

Executive Summary of Events Involving Illinois Men's Basketball Program

Between the end of the 2017-18 men's basketball season and the beginning of the 2018-19 season, the Division of Intercollegiate Athletics ("DIA") received allegations related to head coach Brad Underwood's communication style and interactions with student-athletes on his team. The allegations involved verbal abuse, racial harassment, and punitive use of physical activity. An internal review confirmed that Underwood's coaching style, while intense and challenging, was not abusive or in violation of applicable University or DIA policies. Claims related to racial harassment and punitive use of physical activity were specifically discredited.

Upon receiving the allegations, Director of Athletics Josh Whitman acted swiftly and, with the blessing of Chancellor Robert Jones and on the advice of Campus Legal Counsel, developed and executed a plan to assess the situation. The plan followed a standard protocol designed and implemented over the last three years by Whitman and DIA's executive leadership team.

Whitman, with the assistance of DIA's Chief Integrity Officer Ryan Squire, engaged the University's two Faculty Athletics Representatives to lead an internal review of the men's basketball program. Shortly after his arrival in early 2016, Whitman created the position of Chief Integrity Officer ("CIO") and promoted Squire, DIA's long-time head of compliance, into the role. With no direct reporting or supervisory relationship with the coaches and regular meetings with the Chancellor's Office, the CIO position is structured to be objective and unconflicted. The role of Faculty Athletics Representative ("FAR"), meanwhile, is mandated by the NCAA and, at Illinois, is selected by the Chancellor for a ten-year term. The FARs act in official governance capacities with both the Big Ten Conference and the NCAA. A primary charge of the FAR is to be a liaison to the Chancellor's Office and to serve as a bridge between the athletic and academic functions of the University, while providing objective faculty oversight of the operation of the intercollegiate athletic program. Another function of the FARs is involvement in matters regarding potential misconduct by coaches and/or student-athletes. Most NCAA schools have one FAR; the University of Illinois is one of the few institutions to have two faculty members share in this responsibility. Currently, these positions are occupied by Dr. Chris Span and Dr. Tiffany White, associate professors in the Colleges of Education and Business, respectively.

Span and White led a four-person review team that also included Squire and Keiko Price, a member of DIA's executive staff who works with Whitman on day-to-day supervision of the men's basketball program. The review team was diverse in its personal and professional backgrounds and, collectively, included decades of experience in and around higher education and collegiate athletics. Every member of the review team has meaningful experience planning for, and conducting, these kinds of internal reviews.

The review, which took nearly a month to prepare, execute, and conclude, included interviews with all returning scholarship men's basketball student-athletes, all coaches, and relevant support staff. The review team consulted with Campus Legal Counsel to develop a standard list of interview questions, which centered around the health, wellness, and experience of the student-athletes and the culture within the program. In addition, Whitman and Squire communicated directly with the source of the original allegations to better understand those concerns and to build evaluation of those claims into the review process.

Many of those interviewed spoke in positive terms about the team's culture and Coach Underwood's leadership. They felt the environment contributed to the team's growth and progress. Whitman shared the review team's conclusions with Chancellor Jones. The FARs met independently with Jones as well. After reviewing the available information and consulting one another, Jones and Whitman agreed that they were satisfied with the process and confident in the outcome; they concluded the matter prior to the beginning of the 2018-19 basketball season.

At this juncture, two other faculty members, Dr. Michael LeRoy and Michael Raycraft, professors in the Colleges of Labor and Employment Relations and Applied Health Sciences, respectively, became involved. LeRoy and Raycraft serve on the University's Athletic Board, a committee of the Faculty Senate. The Athletic Board was created in 1988 when the University transitioned governance of intercollegiate athletics from an outside entity to a division of the University itself. The Athletic Board, led by one of its subcommittees, the Academic Progress and Eligibility Committee ("APEC"), has primary oversight of all academic matters related to the intercollegiate athletics operation. All other Athletic Board roles are advisory to the Chancellor and the Director of Athletics, and it convenes for meetings three to four times each year. LeRoy has chaired the Athletic Board since 2017 and Raycraft is the current chair of APEC.

In December 2018, LeRoy and Raycraft received information from another source who made allegations regarding Coach Underwood's conduct. These allegations were similar in nature and occurred during the same time period as those DIA had previously reviewed and resolved.

The only new topic introduced in the meeting involved the potential misdiagnosis and mistreatment of a player's injury. All medical decisions are made by independent, certified medical personnel, without input or involvement by any member of the DIA coaching staff. According to LeRoy and Raycraft, the source of this allegation wished to remain anonymous; to date, DIA has never received any identifiable information, from any student-athlete or other knowledgeable individual, pertaining to this particular claim that would allow the University to investigate the matter. Working through LeRoy and Raycraft, DIA has made multiple unsuccessful attempts to communicate directly with this source.

Because it did not involve them, LeRoy and Raycraft were unaware that the earlier review had occurred. Concerned with the allegations and unaware of the previous investigation into similar claims, LeRoy and Raycraft contacted FARs Span and White, the Chancellor's Office, and Whitman, who relayed to them information pertaining to the concluded review. Although it had not been DIA's practice to engage the Athletic Board in matters such as this, LeRoy and Raycraft were frustrated that they had not been consulted during the original review. They drafted a memorandum to Whitman and other campus officials to memorialize their concerns.

In the ensuing weeks, Whitman and others continued discussing the matter with LeRoy and Raycraft. In March, Whitman and Mike DeLorenzo, a Senior Associate Vice Chancellor who serves as Whitman's day-to-day liaison to Chancellor Jones, co-authored a memorandum to LeRoy and Raycraft, identifying a series of inaccuracies and mischaracterizations in their original correspondence and further detailing the review process and its findings.

The written back-and-forth continued through several subsequent iterations, much of which focused on University policy, governance, and the proper role of the FARs and the Athletic Board. The correspondence ultimately concluded with a memorandum from Chancellor Jones to LeRoy and Raycraft

in which Jones reaffirmed his satisfaction with the concluded review, reiterated the University's inability to investigate any new allegations without verifiable information to act upon, and restated his willingness to engage in a review of appropriate faculty involvement in intercollegiate athletics.

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Whitman, Josh

From: Whitman, Josh
Sent: Wednesday, January 09, 2019 5:20 PM
To: Leroy, Michael H; Raycraft, Michael
Cc: DeLorenzo, Michael T; Rice, Scott
Subject: Meeting Follow-Up

Gentlemen,

Thanks again for your time before the holidays to discuss the feedback you have received regarding our basketball program. As a follow-up, I would ask that one of you reach out to the [REDACTED] with whom you met, let [REDACTED] know that you have spoken with me, and invite [REDACTED] to contact me directly if [REDACTED] would like to further discuss [REDACTED] concerns. I am always happy to meet with student-athletes, past or present, or with their [REDACTED]. Their experiences and perspectives are important to me and to the ongoing improvements we are attempting to make to all of our programs.

Again, please accept my apologies that you learned after their conclusion of our internal efforts related to these concerns.

Thanks,

Josh



Josh Whitman
Director of Athletics
University of Illinois Athletics
1700 S. Fourth St. | Champaign, IL 61820
Office: 217-333-3631
Email: IlliniAD@illinois.edu
Website: FIGHTINGILLINI.com
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Under the Illinois Freedom of Information Act any written communication to or from university employees regarding university business is a public record and may be subject to public disclosure.

Whitman, Josh

From: Leroy, Michael H
Sent: Wednesday, January 09, 2019 6:04 PM
To: Whitman, Josh; Raycraft, Michael
Cc: DeLorenzo, Michael T; Rice, Scott; Leroy, Michael H
Subject: RE: Meeting Follow-Up

Josh—

Thank you for your thoughtful note. Between Mike and I, we will figure out how to transmit your message.

