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Sample Policy: Ethical and Professional Conduct of Athletic Department Employees

Note: The following sample policy is an excerpt from a prepublication manuscript: Lopiano, D.A. and Zotos, C. (Publication 2014) *The Athletics Director's Desk Reference.* Champaign, IL: Human Kinetics. Do not use this sample policy without customizing for your institution, and if necessary, having the document reviewed by institutional legal counsel or higher administration to ensure consistency with local, state, and federal laws and institutional policy.

1.0 General Institutional Rules and Regulations. Continued employment is conditioned on each athletics department employee conducting himself or herself in compliance with institutional and athletics department regulations related to ethical and professional conduct as explicitly defined in the University Handbook and Athletics Department Manual.

2.0 Confidentiality. The athletics department collects information on a variety of constituents as defined below and views this information to be confidential, whether pending, historical, or active. In addition, the department creates many proprietary documents. Discussing this information or copying, distributing, removing, or allowing access to this information by unauthorized persons inside or outside the department is strictly prohibited and may result in termination of employment. If unsure of whether or not information is considered confidential, the employee should ask his/her immediate supervisor. Information that must be protected is listed below.

- All employee personnel records.
- All academic, behavioral, financial, or medical records (both physical and mental) of prospective or current student-athletes, as well as issues that affect eligibility or personal issues revealed by student-athletes or others.
- All alumni, ticket purchaser and donor information including, but not limited to, data base contents (i.e., name, address, degrees conferred, credit card information, etc.), amount of money spent or donated, seat placement or awarding of benefits, history of purchases or giving, and the like.
- All vendor, corporate sponsorship, and media agreements.
- All internal budget and financial documents and decisions.

- Other information that would be deemed proprietary, such as grant applications, to the department or the institution.

There is information that is not deemed confidential and is categorized as public information under government statutes such as the annual Equity in Athletics Disclosure Act Report or the Open Records Act. However, distribution of that information is controlled through the Office of the Athletics Director. Therefore, requests for data or reports that are considered public information must be forwarded to that office and may not be distributed by any other staff member. Failure to comply with these confidentiality policies may result in immediate termination of employment.

3.0 Obligation to Comply With NCAA and Conference Rules. Continued employment is conditioned on each athletics department employee conducting himself or herself in compliance with NCAA and conference rules as defined in NCAA and conference rules manuals, the athletics department policy manual, educational materials and rules updates distributed during the course of the year. Employees in violation of such rules and policies may be subject to disciplinary or corrective actions as appropriate under the applicable rules, regulations bylaws, and policies, including termination of employment. In addition, any employee who becomes aware, or has reasonable cause to believe, that violation(s) of such rules may have taken place by any employee, student-athlete or representative of athletics interests, shall report the same promptly to the Associate Athletics Director for Compliance. Failure to report shall be considered a serious violation of athletics department policy. The refusal of any employee to respond fully and accurately or to appear upon request during investigations of rules violations by the institution or governance associations of which the institution is a member shall also be considered a serious violation of athletics department policy.

4.0 Sexual Harassment. Under Title VII of the Civil Rights Act and Title IX of the Education Amendments Acts of 1972, sexual harassment (including all forms of sexual violence) is an illegal form of sex discrimination. Therefore, all employees are protected from sexual harassment by federal law and all employees are strictly prohibited from engaging in any form of sexual harassment affecting student-athletes or other employees.

4.1 Cause for Termination. Employees engaging in sexual harassment shall be subject to immediate termination of employment. Examples of behaviors that would constitute sexual harassment include sexually abusive jokes, physical contact, sexually graphic literature, sexual advances, demands for sexual favors, and any other behavior with sexual overtones that creates a hostile work environment. Sexual harassment also includes all forms of sexual violence such as sexual assault, sexual battery, rape, and sexual coercion.

4.2 Zero Tolerance. Sexual harassment will not be tolerated by any employee, supervisor, student-athlete, or any third party individual who is on-site at the institution. If observed, employees shall immediately act to stop such behavior and report such behavior to their respective supervisors.

