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### [Q: Is it possible to legislate ethical staff conduct?](#)

ANSWER: "You can't legislate ethics" is a common phrase used by supervisors when an employee is behaving in a way that a manager deems unethical, inappropriate or unprofessional. To some extent, this posit is true but it does not remove the responsibility for managers to create an environment where ethical constructs are conveyed and monitored and acts of unethical or unprofessional behavior are quickly addressed. Think of ethical conduct rules as educating employees about the meaning of integrity. Undesirable behaviors can range from illegal (e.g., sexual harassment, misuse of institutional funds, etc.) to embarrassing (e.g., a coach throwing a chair onto the basketball floor or swearing at fans). Illegal or not, the institution has a right to protect its good name and reputation by not employing people who engage in behavior unbecoming to educators or educational institutions.

Sanctions are effective deterrents for most staff members. Athletics is the most publicly visible and media examined program of the educational institution. If unacceptable behavior occurs, chances are good that many people will hear about it. If the manager believes that the prospect of a negative consequence is an effective deterrent, clear communication of specific behaviors that will result in sanctions ranging from a formal warning to termination of employment is essential to elevate employee awareness of unacceptable conduct. At worst, when clear policies and sanctioning procedures do not deter such behavior, the institution has a mechanism to remove employees whose actions taint the reputation and integrity of the institution. Indeed, institutional enforcement of these policies restores confidence in the institution by showing that the institution will not tolerate the unacceptable behavior.

Issues of professional conduct in athletics departments are more complicated than typical classroom teacher/student and other education-based environments. Not only are there standard expectations related to employee behavior and supervisor-subordinate relationships but there are also issues maintaining appropriate relationships between staff and student-athletes who spend an incredible number of hours together in practice, competition, and travel. There are numerous external stakeholders - sports officials, donors, vendors, alumni, governing body leaders – who require maintenance of optimum respectful relationships. Professional misconduct in athletics involves adherence to numerous layers of laws, rules and expectations: state and federal laws, institutional policy, sports governing association rules, concepts of sportsmanship and honoring the rules of the game, behavior appropriate to institutional leaders and spokespersons, behavior of public figures, and public role model expectations. These expectations and their complexity make it essential that athletics

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managers build in as many mechanisms as possible to education, define and assess ethical behavior and professional conduct in the athletics setting consistent with but in addition to general institution expectations for employees. Part of this process must also be informing the employee about the potential sanctions that could result if policies or expectations are violated.

Creating strong policies and expectations regarding ethical and professional behavior serves many positive purposes:

1. Educates the staff on how the administration, both at the institutional level and the department level, defines ethical and professional behavior resulting in less “personal judgment errors” and a system that actually helps protect staff from violations.
2. Establishes a template for how employees should treat others and expect to be treated, regardless of position held in the administrative hierarchy or within the tiered funding hierarchy, which, in turn, creates a positive overall working environment.
3. Reinforces how the department wants to be viewed in a manner similar to how the clear articulation of values, goals, and objectives creates departmental ethos and identity.
4. Creates a set of common expectations for intra-office and inter-office relationships with diverse constituent groups that help staff navigate complexity.

In order for athletics administrators to be great personnel directors, whenever possible they must approach policy making and defining expectations from a positive perspective that helps employees grow, feel empowered by understanding what is expected, and be less vulnerable to an environment filled with uncertainty. That being said, there is a management obligation to be clear about the types of behavior that will result in immediate termination or significant sanctions.

The athletics department policy manual should include institutional ethics and conduct policies as well as those specific to the athletics department. The reality is that employees seldom read institutional policy manuals while the athletics department policy manual is the handbook commonly and frequently referred to for daily operations. Also, unfortunately, a significant number of athletics departments have been allowed to work in a vacuum for many years and have been negligent in following the same expectations or policies that other departments are bound by. It has clearly affected the reputation of athletics on some campuses as faculty and administrators complain that athletics departments have their own set of rules. This practice has also left many athletics administrators and their supervisors vulnerable to employee lodged complaints and lawsuits. In addition, institutional policies may not address many of the issues that are relevant to the athletics department. Therefore, athletics administrators must be vigilant about creating additional policies and expectations to reinforce required and desirable practices and behaviors. The strategy for creating these additional policies and expectations could be approached in two ways:

1. Review common institutional policies to determine if they are rich enough in content to address the needs of the athletics department. If some existing policies exist fall short of addressing athletics department needs, ask the appropriate institutional administrator as well as the Human Resources Director, if the policy can be reworded for athletics department staff. Legal counsel may not allow this but it is worth investigating. Our experience as athletics directors and consultants has reinforced that athletics departments often have been allowed to strengthen institutional policies or, at the very least, create additional expectations of current policies given the unique nature of the business.

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2. Identify areas that are not covered by institutional policies but are necessary given the unique nature of athletics, and create detailed, specific policies and expectations for the athletics department as a whole, as well as those for specific sub-units (i.e. coaches, sports medicine personnel, academic support programs, etc.) and be sure they are approved by institutional legal counsel.

Thus, athletics departments should consider adopting the following policies:

- Ethical and Professional Conduct of Athletics Department Employees (general rules of conduct applicable to all employees)
- Standards of Professional Coaching Conduct or a Coaches Code of Conduct (rules specific to coaches such as sportsmanlike conduct, negative recruiting, respect for game officials, etc.)
- Appearance Code
- Prohibitions related to academic fraud (such as doing assignments for athletes) for coaches, academic support staff, and others
- Prohibitions related to provision of vitamin or nutritional supplements under policies governing the conduct of athletics trainers or strength and conditioning coaches
- Obligation to maintain accounting and financial records according to commonly accepted accounting principles
- Compliance with NCAA and conference rules and regulations

-- Connee Zotos, Ph.D., SMR Senior Associate

Topics

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