the supervision of the intercollegiate athletic program, including but not limited to the following:

1. establishing and implementing academic and other eligibility standards for recruitment of student athletes;
2. establishing and implementing academic standards, such as grade point and class attendance, and other requirements for participation in intercollegiate athletics;

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3. overseeing the Division of Intercollegiate Athletics' systems for providing student athletes with academic services, and monitoring the academic progress of student athletes;
4. establishing and implementing policies on equity and nondiscrimination;
5. reviewing and approving schedules for athletic events, including participation in all postseason events;
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;
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;
8. approving awards and prizes;
9. setting policy for and approval of uses of Division of Intercollegiate Athletics facilities;
10. participating actively in the development of fiscally responsible departmental budgets and approving them for recommendation to the chancellor;
11. approving prices and policies for tickets for Division of Intercollegiate Athletics events;
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.

E. REPORTS TO THE FACULTY SENATE AND THE UNIVERSITY COMMITTEE.

1. The board shall report annually to the Faculty Senate.
2. The board shall report any proposed changes in Athletic Board policies and procedures and any contemplated action that would be an exception to board policies and procedures to the University Committee and the chancellor.
3. If a matter has been reported to the University Committee as provided above, and if the University Committee so requests, the board shall postpone action or implementation relating to the matter pending consideration and action by the University Committee and, if the University Committee so decides, by the Faculty Senate.