4.3 University Complaint Procedure. The University complaint procedure for reporting sexual harassment, which includes multiple avenues to report cases of sexual harassment to neutral persons outside their department (i.e. human resource director, sexual harassment counselor, school psychologist, etc.) shall be used. No separate or additional procedure is conducted by the athletics department. The University complaint procedures also include the provision of information to the victims regarding resources for personal counseling.

4.4 Confidentiality. All sexual harassment complaints remain confidential and no punitive action will be taken against anyone who files a sexual harassment complaint.

5.0 Professional Conduct and Inappropriate Relationships. Employees, volunteers, or others who have authority over subordinates or who provide professional services to student-athletes must exhibit the highest standard of impartiality and professional treatment. Having a sexual, intimate, romantic, or similar close personal relationship with individuals over which a person has an instructional or service responsibility creates the appearance or actuality of favoritism and special treatment which is professionally unethical and unacceptable and is expressly prohibited. Examples of other professionally inappropriate behaviors expressly prohibited include:

- Staff performing back rubs or massage on a student-athlete (must be performed by a licensed allied health professional approved by the institution) or employee
- Kissing
- Frequent touching that is non-instructional, non-celebratory
- Commenting on student-athletes' or employees' bodies or appearance in a sexual manner
- Exchanging romantic gifts or communications
- Showing obscene or suggestive photos
- Videotaping or photographing student-athletes or employees in revealing or suggestive poses
- Discussing/writing about sexual topics unrelated to curriculum of student-athletes or work responsibilities of employees
- Making sexual jokes, sexual gestures, and innuendos or engaging in inappropriate sexually oriented banter with student-athletes or employees (e.g. discussion of dating behavior).
- Sharing the staff member's own sexual exploits or marital difficulties
- Intentionally invading the student-athlete's or employee's privacy during non-working hours or outside of regularly scheduled practice and competition
- Using e-mail, text-messaging, or instant messaging to discuss sexual topics with students or employees

Such unprofessional behaviors or sexual or romantic personal relationships undermine the trust in the supervisor and belief that the student-athlete or employee will be treated impartially. Employees engaging in such unethical conduct shall be subject to immediate termination of employment.

5.1 Relationships With Subordinates. Employees who have supervisory responsibilities may not engage in such professionally inappropriate conduct or sexual or romantic (dating, amorous) relationships with subordinates (including student managers, student trainers, student tutors, graduate coaching assistants, etc.), regardless of the age of the subordinate or even if the relationship is consensual.

5.2 Relationships with Student-Athletes. Employees who have direct service relationships with student-athletes (coaches, athletics trainers, allied health professionals, academic and student life program support program staff, including tutors, etc.) may not engage in such professionally inappropriate conduct or sexual or romantic (dating, amorous) relationships with student-athletes regardless of the age of the student or whether such relationship is consensual.

5.3 Student-to-Student Relationships. In situations in which students have authority or service relationships over other students (student coaches, student managers, student tutors, student trainers,

etc.), such student workers may not engage in such professionally inappropriate conduct or sexual or romantic (dating, amorous) relationships with student-athletes regardless of the age of the student or whether such relationship is consensual. Student workers in these authority relationships should consult with their supervisor if such sexual or romantic relationships with other students exist to ensure that they are not assigned to have authority over or provide service to such student-athletes. This is an important lesson in removing conflict of interest and demonstrating professionalism that supervisors are required to discuss with students who may be in this situation.

6.0 Conflict of Interest. It is the policy of the University and the athletics department to conduct business in an ethical manner. All employees are obligated to avoid any actions that might result in or create the appearance of:

- using the association with the University for private gain;
- preferential treatment to any outside person or organization;
- impeding the efficiency or economy of the University;
- loss of independence or impartiality;
- affecting the public confidence in the integrity or the reputation of the University;
- endangering the life, health, or safety of anyone.

No person shall have direct or indirect interest in or relationship with any outside business, organization, or person that might affect (or that might reasonably be understood or misunderstood by others as affecting) the objectivity or independence of his or her judgment or conduct in carrying out the duties and responsibilities he or she has in connection with University activities.

