AGB Statement on Board Responsibilities for Intercollegiate Athletics

Adopted by the AGB Board of Directors, November 16, 2007

Illustrative Policy on Intercollegiate Athletics for Boards and Presidents added April 3, 2009
The Board of Directors of the Association of Governing Boards of Universities and Colleges gratefully acknowledges National Collegiate Athletic Association President Myles Brand for his support of this policy statement. Through his leadership of the NCAA, Myles has championed both the welfare and academic success of student athletes and the sound management of intercollegiate athletics programs. His practical understanding of the value of governing boards and institution presidents working together to lead and oversee intercollegiate athletics is central to the AGB statement and to our mutual commitment to student athletes. Myles’ unwavering dedication has served to strengthen all of higher education.
Introduction

Since the AGB Board of Directors adopted a “Statement on Board Responsibilities for Intercollegiate Athletics” in 2004, the academic and intercollegiate athletics communities have viewed the document as a valuable guide to help governing boards appropriately exercise their oversight responsibilities in college sports. The statement clearly describes the role of boards in achieving the critical goal of integrating intercollegiate athletics within the educational context of higher education.

In 2007, the AGB board adopted a “Statement on Board Accountability,” which encourages boards and chief executives to examine the clarity, coherence, and appropriateness of their institutions’ governance structures, policies, and practices. The document asserts core principles of board accountability and responsibility in such areas as fiscal integrity, board performance, and educational quality—areas that surely encompass the board’s oversight responsibilities for intercollegiate athletics.

Over the last few decades, intercollegiate athletics have enjoyed an enormous increase in popularity at all levels of competition. While greater public exposure has been a boon to the enterprise and exciting for athletes and fans alike, the focus of attention on college sports is as likely to concern scores and_standings as it is inappropriate behavior or rules violations. Clearly, the impact of intercollegiate athletics on the higher education experience has challenged those responsible for leading America’s colleges and universities.

Central to any efforts aimed at aligning intercollegiate athletics more closely with the educational mission of colleges and universities is the responsibility of governing boards to hold those charged with administering these programs accountable to high standards. In the time since the AGB Board of Directors commended the 2004 statement of principles and guidelines to its members, the expectations of the public, elected officials, and the news media for institutional accountability have continued to heighten.

In 2007, the AGB Board of Directors adopted a revised statement to reinvigorate efforts on the part of governing boards to align intercollegiate athletics with the mission, vision, and values of higher education. This document is meant to encourage and guide discussion and action where it may be needed.

While most of what transpires in college athletics is positive, there is a growing sense among academic leaders, the news media, and the public that our society glorifies athletic accomplishment far more than academic achievement. At some colleges and universities, intercollegiate athletics programs may be deterring from the institution’s mission. What’s more, the increasingly commercialized nature of major sports at the highest competitive levels and a widening gulf between the athletic and academic cultures at some institutions and in some communities have negatively affected the reputation and public standing of higher education as a whole. Restoring balance between sports and education continues to be elusive. If efforts to achieve an appropriate balance are to succeed, governing board members will need to lend consistent and public support to their chief executives and academic leaders who are at the forefront of such discussions.
Although presidents and chancellors have always been essential to athletics reform efforts, only recently have governing boards been asked to address the issues more actively. Given their responsibilities for ensuring the academic integrity and reputation of the institutions they serve, boards should be engaged in the search for balance. Further, because board members occasionally have been associated with problems in some prominent football and basketball programs, it is time for all boards to reexamine how they exercise their oversight responsibilities.

This statement of principles and guidelines applies most directly and urgently to institutions with major football and basketball programs, but it also is intended to help trustees and academic leaders whose institutions compete at all division levels. Certainly, the applicability of many sections will vary from one institution to another. Some may find the statement’s numerous suggestions to be daunting, but the intent is for boards and presidents to use them selectively rather than comprehensively. Strong voices are needed to express a clear philosophical and moral position on the core issues.

This statement addresses eight areas of board engagement: (1) general oversight responsibilities, (2) presidential leadership, (3) athletics department mission, (4) fiscal responsibility, (5) academics and student-athlete welfare, (6) compliance, (7) personnel, and (8) communications.

