3.2.11 Control of intercollegiate athletics

3.2.11 The institution's chief executive officer has ultimate responsibility for, and exercises appropriate administrative and fiscal control over, the institution's intercollegiate athletics program.

Judgment of Compliance

In Compliance

Narrative

Overview

As The University of Alabama's chief executive officer, the President has ultimate responsibility for, and exercises appropriate administrative and fiscal control over the intercollegiate athletics program. This responsibility is specifically stipulated in the Bylaws of The Board of Trustees’ Manual (Board Manual), Article V, Section 3, which stipulates that the President has full authority to administer campus affairs including, but not limited to, the intercollegiate athletics program [1]. The job description, as prepared by the University of Alabama System Office, similarly outlines the President's duties, concerning control of intercollegiate athletics [2]. Furthermore, under the guidelines of Articles 2.1.1 and 6.1.1 of the National College Athletic Association (NCAA) Manual, a member institution’s President or Chancellor has ultimate authority for the conduct of the intercollegiate athletics programs [3]. Article 6.1 of the Southeastern Conference Constitution (SEC) also states that the President has the full authority to enforce the Constitution, Bylaws, and other rules and legislation of the Conference and the NCAA at his or her institution [4].

Additional oversight and accountability related to intercollegiate athletics is in place at the Board of Trustees’ level. As part of its governing, The Board of Trustees’ of The University of Alabama (Board) may create committees it deems fit and proper and may assign to such committees any authority, duty or responsibility desired by the Board. As such, the Board established an Athletics Committee. In accordance with Article IV, Section 10 of the Board Manual, the Athletics Committee exists to assist the Board in its oversight of the intercollegiate athletics programs of each campus [5]. The Athletics Committee is the liaison between the Board and the respective campuses and their athletics departments. As noted in the University of Alabama’s Intercollegiate Athletics’ Manual, the Athletics Committee’s responsibilities include monitoring and reviewing institutional compliance with bylaws, rules, regulations, and policies of the Board, the NCAA, and the SEC; reviewing athletics budget, facilities plans, student athletic fees; overseeing academic and other support services provided to student-athletes; monitoring student-athletes' retention and graduation rates; and requesting and reviewing reports on major legal, political and public matters affecting the athletics department and its personnel [6][7][8][9][10]. In conjunction with the Athletics Committee oversight, the President also reports to the Board of Trustees on all significant policy matters concerning intercollegiate athletics [6].

The President fulfills his/her responsibilities related to administrative and fiscal control through the use of an established University framework comprised of the following:

- professional input from executive level leadership;
- explicit accountability assigned to key positions and committees;
- effective University policies, procedures, and processes; and
- routine reporting.

**Fiscal Control**

As evidenced by the University’s Guidelines for the Annual Budget Process [11], the budget development process is a well-established progressive exercise that entails analysis and communication. The Athletic budget is a component of the University’s overall budget. As such, its development and approval is integrated within the framework for the University’s overall budget development process. As described within the attached narrative, the process incorporates scheduled meetings whereby internal leadership consisting of the President, Provost and Vice President for Financial Affairs meet with University constituencies (department heads, deans, athletic director, etc.) to discuss budgetary needs and allocations. Internal leadership evaluates these needs and resources and reaches agreement as to allocations. The process culminates with the presentation of the University’s operating budget for the entire university, including the athletics operating budget, to the Board of Trustees by UA System Executive Vice Chancellor for Finance and Operations and the University’s Vice President for Financial Affairs. Thereby, the President’s fiscal control and approval of Intercollegiate Athletics’ operating budget is implicit as the overall university budget progresses through established university channels and is submitted to the Board of Trustees for consideration and approval. Attached is the detailed Athletics budget provided to the University of Alabama System Office for review [12].

The President also receives monthly financial reports related to intercollegiate athletics. The Vice President for Financial Affairs and Treasurer submits a monthly Athletics Schedule of Operations-Summary to the President. This report provides the President with a summary of revenue versus expenditure data via a comparison of budget to current and year-to-date fiscal activity for all budgets administered within Intercollegiate Athletics. Examples of the monthly Athletics Schedule of Operations Summary Reports are provided [13], [14].