6.1 Third Party Agent. Anything which could constitute a conflict of interest or unethical conduct on the part of any Person is also a conflict of interest if knowingly engaged in through a third party such as a spouse, a family member or other persons or organizations.

6.2 Circumstances. Circumstances in which a conflict of interest would arise include:

- material and direct personal involvement with vendors, suppliers, contractors, with whom the University does business;
- ownership of a material interest in such an entity;
- acceptance of material payments, services or loans from such an entity;
- ownership of property affected by University action or acquired as a result of confidential information;
- outside employment which might materially impact job performance or efficiency;
- outside activities in civic, professional or political organizations which might involve improper and unauthorized divulging of University or athletics department data.

6.3 No Knowledge. Nothing in this policy statement is intended to characterize a relationship or involvement as a conflict of interest or as unethical conduct on the part of any individual if the individual has no actual knowledge of such a relationship or involvement. Also, any individual whose sole relationship with the University or athletics department is membership on any advisory committee and

who is not directly involved in negotiations with third parties on behalf of the University or the athletics department shall not be subject to the provisions of this policy.

6.4 Prohibited Use of Information. No employee should use for his or her personal gain information obtained through his or her association with the Institution, the athletics department, or other associated groups such as boosters, corporate sponsors, etc.

6.5 Disclosure. It is the responsibility of each employee, upon knowledge of any violation of the guidelines stated above or situation which could potentially be in violation of these guidelines, to report such situations to the Athletics Director.

6.6 Improper Use of Assets and Record Keeping. All employees are responsible for preventing the loss, damage, misuse or theft of property, records, funds or other assets belonging to the University. All assets of the University, including its facilities, are to be used exclusively for conducting University activities and are not otherwise to be sold, given away, used personally or disposed of.

6.7 Proper Use of Funds. Proper use of funds of the University is a fiduciary responsibility. No employee shall make any illegal or unethical payments (including bribes, kickbacks, graft, unauthorized commissions or finder's fee) from the assets or resources of the University, or otherwise.

6.8 Gifts and Gratuities. No employee shall encourage or accept gifts or gratuities for themselves, their families or friends from any outside person or organization having, or seeking to have, a relationship with the University. Notwithstanding such a basic policy, if any person should receive any unsolicited gifts or gratuities with the value in excess of $100, such gifts shall be construed to be a contribution to the University and shall be immediately turned over to the University through the Associate Athletics Director for Development as a contribution from the original source. Unsolicited gifts or gratuities of less than $100 may be retained but shall be fully disclosed to the Athletics Director.

6.9 Entertainment and Favors. No employee shall encourage or accept entertainment or other unusual favors (loans, services, compensation, etc.) in excess of $100 in any form for themselves, their families or friends, from any person or organization having, or seeking to have, a relationship with the University. However, minor business courtesies such as payment for normal meal costs are permitted when arising from business connected with the activities of the University. Entertainment with an individual valued in excess of $100 shall be fully disclosed to the Athletics Director. No employee should give from the assets belonging to the University any gifts, gratuities or entertainment in excess of $100 to outside persons or organizations unless approved by the Athletics Director according to University policies, procedures and disclosure requirements. However, minor business courtesies such as payment of normal meal costs are permitted when arising from business connected with the activities of the University. Entertainment with an individual value in excess of $100 shall be fully disclosed to the Athletics Director. Accurate and complete records shall be maintained with respect to any gift, gratuity, or entertainment described above.

6.10 Political Contributions. Neither the University nor any employee shall allow its assets to be used or shall make any direct or indirect payments on behalf of the University or the employee to any federal, state or local political entities or individuals for the purpose of influencing or appearing to influence legislation, benefitting or appearing to benefit elected or appointed government officials, or governmental decisions or for the purpose of:

- aiding in the election or defeat of candidates for office;
- influencing any act or decision of an official in his or her official capacity, including failure to perform his or her official function;
- inducing an official to use his or her influence to affect or influence any act or decision of another official;
- any other illegal or improper political purpose.