The Illustrative Policy on Intercollegiate Athletics for Boards and Presidents, adopted April 2009, was developed in consultation with institution presidents, representatives of the National Collegiate Athletic Association (NCAA), and AGB board and staff members. It is intended to guide the crafting of specific policies on intercollegiate athletics, policies that spell out the leadership roles and oversight responsibilities of the board, president, and athletics department. Safeguarding the well-being of student athletes and properly integrating intercollegiate athletics into higher education are the ultimate goals of these policies.

The AGB Board of Directors hopes this document will encourage and guide discussion and action where it may be needed.
GENERAL OVERSIGHT RESPONSIBILITIES

The board’s responsibility to review and monitor policies and practices concerning intercollegiate athletics is as essential as it is for other institutional endeavors. Boards and chief executives cannot wait until a scandal unfolds to motivate their interest in these complex matters, nor should board oversight be ceded to a small cadre of interested members. That intercollegiate athletics can attract, generate, or lose large sums of money and often is the institution’s most visible component compels institutional leaders to pay close attention. Consequently, boards should exercise appropriate oversight while avoiding micromanagement, viewing athletics with a dispassionate perspective.

Central to board oversight is to call for the athletics department to embody the proper tone, direction, and values consistent with the academic mission of the institution. With this expectation in mind, boards periodically should review program standards and values. To do so effectively, trustees must be willing to engage campus leaders in focused discussions.

Boards should be confident that the institution’s chief executive, academic, and athletic leaders have set appropriate standards of accountability and benchmarks against which to evaluate the success of the intercollegiate athletics program. These standards and benchmarks should encompass such areas as finances, admissions, student-athlete welfare, academic advising, graduation rates, facilities, capital expenditures and conflict-of-interest policies.

Boards should consider and identify the appropriate board structure to help it meet its oversight responsibilities. For example, more than one standing committee may have oversight responsibilities for various aspects of the intercollegiate athletics program. These may include the finance or budget committee, the student-life committee, or the compensation committee. Alternatively, some institutions might find a standing or advisory committee on athletics may be most effective. The discussion on page 12 may be helpful.

Boards should be informed about the impact of intercollegiate athletics on the campus culture in all areas, including admissions, social life, academic values, student body composition, and fan conduct and atmosphere at campus events.

The orientation program for all new board members should include a review of the issues related to intercollegiate athletics. Key elements of such a program might include discussions regarding the relationship between athletics and institutional mission, the impact of intercollegiate athletics on campus culture, the academic profile of athletes.

QUESTIONS FOR BOARDS TO CONSIDER:

1. Should our board have a standing or advisory committee on athletics, or should it delegate various responsibilities related to intercollegiate athletics to the appropriate existing standing committees?

2. If a separate committee on athletics exists, what is that committee’s appropriate charge? How should membership on such a committee be determined?

3. Does our institution orient trustees to their responsibilities concerning intercollegiate athletics? What does this program include?

4. Do all internal and external constituencies understand that the governing board has delegated to the president full authority over intercollegiate athletics?
relationship to the athletic conference to which the institution belongs, and NCAA rules that apply to boards and trustees.

- Boards should establish policies specifying the benefits they may appropriately accept from the athletics department.

**Presidential Leadership**

Boards should delegate direct responsibility for the conduct and control of the athletics department to the institution's chief executive. This authority must be explicitly defined, clearly understood, and articulated in a formal policy statement. It should be reinforced by consistent and visible public support of the chief executive.

- The board should support the president in setting benchmarks and standards for the conduct, operation, and oversight of the athletics program, monitor progress, and hold the president accountable for results.

- The board should articulate to the public, the media, and all institutional constituencies the fundamental nature of presidential leadership and authority in matters concerning intercollegiate athletics.

- When a president takes a bold or controversial stand regarding intercollegiate athletics, the board should publicly support and defend the president.

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**Questions for Boards to Consider:**

1. How can the board ensure that it supports the chief executive’s responsibility to control and set the tone for athletics program?

2. Does our president understand the board’s expectations for the athletics department? How often are those standards and expectations reviewed by the board and discussed with the president? Is leadership of the intercollegiate athletics program part of the board’s periodic evaluation of the president?

3. Is the president providing the leadership and direction necessary to implement the standards and expectations articulated by the board?

4. Has the athletics department been fully integrated into the administrative structure of the university? Does the athletics director report directly to the president or through another administrator? How effective is communication between the president and athletics department?