As the University’s Chief Executive Officer, the President is the conduit regarding any transmissions or submissions to the Board of Trustees. As such, and in conjunction with any items being prepared for submission to a Board of Trustees’ committee, including Athletics, the President schedules standing meetings with University administrators to discuss such items. The sole purpose of the President scheduling these meetings is to be fully updated regarding matters that will be placed on the Board’s agenda for consideration. In the case of Athletics, this includes an annual update of the previous year’s related activities as well the proposed budget for the upcoming fiscal year. The objective of these meetings is for the President to have open dialogue with his/her administrative staff regarding any matter placed on the agenda; as such, there are no formal minutes of these meetings. However, evidence to support the occurrence of the meetings is provided [15].

The NCAA Agreed-Upon Procedures prescribed by the NCAA are performed by PricewaterhouseCoopers LLP (PwC), and the report is issued by an independent auditor. The NCAA requires that this report be issued to the President for the primary purpose of informing the President of all financial activity (both internal and external) for athletic purposes and to assist the University in exercising control over financial activity made by or on behalf of the Athletics Department. These procedures test every line of information contained in the NCAA Revenues and Expenses Report. In addition, the testing compares the Athletics Department’s Travel and Recruiting policies to the NCAA’s Travel and Recruiting policies; monitors financial activity of outside booster organizations; analyzes prior year variances and budget variances; and reviews Athletics debt schedules and calculations of interest and principal. This report serves as evidence of a monitoring tool used by the President to ensure fiscal oversight and control [16] [17].
Administrative Control

As outlined in the University’s Organizational Chart [18] and the Intercollegiate Athletics Organizational Chart [19], the Director of Athletics reports directly to the President. The Director of Athletics, as a member of the President’s executive staff, meets every two weeks on Wednesday with the President and other Executive Staff members [20]. Provided also are previous meetings with the President and Director of Athletics [21]. Furthermore, as stated in the University’s Intercollegiate Athletics Manual, the policies affecting the operation and administration of the Department of Intercollegiate Athletics are created through a joint effort of the President, the Director of Athletics, and the University’s Intercollegiate Athletics Committee (IAC) [22]. The President appoints the IAC for general oversight of intercollegiate athletics [23]. In carrying out its duties, the IAC committee provides oversight for all aspects of the intercollegiate athletics program. Oversight includes, but is not limited to:

- the athletics’ department mission statement;
- periodic review of student-athlete handbook and compliance manual(s);
- compliance with NCAA and SEC rules and regulations;
- academic services, admissions profiles and graduation rates;
- financial affairs;
- gender equity and equal opportunity policies and practices;
- coach/student-athlete relationships and discipline;
- competitive event scheduling; and
- student-athlete exit interviews and general reputation of the athletics program [24].

Provided are examples of action items from the IAC [25][26].

In addition, the Faculty Athletics Representative (FAR), who is named by the President in consultation with the Faculty Senate, serves an integral role related to Intercollegiate Athletics compliance and policy issues [27][28].

The FAR’s responsibilities include but are not limited to

- reviewing proposed competition schedules in order to monitor student-athlete time demands;
- working closely with the Director of Athletics, the Associate Athletic Director for Student Services, and the Center for Athletic Student Services to review and evaluate academic and general support services for student-athletes;
- receiving regular reports and monitoring the academic performance of individual student-athletes and teams to report these results to the President;
- working constructively and cooperatively with coaches and students in order to assist student-athletes in their academic pursuits;
- keeping the President informed of all matters and incidents involving compliance [29];
- serving on the University Athletic Compliance Committee and fulfilling the responsibilities as outlined by the President in the charge of the Committee;
- participating in the investigation and reporting of possible violation of NCAA, SEC and institutional policies and procedures; and
- attending all compliance education meetings conducted by the Associate Athletic Director of Compliance [30].
Compliance

The President has designated the Director of Athletics to initiate policy, provide supervision and guidance in all areas related to the intercollegiate athletics program and as the individual responsible for the University’s NCAA and SEC rules compliance [31]. The Director of Athletics has further delegated the oversight of compliance to the Associate Athletic Director for Compliance (AADC), who oversees The University of Alabama Athletic Department Compliance [32]. The AADC reports to the Director of Athletics. The AADC can interact and communicate with the President directly if necessary on issues of compliance. This reporting relationship also denotes the AADC’s accountability to the President for compliance issues within Intercollegiate Athletics. Provided is documentation to support such a meeting between the President and the University’s AADC, Jonathan Bowling, and other parties regarding Intercollegiate Athletics compliance issues [33].