6.11 Influencing University Decisions. No employee shall succumb to domestic and foreign political pressures or other forces, such as direct or indirect payments, from outside the University which are received with the purpose of influencing University decisions, actions or inactions in a manner other than in accordance with University authorization.

6.12 Acceptance of Honoraria and Other Forms of Outside Employment. Receipt of honoraria by any employee speaking on behalf of or representing the University or the athletics department shall be prohibited based on the belief that employees should not utilize the organization for private gain. Any honoraria received in the performance of such duties should be signed over to the University. However, if a University employee or other person is asked to give a presentation or perform consultant services based on the professional expertise of the individual as opposed to their position as a representative of the University, they may participate in such activities and receive expenses and/or honorarium or fee for such services from the sponsoring agency as long as the University employee: (1) utilizes a vacation day if such outside employment or activity occurs on a regular working day, and (2) receives prior approval from the University in order to establish that participation in such outside employment or activities is not related to his or her duties as a representative of the University.

7.0 Personal Conduct and Responsibility. Employees are to conduct their personal business so as not to bring discredit to themselves or to the University. The athletics department shall not act as a collection agency or be involved in determining the validity of contested debts on behalf of its staff members. Members of the staff are expected to establish and maintain a standard of behavior which brings credit to themselves and to the athletics department. The following guidelines for personal conduct, while not all inclusive, have been established for staff members:

- Act with good judgment, discretion and integrity both on and off the job;
- Represent the University and the athletics program with dedication, enthusiasm and loyalty;
- Treat all persons with courtesy, friendliness and respect for their personal dignity;
- Do not discriminate against any individual by reason of race, gender, creed, color, national origin, age, handicap or sexual orientation;
- Dress appropriately in the office and on the field as specified by the athletics department Appearance Code; and
- Maintain scheduled office hours throughout the year, including off-season periods and student vacation breaks.

In the event of a conflict or disagreement with another department employee, the involved employees shall follow the department’s conflict resolution policy and procedures

8.0 Well-Being of Student-Athlete. Coaches and other athletics department employees may have a direct impact on the behavior, personal development and quality of life of University students and student-athletes. Accordingly, coaches and staff should conduct themselves in a manner consistent with the University's philosophy to advance the education, interests, and well being of students and student-athletes. Although specific responsibilities are described in individual job descriptions, general responsibilities are as follows:

8.1 Recruiting. All coaches and other employees must adhere to NCAA and conference recruiting guidelines and are not permitted to recruit student-athletes under false or misleading pretenses, or by offering inducements that are violations of any governing authority's regulations.

8.2 Academic Affairs. The primary objective of the athletics program is to help each student-athlete complete a degree. Employees involved in the area of academic support must conform to guidelines that limit permissible forms of assistance to student-athletes in fulfilling their academic requirements.

8.3 Physical and Psychological Well-Being. Employees shall act in ways that support the physical and psychological well being of the student-athlete with regard to instructional methodology, the design of training and conditioning programs, and adherence to department policy regarding medical treatment, rehabilitation and decisions related to return to competition.

9.0 Supportive Staff/Coach Relationships. Coaches are not permitted to put pressure on support staff to behave in certain ways or to change a decision that creates ethical conflict, especially in the areas of rules compliance, academic support services, and sports medicine. These are areas where pressure and unethical decisions can bring about the greatest amount of risk to student-athletes, to the department, and to the institution. The athletics department will not tolerate any behavior that creates pressure on support staff or undermines their authority, their expertise, or their right to execute their responsibilities. More specifically, coaches are expected to:

- Demonstrate full support of decisions related to an athlete’s eligibility to participate in practice or contests that are made by the sports medicine staff, the compliance staff, the academic support staff, or any other staff member who has the right and responsibility to execute such a decision.
- Report athletes injuries, physical or emotional illnesses, academic issues, possible rules violations, behavioral transgressions, and the like to the appropriate support staff or administrator even if the result makes the athlete ineligible to participate.
- Encourage rather than discourage athletes to work with support staff regarding injuries, illnesses, academic issues, possible rules violations and the like even if the result would make the athlete ineligible to participate.
- Refrain from criticizing support staff or administrators to athletes, parents, media, alumni and any other constituents when you disagree with a decision.