Mike and I have reflected on this matter at some length. We have drafted a report meant for this group, and only this group. We are near completion.

I want to give you a heads-up on this.

Our memo focuses on ways to improve the external reporting element in the Student Handbook, and also captures our thoughts about our Faculty Representatives handled this situation.

We do not concern ourselves with management of personnel—a matter that is beyond our purview.

We are drafting our memo in the spirit of suggesting proactive improvements to benefit student-athletes.

Again, thank you for your gracious note.

Michael

Michael H. Leroy
Professor
School of Labor & Employment Relations & College of Law
University of Illinois at Urbana-Champaign



From: Whitman, Josh <jwhitman@illinois.edu>
Sent: Wednesday, January 9, 2019 5:20 PM

Whitman, Josh

From: Raycraft, Michael
ent: Wednesday, January 09, 2019 7:32 PM
To: Whitman, Josh
Subject: Re: Meeting Follow-Up

Josh- thank you for your note. I have tremendous confidence in you and respect for your position. I sincerely hope I can be an asset to you in the future when situations present themselves.

Best,

Mike

Sent from my iPhone

On Jan 9, 2019, at 5:19 PM, Whitman, Josh <jwhitman@illinois.edu> wrote:

Gentlemen,

Thanks again for your time before the holidays to discuss the feedback you have received regarding our basketball program. As a follow-up, I would ask that one of you reach out to the [REDACTED] with whom you met, let [REDACTED] know that you have spoken with me, and invite [REDACTED] to contact me directly if [REDACTED] would like to further discuss [REDACTED] concerns. I am always happy to meet with student-athletes, past or present, or with their [REDACTED]. Their experiences and perspectives are important to me and to the ongoing improvements we are attempting to make to all of our programs.

Again, please accept my apologies that you learned after their conclusion of our internal efforts related to these concerns.

Thanks,

Josh

<image001.png> Josh Whitman
Director of Athletics
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Memorandum: External Reporting by Student-Athletes of Harassment and Mistreatment

Memorandum

External Reporting by Student-Athletes of Harassment and Mistreatment

From: Michael H. LeRoy
Professor
Labor & Employment Relations, &
College of Law
UIUC Athletic Board (Chair)

Mike Raycraft
Professor
Applied Health Sciences
Athletic Board (APEC Chair)

To: Josh Whitman, Athletic Director
Mike DeLorenzo, Associate Chancellor
Scott Rice, Campus Legal Counsel

Date: January 10, 2019

Executive Summary

In 2015, outside investigations of UIUC athletics substantiated player claims of injury mismanagement (in Men's Football¹) and verbal abuse (in Women's Basketball²). In early December 2018, [REDACTED] contacted us to discuss [REDACTED] concerns about the Head Coach's treatment of [REDACTED] to hear [REDACTED] concerns. [REDACTED] reported verbal abuse of [REDACTED] and mismanagement of [REDACTED]. Within a day, we discussed our concerns with our two Faculty Representatives, and asked them to join us in meeting with the Athletic Director. They declined, stating that an internal investigation had resolved these issues in September 2018. We contacted the Associate Chancellor, who promptly arranged a meeting with the Athletic Director. The Athletic Director and senior administrators in the meeting were appropriately concerned by the information we reported.

We believe that the Division of Intercollegiate Athletics has not effectively implemented the recommendations from the two investigative reports of 2015. We are also concerned by the dismissive treatment we received from our Faculty Representatives. This report (1) summarizes our meeting with [REDACTED] (2) presents our concerns, and (3) states our recommendations.

¹ INVESTIGATIVE REPORT: Injury Management and Scholarship Renewal in the University of Illinois at Urbana-Champaign Division of Intercollegiate Athletics Football Program (Peter G. Land et al., 2015), available in https://illinois.edu/resources/FR_Athletic_Review_Report_Final_Public_11-9-2015.pdf.

² INVESTIGATIVE REPORT: University of Illinois Women's Basketball Team (Pugh, Jones & Johnson, P.C. 2015) available in https://will.illinois.edu/nfs/NEWS20150803_Investigative_Report_UofI_Womens_Basketball_Team.pdf.

Factual Background

In December 2018, a [REDACTED] approached us. Through an intermediary, [REDACTED] said [REDACTED] wanted to discuss unresolved concerns about mistreatment of [REDACTED] and other players on the [REDACTED]. We agreed to meet the [REDACTED]. For two hours, we heard [REDACTED] concerns—specifically, verbal abuse, racial harassment, medical mistreatment, and punitive use of a treadmill.

Much of what we heard was hearsay. However, some information resulted from the [REDACTED] direct observations. [REDACTED]

We found the information pertaining to the [REDACTED] credible and disturbing. First, this information came from direct interaction with the student-athlete. Second, the [REDACTED] reported that [REDACTED] was not properly informed about [REDACTED]. Third, the [REDACTED] told us that the coach repeatedly taunted [REDACTED], calling [REDACTED] a “pussy” or a “fucking pussy,” for not playing with pain. [REDACTED]

This report sounded familiar to us: We heard similar accounts during the early part of our terms on the Athletic Board regarding Coach Tim Beckman. What appeared to be hearsay in the form of tweets from a disgruntled former football player proved later to be accurate and part of a pattern of medical mistreatment of players.

With these current and historical reports in our minds, we immediately reported our concerns to our Athletic Board Faculty Representatives via a teleconference.

Both of our colleagues informed us they were aware of the allegations. They told us the matter had been investigated in September, and that they participated in the investigation: most of the allegations were either unsubstantiated or had been recanted—and the matter was appropriately resolved. Our Faculty Representatives did not disclose details of the investigation, nor did we ask for that information.

Their response disappointed us. It broke with a past practice of providing general information on a strictly confidential basis at APEC meetings (as was the case when we learned about possible problems with the Men’s Football program). We were surprised that our colleagues were involved in an investigation, and equally surprised that we were left in the dark.

Given the fact that a [REDACTED] went to considerable lengths to identify and contact us after the DIA’s internal investigation concluded in September, we believed in early December that the matter was not at a conclusion. We also wondered if the [REDACTED] planned to share the potentially damaging information to other parties—either another NCAA basketball program, or the NCAA itself, or the media. Our concern was reinforced by [REDACTED] anger and disgust, and the fact that [REDACTED] came to our meeting prepared with photos and copies of an

Memorandum: External Reporting by Student-Athletes of Harassment and Mistreatment

[REDACTED] regarding the [REDACTED] experience at Illinois.

For these reasons, we asked our Faculty Representative colleagues to join us to meet and discuss what we heard with Athletic Director Josh Whitman. Our colleagues were courteous but indifferent to our plea.

We could not ignore the matter given its alleged pattern, severity, and documentation. [REDACTED] also told us that all players were afraid to report their harmful experiences internally.

With that in mind, we reached out to Michael DeLorenzo, Associate Chancellor. He, in turn, immediately arranged a meeting with the Athletic Director. We met within a few days and reported our information.

The Internal Investigation Was Flawed

We learned in meeting with Athletic Director Whitman that an investigation was conducted in early September (as best as we can recollect this conversation). Two internal interview teams were utilized, comprised of the Faculty Representatives and Senior Associate Athletic Directors.

We are skeptical that the investigation was thorough, objective, and skillfully conducted.

First, neither the [REDACTED] was contacted. We learned, however, that the [REDACTED] was contacted by [REDACTED] in conjunction with this matter. We do not believe the internal UIUC investigation fully captures the involvement of [REDACTED] in allegations concerning this coach. We heard conflicting hearsay accounts from our Faculty Representatives, [REDACTED]. It is not our role to credit one account over another. We are alarmed, however, that the [REDACTED] was apparently contacted while at [REDACTED] student-athlete's [REDACTED].