5. Are the president and faculty athletics representative appropriately involved with the athletics director in deciding the institution’s position relative to pending conference and NCAA legislation?
ATHLETICS DEPARTMENT MISSION

The measure of success of an intercollegiate athletics program should be the degree to which the program contributes to the institution’s mission and academic reputation. The board should be certain that its institution has established and promotes a definition of success for the athletics department that goes beyond wins and losses and net revenue. To that end, boards should insist that there is a clear mission statement for the athletics department.

For example, intercollegiate athletics can affect a broad range of institutional functions and programs such as admissions, fund-raising, public image, alumni relations, campus culture, and service programs. Trustees should understand how athletics affect these areas and should be able to assess how effectively athletics contribute to institutional priorities and goals.

◆ Boards should be certain that the athletics department adheres to the institution’s mission, values, and strategic objectives. If an athletics department mission statement does not exist, the board should require that one be developed.

◆ Boards and chief executives should agree on standards of accountability and reasonable benchmarks in evaluating the intercollegiate athletics program. Examples include graduation rates, budgets, capital expenditures, coaching conduct, and the progress and well-being of student-athletes.

◆ The appropriate board committees should assess whether the intercollegiate athletics program is being evaluated against agreed-upon goals.

QUESTIONS FOR BOARDS TO CONSIDER:
1. Are the mission, values, and goals of the athletics program compatible with those of the institution?

2. Does the administrative structure of the institution and the athletics department allow the institution to achieve its mission and goals?

3. What benchmarks should be used to gauge the success of the athletics department? Are they consistent with the institution’s mission and values? Are they achievable given our resources, culture, and history?

4. What is the impact of intercollegiate athletics on our campus climate? How does athletics affect admissions, social life, academic values, and the composition of the student body?

5. What degree of autonomy should the athletics department have? In comparison with other co-curricular activities, is the athletics department appropriately integrated into the general administrative structure in terms of finances, employment practices, operating procedures, and accountability?

6. Is an annual risk assessment conducted to evaluate the internal controls of the athletics department? Is the institution’s internal audit program engaged in the evaluation?

7. Is a comprehensive compliance program and review in place for the athletics program?
Fiscal Responsibility

Boards should consider whether institutional revenues and expenditures for intercollegiate athletics are appropriate, whether institutional values are appropriately reflected in such revenues and expenditures, and whether the institution is receiving an adequate return on the investment. Boards are responsible for ensuring that financial and managerial affairs are administered with complete transparency and adherence to commonly accepted business standards. To that end, boards should insist that all budgetary and fiscal information presented to them is clear, accurate, timely, and complete.

- Boards should review and approve the intercollegiate athletics budget as part of the institution’s regular budgeting process.

- Boards should devote the necessary time to understand the complexities of the financing of intercollegiate athletics. Elements include such matters as revenue flows from television contracts, booster clubs, affiliated foundations, corporate sponsorships, and athletics conferences, as well as revenues allocated to the athletics department from direct and indirect institutional support, governmental support, and student fees.

- Boards should review and approve policies intended to ensure that compensation procedures and practices for the intercollegiate athletics program are consistent with overall institutional standards and practices.

- Boards should ensure that private gifts in support of intercollegiate athletics reflect institutional priorities and that gift policies guide the acceptance of all donations.

- Boards should be certain that clear policies and reporting requirements exist with respect to the finances and fund-raising activities of outside organizations. Specifically, boards should ensure that all funds raised by booster clubs and affiliated organizations and expended on behalf of the athletics department are under the clear control of the institution and subject to appropriate oversight by an office of the institution that is independent of the athletics department.

- Boards should review and approve all proposals for significant capital expenditures, including any future debt-service commitment.

- Boards should review the “agreed-upon procedures” between the athletics department and the NCAA that are required under NCAA legislation and discuss any findings included in the report.
Academics and Student-Athlete Welfare

Boards should be certain that the intercollegiate athletics program reflects the institution’s academic values and does not detract from or undermine them. Student-athletes should be held to the same academic and social standards as other students, and they must have a genuine opportunity to enjoy a well-balanced academic, social, and athletic experience and earn a degree. Boards should recognize and support the voice and views of faculty on academics, student welfare, and institutional reputation and should encourage faculty to engage collaboratively on these issues.

