



September 24, 2018

Barry Alvarez  
Athletic Director  
University of Wisconsin - Intercollegiate Athletics  
1440 Monroe Street  
Madison, WI 53711

Re: Safety Review

Dear Director Alvarez,

In February, you directed me to undertake “a review and audit of the health and safety related policies, procedures, and practices in our athletic department.” You further suggested I seek “the guidance of experts, advisors, and stakeholders during this process,” noting that “the well-being of our student-athletes and staff is at the top of my priority list.” Attached, please find the resulting report. By way of summary, I provide the following.

*What We Did*

After discussions with Vice Chancellor Raymond Taffora, it was apparent that the scope of this review was extensive and we sought perspectives from those outside of the Department. Accordingly, I enlisted Andrew Norman and Claire Dalle Molle of the Office of Legal Affairs to assist with the review and prepare the report. After a good deal of discussion about the scope and possible methodologies to be used, we put together a group of experts in diverse fields to provide guidance and to give reactions to the work. This group included Director Alvarez, Professor Ann Sheehy of the School of Medicine, UW-Madison Police Chief Kristen Roman, Professor Richard Davidson of the Department of Psychology (Founder, Center for Healthy Minds), Regent Regina Millner, Alando Tucker, Director of Student-Athlete Engagement, and Peter Miller, Professor of Education and Chair of the Athletic Board. We sought informal guidance and advice from this group, mostly in individual meetings. Second, we conducted preliminary interviews and had meetings with a variety of staff to test our ideas about how to conduct this inquiry. As we realized what the review would entail, we added Brady Minter and Dan Rohrer of the Athletic Compliance Office and Katherine Wodajo, Director of Recruiting, to help staff it. Professor Miller and Mr. Tucker also agreed to help staff the review.

The outcome of our preliminary meetings led us to conclude that we ought to conduct surveys of our staff and students, not with the expectation that the surveys would provide statistically significant data, but to provide guidance as to what to emphasize in the subsequent interviews we would conduct. We gained informal guidance from Professor Davidson and from the UW Survey Center on how to best devise and disseminate the survey. We sent the surveys to all 690 active student-athletes and to approximately 400 staff in the Athletic Department, and followed up two subsequent times, to encourage broad participation in the surveys. Those surveyed were invited to contact members of the group directly to discuss any issues or concerns they had. In this way, every student-athlete had an opportunity to have their voice heard. All told, 527 people completed the survey and these responses were helpful in lending insights to our process and shaping the questions we asked in the interviews.

We also met with various staff in larger groups to inform them of what we were doing, to encourage broad participation, and to provide a forum for questions about the undertaking.

We then conducted interviews with staff from all departments within the Athletic Department, including the director of each department. Staff were asked to identify any specific safety concerns they had, and then asked a series of questions related to facility safety, office safety, travel, recruiting, medical care provided to student-athletes and the office environment related to reporting of concerns or complaints, including complaints of discrimination or harassment.

We then conducted interviews with student-athletes from each of the 23 teams in the Department. The student-athletes were selected at random. However, if the random selection did not yield diversity of perspectives by experience and by race for a particular team, additional diverse students from the team were randomly selected. The student-athletes were asked if they had any safety concerns related to their experience with the Department. The student-athletes were then asked to take the interviewers through a “day in the life” of a student-athlete within their sport, which yielded important information about the student-athlete experience. Finally, aided by the responses from the previous surveys, the student-athletes were asked specific questions regarding issues such as medical care and athletic training, team culture and the reporting of any complaints or concerns, travel, and recruiting. Student-athletes were asked their perceptions of the culture and environment related to reporting of complaints of discrimination or harassment.

We also interviewed each head coach, team doctor and the majority of athletic trainers within the Department, asking them questions in a similar manner to the other staff interviews.

Recognizing that “safety” means different things to different people, during all of these interviews, we contextualized the concept as broadly related to physical and mental health and well-being. In order to provide for open discussion, we invited interviewees to share with us anything that, for them, related to safety. We followed up on issues raised both in the interviews and by reaching out to others in the department or the wider university when necessary.

### *What We Learned*

A couple of initial observations are helpful to provide context.

Concerns about the mental health and physical health and well-being of students, not just student-athletes, is growing throughout the country. At UW-Madison, student-athletes are students first. They have access to a variety of resources that can improve their well-being and safety simply by virtue of being students here. We did not review those services, but note their presence.

The scope of the Athletic enterprise is substantial. Geographically, staff and student-athletes operate in far-flung places. On campus and in Madison, the Department uses multiple practice and competitive venues, including Camp Randall Stadium, the Kohl Center, Nielsen Tennis Stadium, The Natatorium, Porter Boat House, McClimon Track and Soccer Complex, Goodman Diamond, The Shell and University Ridge Golf Course. UW distance runners can often be seen on the city’s streets and sidewalks. The student-athletes live in dormitories and apartments and go to school in classrooms all over campus. On the road, staff and student-athletes travel to the East and West coasts, as far as Florida and Texas and sometimes to foreign countries, by air, bus, and van, with all that travel entails. They require academic, medical, and athletic trainer support in many of these places. At any one time UW student-athletes may be training on New York City streets before a meet or playing on golf courses, tennis courts, and softball diamonds all over the country. They stay in hotels, eat at restaurants, truck stops, and airports, compete at venues at many schools, where facilities differ from what we have here. Student-athletes and staff find themselves in situations which cannot be fully anticipated.