[REDACTED] We believe this is irregular and overlooked in our internal investigation. We are unsettled by its implications. Even if our inferences of alarm are unwarranted, the active involvement of a [REDACTED] – with its motivations to [REDACTED] – relating to UIUC signifies that our internal investigation was incomplete.

Second, we question the effectiveness of this investigation because it was conducted internally: As a result, the organizational leaders who led the investigation might not have elicited incriminating information about the coach from current team members who sat for DIA interviews. These student-athletes have a vested interest in keeping quiet about problems. In a related vein, many of these players are between 18 and 21 years of age. We do not believe they have the same fortitude and free will as adults in these situations.

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Third, as far as we know, three of the four members of the interviewing teams have no investigative experience—only the attorney in that group has professional training to conduct a probing interview.

Fourth, these interviews were conducted swiftly. The rapid succession of interviews was to mitigate the possibility that subjects would tip-off each other to the interview questions and answers. We are concerned that this tempo precluded the possibility of talking to players and parents of players who left the program.

RECOMMENDATION 1: Strengthen DIA's Policies for Student-Athletes to Report Externally on Mistreatment by Coaches.

We have five concerns. First, conflicts of interest are embedded in the current reporting structure. Second, certain types of problems with coaches should be automatically referred to external investigation: medical mistreatment is the one clear example that surfaced in our discussion with the [REDACTED] (other types of allegations should be considered for external reporting, e.g., racial or sexual harassment). Third, the educational component for student-athletes should be reconsidered with a goal of improving external reporting. Fourth, student-athletes in Football and Men's Basketball are to report concerns to the Athletic Director. This creates an appearance, if not actuality, of a conflict of interest. Fifth, there is a spousal relationship with one Faculty Representative and a leading investigator of ODEA (a designated source for external reporting for student Athletes). This is another conflict of interest. Our concern is not abstract: Both individuals have been involved in recent investigations of allegations made by student-athletes. Having a husband as an internal investigator and a wife as an external investigator has potential to undermine the effectiveness of a robust and credible investigation.

We elaborate.

The 2018-19 STUDENT-ATHLETE HANDBOOK is an 85-page comprehensive manual to guide student athletes in handling academic, athletic, and personal matters.³ Roughly half of a page is devoted to student reporting of coaches. We quote the provision in its entirety:

“Reporting Allegations of Misconduct or Other Violations
Student-athletes are expected to report any actual, perceived or potential violations or concerns of rules violations by other student-athletes, coaches or DIA administrators (emphasis added). Retaliation against any student athlete reporting, in good faith, a real, perceived or potential violation is strictly prohibited by University policy and state law. Although student-athletes are encouraged to raise

³ 2018-19 Student Athlete Handbook, at 12-13, available in [https://s3.amazonaws.com/sidearm.sites/fightingillini.com/documents/2018 8/10 Student Athlete Handbook 2018 19 for Webpage 8 10 18.pdf](https://s3.amazonaws.com/sidearm.sites/fightingillini.com/documents/2018%20Student%20Athlete%20Handbook%2018%20for%20Webpage%208%2010%2018.pdf).

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any such concerns internally, student-athletes also have the option of reporting such allegations externally as discussed below.

Where to report perceived violations or concerns of NCAA or Big Ten Conference rules internally: 1. Director of Athletics: 217-333-3631 2.

Associate Athletic Director for Compliance:

<http://www.fightingillini.com/compliance/reportaviolation.html> 217-333-5731

Where to report perceived violations or concerns of any laws, University or DIA rules or regulations (other than NCAA or Big Ten Conference rules) internally: 1. A student-athlete's head coach 2. A student-athlete's sport administrator 3. Associate Athletic Director for Compliance: 217-333-5731 4. Director of Athletics: 217-333-3631 Where to report perceived violations or concerns of any type externally: EthicsLine (reports may be made anonymously): 866-758-2146

Where to report allegations of discrimination, including sexual harassment, sexual misconduct or sexual abuse externally: Title IX and Disability Coordinator 844-616-7978 titleixcoordinator@illinois.edu WE CARE. Sexual Misconduct, Support and Prevention.

<http://wecare.illinois.edu> Athletics Deputy Title IX Coordinator 217-300-0316 mtwoods@illinois.edu.⁴

The policy has several serious flaws.

First, while the external reporting policy appears to derive from a brief and general recommendation in the Women's Basketball Investigative Report,⁵ it proved to be ineffective in the case of the student athlete whose [REDACTED] reported a medical situation compounded by crude verbal harassment. This may be the case, too, for [REDACTED] players who transferred from the team. Our point is that the external reporting policy did not appear to work in this instance. Reasons for this breakdown should be considered and rectified.

Second, there is only one sentence relating to a student-athlete's concerns about mistreatment by a coach—and it is muddled to the point of losing the point about reporting on coaches: "Student-athletes are expected to report any actual, perceived or

⁴ *Id.* at 12-13.

⁵ Point 4.B of the Report, *supra* note 2, at 62, recommends:

4. DIA should adopt additional written policies to encourage players to express any concerns through alternatively available channels at the players' selection. DIA should consider:

B. Offering any player who may be reluctant to raise concerns about the behavior of coaches or DIA staff the option of directly raising those concerns with a designated person outside DIA, such as the University's Title IX compliance officer, ODEA, the Student Assistance Center or Ethics Hotline, who is trained in the Coaching Expectations Policy...

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potential violations or concerns of rules violations by other student-athletes, coaches or DIA administrators.”⁶

Reporting on coaches is lumped-in with reporting on student-athletes. This is an anemic and naïve approach to guard against mistreatment by coaches. The policy for reporting concerns about coaches needs clear and independent statement in the Handbook.

Third, the Handbook appears to set higher expectations for student-athletes than for coaches, or at minimum, does not equate expectations for coaches and student-athletes alike in the same policy statement. This anomaly becomes clear upon reading the expectations for student-athletes. The Handbook creates several duties for student athletes regarding hazing and discrimination but focuses entirely on student-to-student interactions—in other words, it presumes that only students haze or engage in discriminatory conduct.

Point 14 of “DIA Student-Athlete Expectations” states: “14. Student-athletes are prohibited from hazing other members of their team or any other DIA varsity team.”⁷ There is no mention of hazing by coaches—but what we heard from [REDACTED] was an allegation of hazing by the coach.

Point 15 states: “15. Student-athletes are prohibited from engaging in discriminatory or harassing behavior based on the following protected categories:”⁸ There is no mention of harassing by coaches— but what we heard from [REDACTED] was an allegation of discriminatory harassment by the coach.

Point 17 states: “17. Student-athletes must report all known or suspected violations of state or federal law as well as all known or suspected violations of NCAA, Big Ten Conference, University or DIA rules, regulations, policies or procedures.”⁹ The Handbook does not specifically say that mistreatment by a coach is a reportable infraction as defined in Point 17 (though a very close reading of the Handbook implies that this situation is reportable— a fine point that is likely to be missed by student-athletes).

Reading all the points in the section titled “DIA Student-Athlete Expectations,” we give credence to the [REDACTED] report that [REDACTED] and [REDACTED] were “afraid to report” their concerns.

Fourth, the reporting structure for the Men’s Basketball program (and Football) suffers from serious conflicts of interest. To frame our concerns, we reprint the applicable provisions from the Handbook:

⁶ Handbook, *supra* note 3, at 12.

⁷ *Id.* at 6.