Furthermore, the mission of The University of Alabama Athletics Compliance Department is to function within the realm of the University’s compliance structure, coordinating, monitoring, and verifying compliance with all NCAA and SEC requirements and to educate athletics department staff members, student-athletes, the various constituencies of the University and the community regarding NCAA regulations [34]. The University of Alabama Intercollegiate Athletics Compliance Department staff monitors the recruitment, admission, eligibility, and financial aid for all student athletics. The University’s NCAA Division I Athletics Final Certification Self-Study Report details some of the educational sessions performed by the Intercollegiate Athletics Compliance Department to ensure the University’s compliance with NCAA requirements [35].

In addition, the University’s Athletics Compliance Committee meets monthly and consists of the following key individuals involved in the responsibility of compliance and student-athlete eligibility certification: University Registrar (chair), Associate Provost for Academic Affairs, Executive Director of Undergraduate Admissions, Director of Student Financial Aid, Faculty Athletics Representative, Director of Athletics, Associate Athletics Director for Compliance, and the Associate Athletics Director for Student Services [36]. According to the recently approved charter for the University’s Athletics Compliance Committee (UACC), the UACC responsibilities include the following:

- Provide leadership for the UA athletics compliance oversight program by promoting and supporting a risk-free culture that builds compliance consciousness into the daily activities of the University community;
- Review and evaluate the compliance/student-athlete eligibility certification programs and ensure their effectiveness as it relates to: admissions, academic records/registration, financial aid, and student/academic service programs;
- Review and recommend changes as needed in the role, responsibilities, and structure of UA offices with employees having direct responsibility for athletics compliance and the student-athlete eligibility certification programs;
- Determines the athletics compliance risks at UA that require executive oversight.
- Recommend the allocation of resources; when necessary, to mitigate risks in athletics compliance as it relates to: admissions, academic records/registration, financial aid, and student/academic service programs.
- In collaboration with the Office of Intercollegiate Athletics and the key institutional players previously mentioned educate, promote individual learning and understanding as it relates to relevant intercollegiate athletic compliance issues.
- Monitors the Office of Intercollegiate Athletics five-year audit schedule;
- Receive and act on any relevant athletics compliance issues brought to the attention of the committee;

Provided is the revised charter for the Athletics Compliance Committee signed by the President, meeting minutes, and examples of correspondence between the committee chair and President [37][38][39][40][41][42][43] [44][45][46][47][48][49].
Academic Standards for Student Athletes

The University’s NCAA Final Certification Self-Study Report highlights the admissions standards of student-athletes. Admissions for all undergraduate students including student-athletes are handled by the Executive Director of Undergraduate Admissions and staff in the Office for Undergraduate Admissions. Admissions criteria are the same for all incoming freshman. All academic standards and policies for students are contained in the University’s Undergraduate Catalog [50]. The President has final approval of student-athletes admissions that are not approved through the standard admission process [51].

Crimson Tide Foundation

Established in 2005, the Crimson Tide Foundation’s purpose is to promote and encourage support of the institution’s athletics programs within the University. The University and the Crimson Tide Foundation have a formal relationship established through the detailed affiliated agreement. As noted in the affiliation agreement, the President provides general direction and supervision of the personnel and facilities necessary to assist the Crimson Tide Foundation with respect to certain development functions such as:

- Assist with private fundraising effort, including but not limited to annual giving programs, capital projects, and comprehensive campaigns;
- Receive, acknowledge, and report gifts, pledges, and bequests in accordance with nationally accepted practices; establish and administer scholarship and endowment programs; and recognize donors, as appropriate;
- Provide administrative support to the Foundation. This support shall include planning and organizing meetings of the Foundation Board of Directors and its standing committees; preparing, reviewing, and disseminating minutes of meetings of the Board and its standing committees; preparing the annual budget for consideration by the Board and maintaining administrative, financial, and property files of the Foundation [52].

In addition, the agreement states that nothing in the guidelines of the agreement shall be deemed or construed to diminish the authority of the President of the University to control fund-raising activities of the Foundation.