Failure to adhere to these policies may result in immediate termination.

10.0 Sportsmanlike Conduct. Coaches and all athletics department employees are expected to act as positive role models in demonstrating sportsmanlike conduct. The criticism of sports officials is considered unacceptable, before, during or after a contest. Established channels of communication and procedures for protesting an official's ruling are to be followed by all staff members. In addition, coaches and staff members are expected to formally instruct student-athletes on positive approaches to

sportsmanlike conduct.

11.0 Gambling and Bribery. Employee involvement in illegal gambling and bribery, in accordance with NCAA guidelines, is strictly prohibited. The athletics department is committed to educating student-athletes, and all employees are expected to reinforce the following gambling and bribery education program elements:

- Counseling the student body and particularly student-athletes as to the seriousness of the gambling problem, including a review of applicable federal, state and local laws, as well as the posting of informational literature in residence halls and locker rooms;
- Informing students that they are required to report any solicitation to become a party to sports bribery or gambling activities, and that failure to do so, if determined after due process, may result in suspension or expulsion from the University; and
- Educating squad members as to the nature and prevalence of gambling and bribery in intercollegiate sports.

The athletics department shall implement security measures to prevent potential bribers or gamblers from contacting student-athletes on campus, especially before major competition and shall deny press credentials to representatives of any organization which regularly publishes or promotes the advertising of "tip sheets" or other materials used to encourage gambling on college athletic events;

Furthermore, staff members should not knowingly:

- Provide information to individuals involved in organized gambling activities concerning intercollegiate athletics competitions;
- Solicit a wager on any intercollegiate team (including participating in an office pool);
- Accept a bet on any team representing the University; or
- Participate in any gambling activity that involves intercollegiate athletics or professional athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.

12.0 Tobacco and Other Forms of Substance Abuse. The athletics department enforces NCAA penalties in all sports applicable to game personnel (coaches, trainers, managers, game officials, etc.) who use tobacco products during practice or competition. The athletics department prohibits the use of tobacco products at any time while representing the university off campus at any event. The athletics department is a substance free and smoke free work place. Violations pertaining to alcohol distribution or consumption in the workplace or at athletics department functions may result in immediate termination. Illegal drug use or distribution is considered a felony and will result in immediate termination. More specifically, the following policies also apply to athletics department staff:

- Staff may not drink alcohol at any event that includes current or prospective student-athletes including, but not limited to, team trips, the athletics banquet, team fund raisers, department fund raisers, admissions events, and the like. This policy includes events, on or off campus, where alcohol is being served and consumed by other constituents.
- Staff may not drink alcohol at any time on team trips, even when they are not in the company of student-athletes. It is essential that all staff be non-impaired in the event of any student-athlete emergency.
- Student-athletes often carry prescription drugs for pain from injuries or other conditions. Staff

may not take prescription drugs that they acquire from a student-athlete.

- With the exception of qualified medical personnel, staff may not encourage the use of or provide any over-the-counter or prescription drugs or supplements to student-athletes, including aspirin, vitamins, energy drinks or supplements of any kind. In general, staff should not give anything to student-athletes to ingest except water or electrolyte replenishment drinks provided by athletic trainers.
- The athletics department holds a visible and recognizable position in the University and surrounding community. Therefore, staff members' behavior may be scrutinized by others even during their own personal time. It is important that staff members demonstrate responsible social behavior as it relates to alcohol consumption.
- Smoking is strictly prohibited at all department related activities and during team trips.

13.0 Nepotism. It is the policy of the University not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, the athletics department retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest such as bias or favoritism towards relatives and friends in the form of hiring preference, promotion, or compensation. In general, the Athletics Director shall not permit a supervisor-subordinate reporting structure involving family members. The Athletics Director has the authority and responsibility for determining if such a potential for adverse impact exists or does not exist and all such decisions are subject to the review of the University Office of Human Resources.