⁸ *Id.*

⁹ *Id.*

Procedure for grievances related to treatment by coaches, staff or student-athletes

- **The student-athlete is encouraged to discuss the problem or concern in a timely manner with any member of his or her coaching staff with whom the athlete feels comfortable to promptly and effectively resolve the grievance (bold text supplied for emphasis).** The student-athlete may choose voluntarily to approach the individual(s) most directly responsible (e.g., if the matter involves a team policy established by the coach, the student-athlete may contact the coach and/or the captain(s) of the team and work to resolve the issue with the coach). However, the student-athlete is not required to directly confront any person(s) who are the source of the problem or misconduct, or closely associated with the person(s) who is the source of the problem or misconduct. Instead, the student-athlete may utilize any of the other various avenues of reporting or grievance within the DIA or University resources.

- The student-athlete may report a problem or grievance in a timely manner to the applicable sport administrator. The sport administrator will meet in person or otherwise communicate directly with the student-athlete to attempt to resolve the issue or grievance. Likewise, the student-athlete may report a problem or grievance to any other sport administrator or any member of DIA administration with whom the student-athlete feels comfortable.

Sport

Administrator Sport(s) E-mail Phone number

**Josh Whitman Football, M Basketball jwhitman@illinois.edu
217-333-3631**

- A student-athlete may report a problem or grievance in a timely manner to Ryan Squire, Senior Associate Athletic Director/Chief Integrity Officer.¹⁰

The first line in bold text conflates student-athlete concerns about their peers with student-athlete concerns about coaches. This deemphasizes concerns relating to coaches.

The next sentence states: **"The student-athlete is encouraged to discuss the problem or concern in a timely manner with any member of his or her coaching staff with whom the athlete feels comfortable to promptly and effectively resolve the grievance (bold text supplied for emphasis)."** This entirely

¹⁰ *Id.* at 13-14.

defeats the purpose of reporting concerns about coaches: A student-athlete's natural response to this protocol would be fear of retaliation.

This policy should provide a separate and external reporting procedure, and should be discussed under a separate heading in the Handbook.

We have a separate concern about a direct reporting line from a student-athlete to the Athletic Director. Based on our observations of the current Athletic Director, we view this as that individual's personal commitment to treat student-athletes ethically and respectfully. We believe, however, that student-athletes could reasonably read this reporting line in different terms— as executive officer protection of their Head Coach.

RECOMMENDATION 2: The Relationship of the Faculty Representatives to Other Faculty Members on the Athletic Board Should Be Reviewed to Provide More Transparency and Better Reporting to the Senate.

Until this unfortunate series of events transpired, we invested trust and faith in our Faculty Representatives. We focus on these facts:

The Faculty Representatives were not obligated to disclose that they were involved in an internal investigation. Nonetheless, they acted differently from a former colleague who reported to us confidentially on his concerns of player mistreatment of football players by Coach Beckman. Our Faculty Representatives could have followed this example.

We would much rather have heard about this situation from our Faculty Representatives— even in cryptic form— while we were on campus in a meeting of APEC members (where we serve together) than in a [REDACTED] who used an intermediary to find us. Had this informal but familiar protocol been followed, we would have declined to meet the [REDACTED] on grounds that we would not want to interfere with an internal investigation.

We are also disappointed by the Faculty Representatives' dismissive treatment of our concerns. We invited them to join us in requesting a meeting with the Athletic Director but they declined— and that was our main objective in arranging this impromptu teleconference.

In the month that has transpired since we discussed this with our colleagues, they have made no effort to follow up with us. This signifies a conflict: We have on-going concerns and they, apparently, believe that the matter is closed and no policy reform is warranted.

There is more to our disappointment: Their approach in this matter undermines the shared governance and reporting features that are at the core of the Athletic Board's charter. These are our faculty colleagues. They are not DIA employees. We do not believe our colleagues treated us as equal peers.

Memorandum: External Reporting by Student-Athletes of Harassment and Mistreatment

If the [REDACTED] had not contacted us, we would have no knowledge of this serious matter involving student welfare. By leaving us completely in the dark, our Faculty Representatives undermined our Bylaws duty to report to the Senate.

To make clear that we have specific duties provided by UIUC statutes, we quote specific provisions of the statutory Bylaws of the Senate. We also note that where the Bylaws state that the "Athletic Board serves also as an advisory committee to the Chancellor and the Athletic Director on ... other operational aspects of the intercollegiate athletics program in the Division of Intercollegiate Athletics," we believe that allegations of a student-athlete's [REDACTED] treatment compounded by a coach's verbal harassment clearly falls within the province of an "operational matter."

We emphasize in red text the provisions that relate to Recommendations 1 and 2:

Part E - Governing and Advisory Bodies

This section as amended through April 26, 2010

1. Athletic Board

The Athletic Board is the committee concerned with intercollegiate athletics (varsity sports) at the University of Illinois at Urbana-Champaign. This Board is responsible to the Senate for the intercollegiate athletic program as it relates to the University's academic and educational objectives as defined by the Senate. The Athletic Board serves also as an advisory committee to the Chancellor and the Athletic Director on the financial management, personnel, and other operational aspects of the intercollegiate athletics program in the Division of Intercollegiate Athletics.

a. Duties as a Senate committee

The Athletic Board shall: ...

4. Meet, as necessary, with responsible officials and others concerning the intercollegiate athletic program, including solicitation of the views and concerns of student athletes....
9. Establish liaison and ensure cooperation with the Senate Committee on University Student Life.
11. Report to the Senate at least twice each year, with at least yearly input from the Athletic Director.

....

Memorandum: External Reporting by Student-Athletes of Harassment and Mistreatment

b. Duties as an advisory committee to the Chancellor and Athletic Director

The Athletic Board shall work with the Chancellor in defining a meaningful advisory role for the Board with respect to policies concerning financial management, personnel, and other operational aspects of the Division of Intercollegiate Athletics. The Senate shall be kept informed of such policies (underlining added for emphasis).¹¹

CONCLUSION

We hope our recommendations are given careful consideration. In time, we will report the outcome of this matter to the UIUC Senate. We hope that we can report that improvements have been made to strengthen the external reporting features in the DIA's policies and Student-Handbook; and that communication and trust between Faculty Representatives and the rest of the Board have been restored to a high level of confidence.

¹¹ See Senate Bylaws, available in <https://www.senate.illinois.edu/bylaws.asp#ab>.

Whitman, Josh

From: Whitman, Josh
Sent: Thursday, January 10, 2019 3:51 PM
To: Leroy, Michael H; Raycraft, Michael
Cc: DeLorenzo, Michael T; Rice, Scott
Subject: RE:

Gentlemen,

Thank you for your memorandum. I have read it in detail and discussed it at length with Mike DeLorenzo and Scott Rice. We appreciate the work that went into it and your underlying, and unflagging, concern for the wellbeing of our students. I assure you it is a concern that Mike, Scott, and I emphatically share. We concur with parts of your analysis and certain of your recommendations. We do, however, take issue with other components of the document. I think additional conversation is needed and would be productive.

I would ask that we schedule another meeting to discuss, hopefully as early as next week. We will likely invite the FARs to participate in this meeting as well, as they obviously play a central role in many of the concerns you have expressed.

I will ask Diana from my office to coordinate a meeting time.