- Boards should insist on an institutional culture that integrates student-athletes into the campus mainstream as well as an athletics department culture that promotes academic achievement.

- Boards should refrain from establishing specific academic or eligibility standards for student-athletes, because such matters are the responsibility of the faculty, administration, and the NCAA.

- Boards should be confident that admissions policies for athletes are consistent with those of the regular student body, and trustees should not interfere with admissions decisions regarding any prospective student-athletes.

Questions for Boards to Consider:

1. Is the financial information on the athletics program complete and comprehensible? Do our financial reports contain information on all sources of revenue and expenditures?

2. To what extent (financial or otherwise) does the institution subsidize intercollegiate athletics with allocated revenues? How does the growth of these allocated revenues compare with the overall growth of institutional expenditures?

3. What are the financial and other implications of our membership in our athletics conference? Are we in the “right” conference?

4. If the institution is considering changing the division or conference in which it competes, or if it contemplates adding a sport, has a cost analysis been conducted to determine whether this is appropriate?

5. What is the impact of issuing additional debt for intercollegiate athletics facilities on the institution’s overall debt capacity?

6. Is the board or a board committee monitoring the fund-raising efforts for intercollegiate athletics programs? Is the institution maintaining an appropriate balance in its fund-raising priorities for athletics and academics? Are fund-raising efforts for athletics and academics integrated with or discrete from one another?
Boards should be vigilant that admissions policies for student-athletes do not have an adverse impact on the academic mission or cause an imbalance in the campus culture.

Boards should review graduation-rate data, information on the number and rates of special admissions of athletes compared with that of the regular student body, and information on the declared majors of student-athletes.

Boards should ensure that academic-support programs for athletes are part of the institution’s general academic-support programs.

QUESTIONS FOR BOARDS TO CONSIDER:

1. Do we have a mechanism in place that allows effective communication with faculty regarding student-athlete academic and welfare issues?

2. Do our coaches contribute to an atmosphere within their programs that is conducive to academic achievement?

3. If our athletics department has an incentive and reward system for coaches or administrators, does it encourage positive outcomes for student-athletes in terms of academics and general welfare? For example, do such contracts include incentives relating to graduation rates or to the academic achievement of student-athletes?

4. Is the academic-support program able to meet the needs of student-athletes?

5. How many student-athletes transfer from our institution? Why do they do so? Do any of our teams have a large number of junior-college or interdivisional transfers? If so, what is the graduation rate of these students compared with those who matriculate directly with our institution?
COMPLIANCE

Boards should be certain that the chief executive understands and has communicated the board’s expectations regarding the ethical conduct of all individuals associated with the intercollegiate athletics program and that institutional, conference, and NCAA rules and regulations are routinely followed.

◆ Boards should review and discuss results of the NCAA institutional self-study and certification processes.

◆ Boards should review and monitor the institution’s plans to ensure gender equity.

◆ Boards should insist that NCAA rules and regulations relating to the time demands placed on student-athletes are met in spirit and in practice.

QUESTIONS FOR BOARDS TO CONSIDER:

1. What is our philosophy and policy concerning the background, qualifications, and compensation of our coaches and athletics director?

2. Do our coaches and administrators accept their responsibilities to be educators? How is this communicated to them?

3. What professional development opportunities are available for our coaches and administrators to help them be effective educators?

4. Is the institution utilizing best practices for coaches’ contract language that is consistent with the institution’s values and philosophy? (The NCAA and other organizations may offer resources in this area.)

5. Are any board members communicating appropriately with athletics department personnel or coaches?

6. Is the required curriculum of our undergraduate or graduate program in sports administration
PERSONNEL

Boards should not be directly involved in the process of hiring and firing coaches or other athletics department personnel. Boards are ultimately responsible for the integrity of the hiring process of all athletics department personnel and should ensure the department is suitably accountable for the academic performance of student-athletes. Boards should expect that presidents will communicate to athletics department personnel and coaches the institution’s academic expectations and values as well as the responsibilities inherent in being educators.

◆ The board’s compensation committee should ask to review the compensation packages of the athletics director and head coaches of major sports.

◆ Board members should be discouraged from fostering personal relationships with the athletics director or coaches.

◆ Boards should be confident the president has set clear expectations regarding the responsibilities of the athletics department and its coaches and administrators in the academic life of student-athletes.

