

APC Conflict of Interest Management Plan

Background: The Conflict of Interest in question involves co-members of two standing committees. We begin with some background on the committees in question.

ABIA - The Advisory Board for Intercollegiate Athletics (ABIA) is defined in the Regents' By-Laws, Sections 11.58-11.60 (see Appendix A). The ABIA is a standing group that is chaired by the Athletic Director. This board provides the Athletic Director with advice on all matters pertaining to the operations of the Athletic Department. The membership of the ABIA includes faculty members, student athletes, alumni and administrators. Faculty representatives on the ABIA are nominated by SACUA and the Athletic Director and appointed by the President.

When the University of Michigan's football team participates in a bowl game, there is an "Official Party" invited to attend. The Big 10 Handbook prescribes membership in the official party (see Appendix B). Included in the designated Official Party is "the council or board having control of intercollegiate athletics at that university". In the case of UM, this board is the ABIA. The Big 10 handbook includes a spouse or guest of each university official in the Official Party. So it has been the practice for each member of the ABIA to be invited, along with a spouse or guest, to be part of the Official Party at bowl games. The costs of ABIA members and their guests attending the bowl games as part of the Official Party are covered by the Athletic Department.

APC – The Academic Performance Committee, also defined in the Regents By-Laws, Section 11.59 (see Appendix C), consists of the faculty members on the ABIA together with a representative of the Registrar's Office. The Academic Performance Committee reports to the Provost and is advisory to the Provost on all matters pertaining to the academic welfare of student athletes. Under current practice, a Vice Provost sits on the APC as the Provost's representative.

The responsibilities of the APC, as spelled out in Section 11.59, include "to determine eligibility for competition in intercollegiate athletics", subject to the final authority of the Provost.

It is worth pointing out the logic behind having the same faculty members serve on both the ABIA and APC. Matters considered by the ABIA often pertain to the academic interests and welfare of student athletes. So it is in the University's best interests that the faculty members on the ABIA have as full an understanding of the challenges student-athletes face in being successful in the classroom and in their athletic pursuits. Members of the APC have much greater knowledge of the pressures and constraints on student-athletes than do ordinary faculty.

Conflict of Interest: The faculty members who jointly serve on the ABIA and APC are asked to render advice to the Provost on eligibility of student athletes and are

simultaneously being offered an opportunity to participate in the Official Party at Bowl Games with expenses covered by the Athletic Department. There is an appearance of conflict of interest in this situation.

This Conflict of Interest was noted in the 2003-04 NCAA Re-accreditation Self-Study (see Appendix D). At that time, the APC was a free-standing body with no reporting line that had authority to determine eligibility for student-athletes. To manage this Conflict of Interest, the Self-Study recommended that the APC report to the Provost. In response to this recommendation, the Regents By-Laws were amended to their current form which specifies that the APC reports to the Provost and is advisory to the Provost.

Management Plan: Our current plan to manage the Conflict of Interest noted above has two components in place with other steps being considered.

- 1) The faculty members on the ABIA (who therefore serve on the APC) are appointed by the President. In addition, six out of eight of these faculty members are chosen by the President from SACUA nominees whereas two of the eight are chosen by the President from Athletic Director nominees. So the Athletic Department is not involved in the ultimate choice of these faculty and is not even involved in the nomination of most of them.
- 2) The Provost holds ultimate authority to make all decisions on eligibility of student-athletes. The Vice-Provost attends APC meetings and communicates the recommendations of the APC to the Provost. Neither the Provost nor the Vice-Provost receive any benefit of financial value from the Athletic Department. In particular, if the Provost or Vice-Provost were to attend a bowl game, even as member of the official party, the costs would NOT be subsidized by the Athletic Department.

Other Potential Steps: In 2007, the Provost consulted with SACUA on their view of other steps that they would recommend be added to the Management Plan. Included for consideration was having a source outside Athletics subsidize the participation of APC members in the Official Party. The Provost has not yet heard back from the Chair of SACUA. In the Spring of 2008, the Vice-Provost reminded SACUA that they had not yet responded. We will continue to consult with that group.

In addition, this Management Plan will be reviewed on an annual basis during the Fall Semester of each year.

Updated as of November 2008 for the Provost's File