Thank you again,

Josh



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From: Leroy, Michael H <mhl@illinois.edu>
Sent: Thursday, January 10, 2019 2:03 AM
To: Whitman, Josh <jwhitman@illinois.edu>; DeLorenzo, Michael T <michaeld@illinois.edu>; Rice, Scott <serice@Uillinois.edu>; Raycraft, Michael <mraycraf@illinois.edu>; Leroy, Michael H <mhl@illinois.edu>
Subject:

 Michael H. Leroy

Professor
School of Labor & Employment Relations & College of Law

CONFIDENTIAL MEMORANDUM

TO: Michael H. LeRoy
Professor
Labor & Employment Relations
College of Law
UIUC Athletic Board, Chair

Mike Raycraft
Professor
Applied Health Sciences
UIUC Athletic Board, APEC Chair

FROM: Josh Whitman
Director of Athletics

Mike DeLorenzo
Senior Associate Vice Chancellor
for Administration and Operations

CC: Christopher M. Span
Professor
Ed. Policy, Organization & Leadership
Faculty Athletics Representative

Tiffany B. White
Professor
Business Admin. & Advertising
Faculty Athletics Representative

Scott Rice
Campus Legal Counsel

DATE: March 18, 2019

RE: Response to January Correspondence

As members of the Athletic Board and the Academic Progress and Eligibility Committee (APEC), you play important advisory roles on various academic and related other matters. With regard to your recent activities, however, we are concerned that, while well intentioned, you stepped outside the bounds of your respective responsibilities. We think it important to clarify and/or correct various elements of the correspondence you submitted to us, dated 10 January 2019, regarding your independent actions relating, in part, to [REDACTED]

[REDACTED] To reiterate, we do not question your motivations, which were unquestionably rooted in your long-demonstrated commitment to, and passion for, student welfare. Nonetheless, please understand that investigatory and other similar functions are the responsibility of the Faculty Athletic Representatives (FARs) and other units within and outside of the Division of Intercollegiate Athletics (DIA), such as DIA's in-house compliance staff, the Office of University Counsel, Audits, or the University Ethics Officer.

We were unaware that you were meeting with the [REDACTED] [REDACTED] or drafting a document. Given additional conversation, we are confident we could have clarified events and provided further context and detail that would have addressed many of your most pressing concerns. Because we were not provided such an opportunity, however, we

find it necessary to craft this confidential response in the event a more thorough record is ever required. The information you received, although unquestionably important, is incomplete and uncorroborated. As a result, your recounting of the facts is often inaccurate, and we find many of your observations to be misleading and, in some cases, unnecessarily inflammatory.¹

I. FARs and Athletic Board Members Serve Different Functions

A focus of your letter is dissatisfaction with the way in which the FARs handled the situation involving the University's review of claims involving [REDACTED]. According to your recounting, it differed in several respects from how their predecessors approached prior cases that you find analogous. Even you, however, acknowledge that the FARs "were not obligated" to disclose this information to you but that they "*could have*" chosen to follow their predecessor's example (emphasis provided).

We will leave the FARs, in their separate response, to address the bulk of those concerns. Here, we will say only that the FARs, the Athletic Board (which itself is comprised of two different bodies, the Faculty Senate Committee and the Chancellor's Advisory Committee), and APEC all serve different roles in our University's governance structure related to DIA. As you know, we have agreed to undertake a review of these various roles, defined by a variety of policy documents promulgated by the NCAA, Big Ten, and University, to more clearly delineate roles and expectations for each respective individual and/or entity. Under our current configuration, however, matters related to investigatory powers and personnel matters fall outside your purview as members of the faculty and of the Athletic Board. Thus, your correspondence represents a letter from a concerned stakeholder, not a report or other document imbued with any official weight or authority by virtue of its commissioning, vetting, or fact-checking.

II. DIA Employs Sound Internal Investigative Procedures, Endorsed and Guided by Campus Legal Counsel and the Office of the Chancellor

We emphatically disagree with your comment that DIA's investigation into the matter at hand lacked thoroughness, objectivity, or skill. With the knowledge, assistance, and support of Campus Legal Counsel and the Office of the Chancellor, the investigation was conducted using

¹ We have elected to co-author this response because each of us was involved in the matter at issue, both individually and through our respective offices. Scott Rice is listed as a "CC" because of his unique role as counsel. The FARs, who figure prominently in your memorandum, will write a response under separate cover.

the standard protocol that DIA has employed on numerous occasions when it is presented with credible claims of potentially improper conduct by a coach.

With approximately 500 individuals competing in 21 NCAA Division I sports, it should be no surprise that DIA frequently receives concerns from student-athletes and parents. The nature and urgency of these communications varies dramatically and can involve any part of a student-athlete's life at home or experience on campus. The concerns come to DIA's attention through any number of outlets, including senior exit interviews; online reviews completed annually by student-athletes; direct outreach via telephone or email; conversations between student-athletes and coaches, trainers, strength coaches, academic staff, administrators, or others; or through a variety of campus-based resources. DIA has intentionally developed such a range of outlets to ensure that every student-athlete has an avenue comfortable for him or her to seek assistance.

On occasion, these concerns involve real or perceived problems with DIA staff members, including head and assistant coaches. All such concerns are funneled to Ryan Squire, DIA's Senior Associate Athletic Director and Chief Integrity Officer. DIA structured Squire's position, which it added in 2016, to be objective and unconflicted. He has no direct reporting or supervisory relationship with any member of the coaching staff. He maintains a dotted reporting line to the Office of the Chancellor and is in frequent communication with the Chancellor's designee, Senior Associate Vice Chancellor Mike DeLorenzo; both FARs, Chris Span and Tiffany White; and Campus Legal Counsel, Scott Rice. He holds quarterly in-person meetings with DeLorenzo, Span, and White. The Director of Athletics is not present for these meetings.

Squire acts as the intake for allegations from student-athletes or their parents involving members of the coaching staff. In our experience, no two situations involving complaints about a coach are alike. An attorney by training, Squire gathers information needed to evaluate the situation and, if appropriate, begins to develop a tailored investigation plan. In cases involving allegations of particularly egregious behavior – physical or emotional mistreatment foremost among them – Squire quickly involves the Director of Athletics, Campus Legal Counsel, and the Office of the Chancellor.

In such cases, DIA's standard practice has been to begin with an internal investigation. Over time, the University has developed basic procedures for these investigations. Squire leads the effort, joined by members of DIA's senior leadership team. Importantly, the FARs, acting objectively both as members of the faculty and agents of the Office of the Chancellor, are always involved, either as advisers or, frequently, as interviewers.

Interviews are often part of the investigation protocol. Generally, two-person interview teams are identified, with one FAR present in every interview with a student and as many interviews with staff as possible. Diversity is a key criterion in developing the interview teams; they generally feature one male and one female and often include individuals of different racial or ethnic backgrounds. Because these individuals have participated in these processes with some frequency, they are experienced interviewers. Squire works with Campus Legal Counsel to develop a standard list of questions and provides the interviewers an opportunity for review and comment before finalizing the questions, again with the advice and consent of University attorneys.

Once prepared, these interview teams conduct their work swiftly and endeavor to conclude it as quickly as possible, often in a matter of days. They will never sacrifice quality for speed; but in many cases, the quality of information gleaned from the interviews improves by minimizing the time between subjects. These procedures have been designed to lessen opportunity for subjects to share information or align stories. The interview teams will often work in parallel, with interviews happening concurrently in separate rooms. When appropriate, little or no notice is provided to the interview subjects, who sometimes are physically separated from others while the process is ongoing to further eliminate the chance for information contamination.

Depending on the length or complexity of the situation, the interview teams convene frequently to compare notes, identify any new lines of questions that might be needed, and develop necessary follow-up. The results of these interviews are relayed to the Director of Athletics, Campus Legal Counsel, and the Office of the Chancellor. When the FARs deem it appropriate, they will meet separately with the Office of the Chancellor to deliver their objective conclusions on the information gathered.

Infrequently, circumstances dictate that the best course of action is to involve an external firm in the investigation. On occasion, those circumstances are apparent from the outset. More often, the internal investigation is undertaken first and, based on those initial findings, it becomes evident that additional work by an outside group is needed. The recommendation to involve an external firm can be made by the Director of Athletics, Campus Legal Counsel, or the Office of the Chancellor, with any disagreements on strategy ultimately settled by the Chancellor. From the standpoint of sound risk management, prudent administration of financial resources, and effective navigation of the need for confidentiality versus strong public interest in information, particularly in college athletics, this practice continues to serve the University well, including in the case at hand.