Closing

The University of Alabama’s chief executive officer has ultimate responsibility for, and exercises appropriate administrative and fiscal control over the intercollegiate athletics program. This control is illustrated through the President’s use of an established University framework consisting of professional input from executive level leadership, explicit accountability assigned to key positions and committees, effective University policies, procedures and processes; and routine reporting.

Supporting Documents

1. Board of Trustees’ Manual, Article V, Section 3 (PDF)
   Full Document (PDF)
2. President Job Description (PDF)
3. NCAA Manual (PDF)
4. SEC Constitution (PDF)
5. BOT Manual, Article IV, Section 10 (PDF)
   Full Document (PDF)
6. UA Athletics Manual Excerpt BOT Athletics Committee (PDF)
7. 07 BOT Athletics Committee Minutes, 9, 2013 (PDF)
8. 08 Board of Trustees Athletics Committee Minutes, 9, 2012 (PDF)
9. 09 Board of Trustees Athletics Committee, 9, 2011 (PDF)
10. 10 Board of Trustees Athletics Committee Meeting 9, 2010 (PDF)
11. 11 Annual Budget Process Guidelines (PDF)
12. 12 Detailed Athletic Budget (PDF)
13. 13 Monthly Summary, Athletic Operations, 1/31/2014 (PDF)
15. 15 President’s appointment regarding IA Budget (PDF)
16. 16 Email verification for NCAA Procedures, 2012 (PDF)
17. 17 Memo to President regarding Statement of Revenues and Expenses and NCAA Agreed Upon Procedure (PDF)
18. 18 UA Organizational Chart (PDF)
19. 19 Athletics Organizational Chart (PDF)
20. 20 Email notifying Executive Staff of regular meetings with the President (PDF)
21. 21 Scheduled Meetings with the President and Athletics Director (PDF)
22. 22 Excerpt from Intercollegiate Athletics Manual, Governing policies (PDF)
23. 23 Excerpt from Intercollegiate Athletics Compliance Manual, Authority and Responsibility (PDF)
24. 24 Excerpt from Intercollegiate Athletics Manual, IAC Committee (PDF)
25. 25 Action Item from IAC (PDF)
26. 26 Action Item from IAC (PDF)
27. 23 Excerpt from Intercollegiate Athletics Compliance Manual, IAC Committee (PDF)
28. 27 Excerpt from Intercollegiate Athletics Manual, FAR (PDF)
29. 28 Example of Faculty Athletics Representative (PDF)
30. 29 Excerpt from Intercollegiate Athletics Compliance Manual, Institutional Control (PDF)
31. 30 Excerpt from Intercollegiate Athletics Compliance Manual, Director of Athletics (PDF)
32. 29 Excerpt from Intercollegiate Athletics Compliance Manual, Academic Support (PDF)
33. 31 Meeting with Jonathan Bowling and the President regarding Athletics compliance (PDF)
34. 32 Excerpt from Intercollegiate Athletics Compliance Manual, Compliance Mission Statement (PDF)
35. 33 Excerpt from UA’s NCAA Division 1 Athletics Final Certification Self-Study (PDF)
36. 34 Excerpt from Intercollegiate Athletics Compliance Manual, Athletics Compliance Committee (PDF)
37. Correspondence from UACC & President (PDF)
38. UACC Meeting Minutes, 2, 2014 (PDF)
39. Correspondence from UACC and President (PDF)
40. UACC Meeting Minutes, 3/2014 (PDF)
41. UACC March 2014 Meeting, attachment (PDF)
42. UACC March 2014 Meeting, attachment (PDF)
43. UACC March 2014 Meeting, attachment (PDF)
44. UACC March 2014 Meeting, attachment (PDF)
45. UACC March 2014 Meeting, attachment (PDF)
46. UACC March 2014 Meeting, attachment (PDF)
47. UACC March 2014 Meeting, attachment (PDF)
48. UACC Meeting Minutes, April 2014 (PDF)
49. UACC Meeting Minutes, May 2014 (PDF)
50. Excerpt from University’s NCAA Division 1 Athletics Final Self-Study (PDF)
51. Memo of President’s approval of student-athlete admission (PDF)
52. UA Affiliation Agreement with Crimson Tide Foundation (PDF)