QUESTIONS FOR BOARDS TO CONSIDER:

1. How effectively is our commitment to compliance with institutional, conference, and NCAA rules and regulations communicated to coaches, administrators, students, faculty, boosters, and alumni?

2. Does our president meet periodically with athletics department personnel to articulate expectations concerning compliance and ethical conduct?

3. Has the institution fully complied with Title IX regulations concerning gender equity, or are additional efforts and investments necessary?

4. Are thorough background checks conducted of prospective athletics department employees? How carefully are records of compliance with NCAA rules considered in the hiring process?

5. Is there a clear, consistent, and effectively communicated process by which NCAA violations are reported and investigated?

6. Do we have a written policy that protects whistleblowers from punitive action?
**COMMUNICATION AND INFORMATION FLOW**

Boards should ask for a data-based information system that covers all areas relating to athletics. Board members must ask incisive questions, demand good information and analysis of trends, and communicate effectively with appropriate constituencies.

- Boards should request that accurate, appropriate, and unfiltered data be provided regularly and in a timely manner on such topics as admissions, academic achievement, graduation rates, finances, and athletics conference matters.

- To ensure that their input is substantive and timely, boards should be certain their agendas appropriately consider matters concerning intercollegiate athletics. This is particularly important in matters relating to fiscal and admissions policies.

- Ordinarily, the president speaks for the institution on matters concerning intercollegiate athletics policy. In the event the board’s views are solicited, it should be clear that the board chair is the designated spokesperson.

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**QUESTIONS FOR BOARDS TO CONSIDER:**

1. **Who is responsible for providing the board with information pertaining to intercollegiate athletics? When and how is that information provided?**

2. **Do we have a policy that guides the resolution and communication of a possible problem or allegation concerning the responsible conduct of our intercollegiate athletics program? How are potential rules violations and adverse publicity to be handled?**

3. **In what ways can our board chair and president clearly and effectively communicate the proper role and purpose of athletics within the institution?**
An issue for the board and president to discuss...

Should a separate board committee on athletics be established?

YES: At institutions where major intercollegiate athletics programs have become highly visible, a standing or advisory board committee is necessary to consider the broad array of immediate and complex issues that have significant potential to adversely affect the institution. Consequently, regular and timely consideration of the various issues by one board committee is essential. Athletics matters may become “lost” when handled by more than one standing committee. If the relationship between the president, the athletics director and his or her staff, and the chair of the athletics committee goes well, the full board can be confident that the most important things are being attended to.

NO: A separate athletics committee is not necessary because the specific elements of athletics oversight can be appropriately delegated to and addressed by other standing committees. The creation of an athletics committee can send the wrong signal regarding intercollegiate athletics; it inadvertently could reinforce perceptions that the governing board is disproportionately preoccupied with intercollegiate athletics. A separate committee could become a forum dominated by trustees devoted to protecting (or criticizing) athletics, rather than effectively monitoring the program. What’s more, in the event of a crisis or controversy, an athletics committee might limit the president’s ability to act decisively on urgent matters.

A POSSIBLE ALTERNATIVE: Consider a separate committee, perhaps with a trustee member ex officio, consisting of faculty, staff, and student members with a monitoring-only function. Such a committee would not be an action committee but would provide information and recommend matters for study to the president, standing board committees, or to the full board. One function of such a committee might be to issue an annual report and summary of relevant issues and actions to the chief executive and full board.
ILLUSTRATIVE POLICY ON INTERCOLLEGIATE ATHLETICS FOR BOARDS AND PRESIDENTS

Preamble

The well-being of the student body and student athletes and the success of the institution's academic mission depend on communication, cooperation and coordination on every level; clear delineation of responsibilities is critical. An intercollegiate athletics policy should spell out roles of the board, president and athletics department in a manner consistent with their requisite leadership and oversight responsibilities.

As the NCAA Division I Athletics Certification process continues to be strengthened, having a clear statement of board oversight responsibilities can contribute to the integration of intercollegiate athletics into the educational context of our institutions of higher learning. This illustrative policy statement may not be of uniform applicability to all colleges and universities and all athletic divisions, each with its unique needs and circumstances; rather, it is presented as a source of guidance in the crafting of specific policies on intercollegiate athletics. Individual institutions may choose to adopt the provisions of this statement to their institution and division, as appropriate; the regular review and communication of this policy to relevant parties is critical.