III. DIA Will Review Student-Athlete Handbook and Related Reporting Policies

Your letter discusses, at some length, recommended revisions to various DIA policies, with a particular focus on the Student-Athlete Handbook. We agree with many of your points and intend to review our various policies for both clarity and effectiveness. We do, however, offer several salient notes.

First, as its name suggests, the Student-Athlete Handbook is targeted for a particular audience: University of Illinois student-athletes. As such, the handbook creates a lengthy list of expectations for student-athletes and, as you note, omits any parallel expectations for coaches. DIA maintains a separate policy that outlines conduct expectations for members of the coaching staff, which is attached to every coach's employment agreement.² In a process undertaken last summer, DIA is working to expand the conduct expectations document to include every DIA employee, not only members of the coaching staff.

Second, we disagree with the suggestion that the Director of Athletics, as supervisor of the football and men's basketball coaches,³ is inherently conflicted from receiving negative feedback regarding those coaches. A critical role of any supervisor is to receive feedback, positive or negative, about the people he or she supervises and to use that information ethically for that employee's improvement or, if needed, reprimand. Furthermore, in the case of a college athletic director, he has ultimate responsibility for the entire department, including every coach, support staff member, and student-athlete, regardless of formal reporting structure. A significant part of his responsibility is to troubleshoot problems across the organization and to do so in an ethical manner.

Third, as noted above, DIA provides student-athletes with multiple avenues to report problems or concerns. DIA staff members discuss these resources at length with the student-athletes in a series of meetings at the beginning of every year, in addition to memorializing many of them in the Student-Athlete Handbook. These layers of redundancy are intentional so that a student-athlete can choose an outlet that makes him or her most comfortable. If a student-athlete is uneasy with the sport supervisor, be it the athletic director or another senior administrator, the student-athlete has a range of other people with whom he or she can speak.

² The DIA Coach Code of Conduct is attached hereto as Appendix 1.

³ In football and men's basketball, the Director of Athletics is the lead sport supervisor with daily interaction with the head coaches in those two programs. In men's basketball, Senior Associate Athletic Director Keiko Price is a secondary supervisor and provides day-to-day oversight of many of the program's operations. Her position is known to both coaches and student-athletes, and she is a visible and regular presence at team functions, including practices and competitions, both home and away. Deputy Director of Athletics Warren Hood fills a similar role with the football program.

Finally, this situation notwithstanding, DIA's reporting system is functioning largely as intended. Staff and student-athletes alike frequently bring concerns to Squire. Over the last three years, DIA has confronted a number of challenging situations, many that surfaced through the various reporting channels that DIA has built into its structure. In the case at hand, a [REDACTED] student-athlete failed to bring forward concerns with [REDACTED] treatment. In our opinion, any flaws in DIA's policy had minimal effect on [REDACTED] decision. Instead, we must focus on developing an environment where student-athletes, regardless of sport, feel empowered and protected to raise these types of concerns – not because a policy tells them they should but because the environment around them encourages it. That will remain an area of emphasis.

IV. Comparisons with Prior Investigations Are Inappropriate and Misplaced

Your document opens not with discussion of the matter at hand but with reference to the challenges the University confronted in 2015 with its football and women's basketball programs. We take issue with the parallels that your letter attempts to draw between any current concerns with men's basketball, should they exist, and these past situations. Not every case involving potential mistreatment of a student-athlete by a coach echoes what the University faced in 2015.

Furthermore, your suggestion that the University has not effectively implemented the 2015 recommendations is false. Not only has the University implemented those recommendations fully, but DIA has gone above and beyond, with more than ten changes to organizational structure and internal policy made since 2015.⁴ Every one of these changes, summarized in a presentation to President Killeen and Chancellor Jones in the fall of 2018, was designed to promote our organizational integrity, embody our institutional values, and meet or exceed well-established directives from the NCAA and Big Ten. Through these efforts, DIA has established itself as a national leader and early-mover in its approach to risk management and student-athlete wellbeing.

Campus Legal Counsel Scott Rice, who is copied on this memorandum, coordinated the 2015 investigations. In our conversations with Scott, he has confirmed that this situation is dramatically different from the events of 2015 and that DIA's actions in the current case comply with or exceed recommendations that arose from those matters. If you wish, Scott has indicated he would be happy to meet with you separately to further discuss this point.

⁴ For an incomplete but representative list of integrity-based changes implemented to organizational structure and policy since 2015, see Appendix 2.

V. Claims in the Matter at Hand Were Unfounded

As we have discussed, our prior investigative work on the present matter focused on the circumstances involving a [REDACTED] member of the men's basketball program.⁵ The investigation, which followed the protocol outlined above, included a meeting between the Director of Athletics, DIA's Chief Integrity Officer, and the student-athlete's [REDACTED]. It involved interviews with [REDACTED] members of the team who were the student-athlete's [REDACTED] teammates and interviews with members of the men's basketball staff, including coaches and support staff. The FARs, acting on behalf of the Chancellor, participated fully in the process, and Campus Legal Counsel and the Office of the Chancellor were actively engaged from the outset.

The scope of our investigation expanded to include not only claims related specifically to the [REDACTED] student-athlete but, more generally, to the culture within the men's basketball program and the relationship between the coaches and the student-athletes. Claims of verbal abuse, racial harassment, and punitive use of physical activity were all focuses of the investigation. To reiterate the message given to you by our FARs, the investigation concluded that these allegations were unsubstantiated. Campus Legal Counsel and the Office of the Chancellor, after meeting separately with the FARs, accepted this conclusion and, with the Director of Athletics, consider the matter resolved.

Nonetheless, during our meeting, we explained to you that even in the absence of negative findings, the Director of Athletics has taken steps, some before this process started and some upon its conclusion, to work with members of the coaching staff to be more effective as coaches, communicators, and leaders. That work is ongoing and the progress has been notable.

Given this background, the only new information provided by you to us was potential

[REDACTED]
[REDACTED] Our conversation with you was, and remains, the only time we have received information about such a concern. Neither that student-athlete, [REDACTED] Illinois, [REDACTED] has communicated such concerns to us or, to our knowledge, to others within DIA. If and when that occurs, we would be more than happy to delve more deeply into the situation.

⁵ Your memorandum discusses at some length the involvement of [REDACTED] with [REDACTED] Illinois student-athletes. We fail to see why this is relevant. If they were [REDACTED] Illinois student-athletes, it would be highly irregular for them to be in direct communication with [REDACTED] and DIA would carefully monitor any such interactions; as [REDACTED] student-athletes, however, [REDACTED]

VI. Conclusion

We appreciate and applaud your ongoing commitment to student welfare. It is a commitment that we share, without qualification or exception. We believe that much of this situation could have been avoided with improved communication, with responsibility for that communication resting with all involved parties. We will conduct appropriate follow-up, as noted herein, but in general, we feel confident in the processes we have developed to deal with these situations and in how we employed those processes in the matter at hand.

APPENDIX 1: CONDUCT EXPECTATIONS FOR COACHES

Preamble:

Coaches employed by or volunteering to work for the Division of Intercollegiate Athletics ("DIA") serve highly visible and public roles as representatives of the University of Illinois ("University"). Additionally, DIA coaches serve as role models and mentors for *all* DIA student-athletes, not just the student-athletes on their teams. Therefore, it is imperative that whenever coaches represent the University in any capacity, they must: exemplify the values of honesty, integrity, and respectfulness; promote the safety and well-being of DIA student-athletes; uphold the University's and the DIA's commitment to providing student-athletes with a quality education; comply with all relevant rules, regulations and policies; and promote their student-athletes' compliance with all relevant rules, regulations and policies.