14.0 Background Checks. Given our responsibility to ensure a safe environment for our student-athletes and the conduct of camp, clinic and other activities for children, background checks are required of all athletic department employees as a condition of employment.

15.0 Reckless, Dangerous or Felonious Conduct. Employees engaging in any of the following activities are subject to immediate termination of employment:

- Arrests for or convictions of crimes committed at work or outside of work which reflect unfavorably upon a staff member's suitability for continued employment
- Violation of the civil or criminal laws on Institutional property or while on Institutional business
- The manufacture, possession, use, distribution, dispensation or sale of illegal drugs or alcohol on university time or premises
- Violation of safety rules or procedures
- Engaging in or threatening physical violence
- Possession of firearms, explosives, flammables or other weapons of any kind on university time or on university premises
- Carrying unauthorized persons in vehicles owned, leased or rented by the Institution

16.0 Prohibited Activities. An employee may not:

- Provide, or collaborate with a representative of athletics interest to provide, impermissible benefits to student-athletes or prospective student-athletes (cause for immediate termination of employment. Note: If an employee is not involved but has knowledge that such activity is taking place and does not report it to the Director of Athletics, such failure to report is similarly

cause for immediate termination.

- Use institutional funds (including telephone, postage, stationary, etc) for personal use, to influence the outcome of any election, or to support any cause.
- Use department vehicles for personal recreation or for any non-work related activity.
- Accept other employment that would impair or interfere with the employee's duties
- Remove institutional property from campus without completing the appropriate request.
- Keep confidential information in any unlocked areas.
- Keep institutional cash, checks, or credit card receipts in any unlocked areas.
- Lend, loan or sell any institutional property or information to any outside individual or agency.
- Purchase tickets to athletics events and sell those tickets at an increased price (scalping).
- Use athletics facilities for use by an outside group without completing the facility use form, obtaining the required approvals, and submitting the standard fee.
- Accrue any vacation time unless they post their time reporting sheet at the end of each month.

17.0 Negligent Work Practices. Following is a non-inclusive compilation of behaviors considered negligent work practices that will subject the employee to immediate corrective action including termination of employment

- Falsification of or omissions from work, personnel or other university records.
- Failure to call in each day according to university and departmental policies when unable to report to work.
- Working under the influence of illegal drugs or alcohol.
- Incompetence.
- Inefficient or unproductive use of work time (including personal use of university communication, computing, or network resources, sleeping while on duty, unauthorized absence from assigned work areas, and the like).
- Working unauthorized overtime.
- Negligent, below standard or unsatisfactory job performance.
- Neglect of duty.
- Insubordination.
- Failure or refusal to perform assigned work or carry out management requests
- Dishonesty, including but not limited to plagiarism, falsification of academic credentials, gaining unauthorized access to or falsification of university reports or records, misappropriation or misapplication of university funds.
- Patterns of absenteeism, tardiness in reporting to work, and/or in returning from break and/or luncheon periods or leaving early.
- Rude or unprofessional conduct with students, faculty, staff, or the general public
- Any negligent act which might endanger one's own safety or life, the safety or lives of others, or which might result in damage to or destruction of university property (including driving university vehicles negligently, losing university property through negligence, etc.).
- Having unauthorized family members, friends or animals in the workplace.
- Misuse, abuse, unauthorized possession, removal or use of university property or unauthorized charges to university accounts.
- Discrimination against or harassment of staff members, faculty members, students, or other constituents.
- Conflicts of interest or the failure to resolve a conflict of interest.
- Disclosure of confidential institutional or departmental information to unauthorized persons.

18.0 Prohibition of Retaliation. Creating a culture of personal responsibility requires an assurance to employees and student-athletes that no retaliation will occur against those who report governance association rules violations or misconduct policy violations. Staff and student-athletes shall be annually informed of this policy by the Director of Athletics via staff and student-athlete meetings. Any individual is invited to utilize the institutional ombudsman to express any concern.

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