Illustrative Policy

1. The board, as the fiduciary body for _________________, carries out its oversight through the following specific actions:

   1. Delegating administrative responsibility for intercollegiate athletics and the management to the Office of the President and lend its full and public support to the president in the execution of his/her duties.

   2. Approving, with the president, standards of accountability and benchmarks against which to measure the success of the intercollegiate athletics program.

   3. Holding the president responsible for the appropriate execution of those responsibilities, assessing presidential performance during periodic reviews.

   4. Reviewing and approving the athletics budget as part of the regular institutional budget process, including revenue, expenditures, compensation procedures for athletic director and coaches, debt capacity and gift policies, in keeping with the board’s overall responsibility as financial stewards of the institution.

   5. Reviewing and approving an Athletics Department mission statement that reflects the university’s mission and academic values.

   6. Including in new board member orientation a review of all policies pertaining to athletics. This orientation is designed to educate trustees to their responsibilities concerning intercollegiate athletics and to clarify expectations for the athletics
department and its place within the larger university culture and mission and its tone, direction and values. This orientation process should further include a review of: the impact of intercollegiate athletics on campus culture, the academic profile of athletes compared with other students, the institution's financial commitment to athletics, the relationship to the athletic conference to which the institution belongs, and the NCAA rules that apply to boards and trustees.

7. Ensuring the full integration of the athletics department into the administrative structure of the university by working with the president and athletics department. This includes determination of whether the athletics director reports directly to the president or through another administrator.

8. Periodically, conducting a review of governance policies related to intercollegiate athletics.

II. The president, with authority and responsibility vested by the governing board of _____________________, leads the intercollegiate athletics programs of ________________ through the following specific actions:

1. Exercising ultimate responsibility for the conduct and control of the athletics department, including all personnel decisions (hiring, firing, compensation, etc.), corporate partnerships, television contracts, booster clubs, and affiliated organizations, including their private fundraising efforts.

2. Setting appropriate standards of accountability and benchmarks against which to measure the success of the intercollegiate athletics program. Standards and benchmarks should include finances, admissions, student-athlete well-being, academic advising, graduation rates, facilities, capital expenditures and conflict-of-interest policies.

3. Establishing and upholding, with the faculty and administration, academic and eligibility standards for student-athletes that reflect the institution's academic values and mission.

4. Communicating to the board of trustees on his or her fulfillment of responsibilities as they relate to agreed-upon goals, standards and benchmarks of the intercollegiate athletics program.

5. Reviewing, with the board, the NCAA institutional self-study and certification process and the institution's compliance with Title IX provisions concerning gender equity, as well as departmental compliance with any laws and regulations to which the institution is subject.

6. Communicating clearly with the board, coaches, administrators, students, faculty, boosters and alumni concerning: compliance with institutional, conference and NCAA rules and regulations; the mission, values and goals of the athletics department; appropriate stewardship of and contact with donors and students; and the acceptance of benefits from the athletics department.
III. The Athletics Department of __________________ affirms its responsibilities to:

1. Develop a mission statement that reflects the university’s mission and academic values, and establish expectations for standards of behavior for coaches and student athletes appropriate to their positions as representatives of the university. These standards will be upheld through normal university disciplinary procedures and, as appropriate, local and state procedures.

2. Provide information concerning standards of accountability and benchmarks to the president and the board and the department’s success in meeting those standards.

3. Adhere to NCAA rules and regulations relating to the time demands placed on student-athletes, meeting them in spirit and in practice.

4. Ensure that the Athletics Department is complying with provisions concerning gender equity and with all institutional, conference and NCAA rules and regulations to which the institution is subject.

5. Report NCAA violations according to procedures established by the existing standing committee with purview over athletics.
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The “AGB Statement on Board Responsibilities for Intercollegiate Athletics” encourages all governing boards and chief executives to review and monitor their institutions’ policies and practices on intercollegiate athletics. It is not intended to be prescriptive or to offer legal advice. Rather, it is intended to serve as a template and resource for discussions of good governance, policies, standards, and principles.


The AGB board has adopted three other statements that discuss important board responsibilities:

- AGB Statement on Board Accountability (2007)
- AGB Statement on Governing in the Public Trust: External Influences on Colleges and Universities (2001)

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