To that end, the DIA has established these Conduct Expectations for Coaches to provide fundamental professional guidelines for DIA coaches.

Scope:

As used in this policy, the term "Coaches" is defined as those who have direct contact with student-athletes, including head coaches, associate head coaches, assistant coaches, volunteer coaches and strength coaches.

Policy:

General Requirements:

- 1) Whenever coaches are performing their work responsibilities for the University (e.g. athletic contests, team practices and interactions with student-athletes or staff) or are, in any other way, representing the University (e.g. public events and when engaging the media), coaches shall conduct themselves with dignity and respect consistent with the standards set forth in this policy.
- 2) Coaches shall avoid using excessive profane language or vulgar gestures.
- 3) Coaches shall not demean or belittle: University student-athletes, employees or representatives; employees or student-athletes of other universities or colleges; referees or other officials; fans; and members of the public.
- 4) Coaches shall model fair play and sportslike behaviors for all student-athletes.
- 5) Coaches must comply with the State of Illinois Gift Ban and, in addition, are strictly prohibited from accepting gifts, services, or items of value from parents of student-athletes, regardless of the value of the gifts, services or other items. This does not prohibit a coach from being included in a team meal when the parent of a student-athlete provides such a meal for the entire team in accordance with NCAA and University regulations.

- 6) Coaches shall establish an ethical standard for their team which requires that all members of the team (including student-athletes and any employees reporting to the coaches, including other coaches) comply with both the letter and the intent of all applicable federal and state laws and all applicable NCAA, Big Ten, University and DIA rules, regulations and policies.
 - a) Coaches shall also set an ethical standard for all members of the team (including student-athletes and any employees reporting to the coaches, including other coaches) of immediately reporting any actual, perceived or potential violations of such laws, rules, regulations and policies through the appropriate reporting mechanisms.
- 7) Coaches shall fully cooperate with all NCAA, Big Ten, government (local, state or federal), law enforcement (local, state or federal), University and DIA investigations.

Treatment of Student-Athletes:

- 8) Coaches shall not discriminate against or harass any student-athlete because of that student-athlete's race, religion, age, disability, gender, sexual orientation or any other category protected by the federal government, the State of Illinois, or the University.
- 9) Coaches shall not engage in threatening, abusive, or demeaning physical or verbal conduct towards student-athletes.
- 10) Coaches shall only engage in physical contact with student-athletes when such contact is necessary for instructional purposes, or in occasional appropriate supportive or congratulatory situations.
- 11) Coaches shall not require student-athletes to perform physical acts that:
 - i) are not relevant to the student-athlete's sport but are, instead, intended to embarrass or degrade the student-athlete; or
 - ii) compromise the health and safety of the athlete or are in conflict with restrictions or guidelines established by the medical or training staff.
- 12) Coaches' verbal interactions with student-athletes shall be for instructional and motivational purposes. Coaches shall not:
 - i) excessively single out a student-athlete through negative interactions;
 - ii) isolate a student-athlete by ignoring him or her; or
 - iii) discuss individual student-athlete personal circumstances, medical history or disabilities with the media, other student-athletes, parents, friends or others outside the DIA, except to the extent the student-athlete designates in writing a person or persons (e.g., health care provider) who may receive particular information for a specified purpose (e.g., medical treatment or physical therapy).
- 13) Coaches shall not allow or support in any way, indirectly or directly, hazing as defined by law, or University and DIA policies. Further, coaches will support and promote the University's and the DIA's anti-hazing initiatives.

- 14) Coaches are strictly prohibited from entering into sexual, dating or romantic relationships with any student-athlete, as long as that student-athlete remains a member of a varsity student-athlete team, regardless of the age of the student-athlete or whether such a relationship would be consensual.
- 15) Coaches shall not retaliate against any student-athlete(s) who raise(s) concerns about a coach's compliance with these conduct expectations or any NCAA or Big Ten rule or DIA or University policy.

Managing Student-Athlete Academic Welfare:

- 16) Coaches shall promote and enforce policies that support their student-athletes' academic success and progress towards completion of their degrees.
- 17) Coaches shall not exert pressure on any University employee to give a student-athlete special consideration regarding any aspect of the student-athlete's admission standards or academic responsibilities or requirements.
 - a) Coaches must route all communication regarding the admission status of prospective student-athletes through the Associate Athletics Director, Academic Services or his/her designee.
 - b) Coaches must route all communication regarding the academic performance of student-athletes through the Associate Director of Athletics, Academic Services or his/her designee.

Managing Student-Athlete Health and Athletic Welfare:

- 18) Coaches will collaborate with strength coaches and athletic trainers to create practice workouts that are efficient and adhere to sound safety, hygiene, conditioning, and hydration principles. Such practice workouts must also take into account weather and facility anomalies.
 - a) If a strength coach or athletic trainer disagrees with a coach on an issue related to an activity's impact on a student-athlete's health or safety, the activity must be suspended until the advice of a team physician can be obtained and considered.
 - b) In such cases of disagreement, the coach may request a meeting with the Athletic Director or the sports administrator (or both), the team physician, the strength Coach and/or the athletic trainer to determine an appropriate course of action.
 - i) The team physician shall have the final decision in such matters.
 - c) Coaches are prohibited from attempting to inappropriately or improperly influence any member of the medical or athletic training staff regarding the medical treatment or playing/practice status of a student-athlete.
- 19) Coaches who believe that a student-athlete is suffering physical harm during a physical activity, shall end the student-athlete's participation in the physical activity immediately and have the student-athlete seek medical attention either from the trainer or a doctor.

- 20) Coaches shall take an active role in preventing and addressing drug, alcohol and tobacco abuse by their student-athletes.

Managing Student-Athlete Discipline:

- 21) Coaches shall apply DIA and team rules and regulations fairly to all student-athletes on the same team without preferential treatment of any student-athlete.
- 22) When disciplining student-athletes, coaches shall follow the discipline process outlined in the Student-Athlete Code of Conduct.
- 23) Student-athletes violating the University of Illinois Student Code are subject to discipline by the University. Any sanctions imposed against a student-athlete by the DIA for violations of the Student-Athlete Code of Conduct shall be in addition to any actions taken or sanctions imposed by the University.
- 24) Coaches shall not exert pressure on any University employee to give a student-athlete special consideration regarding any aspect of the disciplinary process for violations of the Student Code.
- 25) All communication between coaches (or any other DIA employee) and any University official involved with the investigatory or disciplinary processes concerning allegations of one or more student-athlete's violation of the student code shall be routed through the DIA Director (or his/her designee) except those occurring when:
- a) At a student-athlete's request, a coach attends a disciplinary proceeding with the student-athlete as an advisor pursuant to the Student Disciplinary Procedures as authored and authorized by the Senate Committee on Student Discipline; or
 - b) A University official directly contacts a coach in an investigation regarding whether a student-athlete has violated the Student Code.
- 26) Coaches who become aware of alleged violations of the Student Code by one or more DIA student-athletes shall promptly report such information to the Director of Athletics (or his/her designee) for referral to the appropriate University official.
- 27) *Coaches may not contact or otherwise attempt to influence any member of the University Title IX and Disability Office staff with regard to a case that involves a varsity student-athlete. All communication between coaches (or any other DIA employee) and any University official involved with the investigatory or disciplinary processes concerning allegations of a Title IX violation shall be routed through the SWA/DIA Deputy Title IX Coordinator or Senior Associate Athletic Director/Chief Integrity Officer, except when a University official directly contacts a coach to request information.*

Reporting and Prohibition on Retaliation:

- 28) All DIA staff members, including fellow coaches, have a mandatory duty to report any incident or conduct by a coach that the staff member reasonably believes is a violation of these conduct expectations. Such a report must be communicated to the Director of Athletics, the applicable sport administrator or a Faculty Representative in a timely manner so that the DIA and the University may take steps to address the alleged misconduct.
- 29) Coaches shall not retaliate against any individual who raises concerns about a coach's compliance with these conduct expectations or any NCAA or conference rule or DIA or University policy. The DIA and the University do not tolerate retaliation under any circumstances against a person who makes a reasonable allegation or complaint in good faith.

Coaches with Employment Contracts:

- 30) Nothing in this policy shall limit or abrogate any term or condition in any employment contract between the University and any coach.

Issued: August 1, 2015

Revised: August 11, 2015
August 25, 2015
February 1, 2018

APPENDIX 2: INTEGRITY-BASED DIA ORGANIZATIONAL AND POLICY CHANGES

Starting in 2015, in response to situations arising both on the Illinois campus and on other campuses across the country, DIA began implementing a series of changes to its organizational structure and relevant policies to proactively manage and minimize the risks presented by a high-profile college athletics program. The following is an incomplete but representative list and description of these “integrity-based” initiatives.

1. *Developed and adopted an “institutional standards” document, per Big Ten directive*
 - a. Established “dotted line” external reporting structure for leaders of Academic Services (Vice Provost for Undergraduate Education), Sports Medicine (McKinley Health Center), and Compliance (Chancellor’s Office)
 - b. Instituted tight parameters and many limitations on communications around student-athlete academic performance, admission of prospective student-athletes, and student-athlete misconduct
 - c. Discussed need to avoid opportunities for undue influence and encouraged reporting of any such incidents
 - d. Reinforced Title IX reporting obligations
2. *Developed and adopted Coaches’ Code of Conduct*
 - a. Requires immediate reporting of conduct that could violate governing laws, rules, and policies
 - b. Prohibits threatening or abusive physical or verbal contact with student-athletes
 - c. Establishes strict limitations for coach involvement in academic performance of current student-athletes and admissions process of prospective student-athletes
 - d. Mandates that sports medicine decisions will be made independently by trained providers, without influence from coaches
 - e. Outlines procedures for dealing with potential student-athlete misconduct
3. *Reshaped sport supervision structure and philosophy*
 - a. Redistributed supervision load among sport administration team so that no sport supervisor works with more than four head coaches and/or four sport programs, allowing for more hands-on supervision and assistance
 - b. Eliminated inherent conflicts of interest by removing sport supervision as a secondary job responsibility of administrators with independent focus (e.g., compliance, academic services, development)
4. *Identified primary DIA “risk centers” – compliance, academic services/admissions, sports medicine, strength and conditioning, sports nutrition, and student-athlete misconduct – and consolidated oversight under a newly created senior administrator, the Chief Integrity Officer, to create protection from undue influence*

5. *Created independent senior leadership position for sports medicine with no sport-specific responsibilities and expanded full-time sports medicine staffing*
 - a. Allows for greater focus on culture and policy within area critical to student-athlete wellbeing
 - b. Opens time for focus on leadership and enhanced staff supervision
 - c. Provides for direct, unencumbered line of communication with team physicians and Carle medical providers
 - d. Eliminates inherent conflict of interest from unit leader working with a sport
 - e. Provides more fully trained professionals for student care
6. *Developed and implemented robust student-athlete misconduct policy*
 - a. Formalizes plan for addressing student-athlete misconduct across the full spectrum of transgressions
 - b. Prohibits DIA staff from serving in an investigatory capacity
 - c. In the most serious class of offenses, empowers group external to DIA to make timely decisions regarding intermediate sanctions for student-athletes
7. *Developed and implemented policy prohibiting first-time participation by incoming student-athletes (i.e., recruits) with a history of sexual/domestic violence or abuse*
 - a. Requires coaches to conduct due diligence and communicate policy to recruits in advance of signing letter of intent
 - b. Mandates that DIA will conduct background checks on all incoming recruited student-athletes
 - c. Requires all incoming student-athletes to confirm, in writing, that no such issues have occurred in their past
8. *Conveying and reinforcing message of student-centered culture and needed reporting to coaches, staff, and student-athletes*
 - a. Meet annually on multiple occasions to reinforce this message with student-athletes, including as a collective group, with individual teams, and with various leadership organizations
 - b. Regularly engage coaching staff in case studies and philosophical conversations
 - c. Emphasize training and reporting in multiple venues
9. *Demonstrated willingness to tackle difficult issues, with enhanced accountability, ranging from improvement plans to employee termination or student-athlete dismissal, for violations of staff and student expectations*
10. *Communicating routinely to all coaches and support staff about appropriate areas of responsibility, reporting lines, and checks and balances*

Whitman, Josh

From: Illinois Chancellor
Sent: Tuesday, April 02, 2019 5:30 PM
To: Leroy, Michael H; Raycraft, Michael
Cc: DeLorenzo, Michael T; Rice, Scott; Span, Christopher; Whitman, Josh; White, Tiffany Barnett
Subject: DIA Communications
Attachments: LeRoy_Raycraft - 04022019.pdf

Dear Professor LeRoy and Professor Raycraft,

Please see the attached correspondence from Chancellor Jones.

Kindest regards,
Wendy

WENDY BERTRAM
Executive Assistant to the Chancellor

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University of Illinois at Urbana-Champaign
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Under the Illinois Freedom of Information Act any written communication to or from university employees regarding university business is a public record and may be subject to public disclosure.



OFFICE OF THE CHANCELLOR

517 Swanlund Administration Building, MC-304
601 E. John St.
Champaign, IL 61820

April 2, 2019

Michael H. LeRoy
Professor
School of Labor and Employment Relations
504 E. Armory, M/C 504

Michael Raycraft
Professor
Department of Recreation, Sport and Tourism
104 Huff Hall

Dear Professor LeRoy and Professor Raycraft,

I received your emails and thought it important, a final time, to confirm the facts regarding the issues you raised.

Last fall, the University evaluated concerns raised by a [REDACTED] student-athlete [REDACTED]. That review was thorough and completed through appropriate, standard processes. Based on the results of those efforts, we are confident there was no serious or repeated misconduct by any University employee.

This winter, you also raised an issue regarding a [REDACTED] student-athlete that a third party shared with you. Athletic Director Josh Whitman asked you to encourage that third party to meet with him, yet no one has done so. The [REDACTED] student-athlete did not indicate any related concerns in [REDACTED] exit interview, so unless additional details are forthcoming from a legitimate source, we have no information to act upon. If you are so inclined, I suggest you reach out to the third party again to reiterate AD Whitman's willingness to learn firsthand of any concerns about any of our programs.

Finally, as you know, we have asked Legal Counsel to review the policies and practices of the Athletic Board, including the role of Faculty Representatives, and to benchmark those with other institutions. When that review is completed, we will share the findings with the Board and solicit input from the group as appropriate.

Please know that any time we learn of a potential issue involving the experience of our student-athletes, we address them swiftly and thoroughly using the appropriate processes. Not all of those processes do, or should, include involvement of the Athletic Board, which remains an advisory body to the AD and the Chancellor on various issues, with a longstanding focus on academics and educational objectives.

Professor LeRoy and Professor Raycraft
April 2, 2019
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I appreciate your leadership in these areas, and I ask that you allow the faculty and administrators responsible for other aspects of our athletics programs to lead in their areas as well.

Sincerely,



Robert J. Jones
Chancellor

c: M. DeLorenzo
S. Rice
C. Span
J. Whitman
T. White