Another contextual matter is that there are events unfolding in the larger world which affect the safety of our staff and students, from school shootings to terrorist events. Recent cases of sexual assault of student-athletes at peer institutions, and others in university settings, were on our minds and the minds of others as we conducted this review.

### *Recommendations*

On the whole, the information collected about the Department and its current safety practices was positive. When we identified issues of concern, those issues were sent to the appropriate staff for review, and/or noted in this report. It is apparent that the Department has given great thought and has devoted significant resources to the safety of its student-athletes and staff, and that there is a genuine willingness and desire to improve safety even further. We also note that, while this report focuses only on the Department, our employees and student-athletes exist as a part of a much broader campus community, with access to various supports and services that help to keep them healthy and safe.

With that in mind, the group has identified improvements that should be made, some of which we will specifically recommend, and others which will require further study.

#### *1. Secure Physical Environments.*

The most common observation from student-athletes and staff related to the need for greater monitoring of access to, and traffic in, the many facilities in which student-athletes and staff operate. This is not a simple matter given the span of time, from early morning to late at night, that our facilities operate, and the fact that the Department does not control all of the facilities that student-athletes and staff use. The need for free flow of traffic, public access, and tight schedules further complicate matters. We have several specific recommendations relating to late-night arrivals and departures as well as lighting at a couple of facilities. More important, the UWPD has agreed to carefully audit our facilities and make recommendations about how to improve safety in them.

#### *2. Healthcare, Including Mental Health.*

A focus of this review was the healthcare provided to student-athletes, including athletic trainers, doctors, and psychologists. Notably, from a safety standpoint, athletic trainer interactions with student-athletes typically occur in semi-public places where others are present (of course there is occasional need for a greater degree of privacy, as requested by the student-athlete being treated). On the other hand, and while not exclusively, the majority of interactions between student-athletes and physicians occur in offices in hospitals and clinics. Current practices are to, whenever possible, have two staff present when medical examinations and treatment occurs. Additional policies in this area should be considered by experts within the field. While the Department has greatly increased its staffing of athletic trainers, additional staffing for some sports continues to be desirable.

Our inquiry revealed that there is a desire for improved mental health services amongst our student-athletes, just as there appears to be a similar need across the student body as a whole. The Department, at our recommendation, will conduct a survey of the appropriate staff and students to determine whether the mental health services that the Department provides, which have already been bolstered, need further support.

### *3. Communication and Reporting of Wrongdoing*

While interviews indicated student-athletes are not hesitant to report health and safety concerns, many did not know to whom they should report any such concerns that may arise. It is vital that the Department make continued and intensive efforts to educate staff and student-athletes about reporting health and safety concerns. It is also vital that the Department continue to make every effort to educate student-athletes and staff regarding sexual assault and harassment prevention.

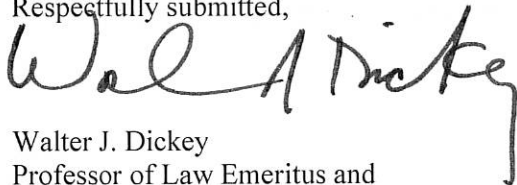
Further, it is important that expectations and policies be understood by student-athletes and staff within the Department. The Department could improve in this area by having a more standardized process for policy adoption, access and maintenance. We understand that this recommendation is already in the process of implementation by the Department.

#### *What Is Next*

We ask that the Department carefully consider implementing the changes recommended by this report. Going forward we believe that each team's sport administrator should be responsible for an annual team-specific review of all of the pertinent areas identified in this report with a focus on student health and safety. We believe that some of these recommendations can be implemented immediately. Some will require additional study, and perhaps budgetary and staffing review.

Further, while every effort was made to provide a complete review of safety issues facing student-athletes and staff, we recognize that such an all-encompassing review was not possible, and that latent safety issues could remain. For this reason, the Department's continuing attention to and review of safety practices is vital.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter J. Dickey". The signature is fluid and cursive, with the first name "Walter" being more prominent and the last name "Dickey" following in a similar style.

Walter J. Dickey  
Professor of Law Emeritus and  
Special Assistant to the Director, Division of Intercollegiate Athletics



## **Safety Review**

September 24, 2018

Our group was tasked with reviewing the current policies<sup>1</sup> and practices of the Department with regard to the safety of student-athletes and staff.<sup>2</sup> The review was not undertaken in response to any particular allegation of wrongdoing or knowledge of existing unsafe practices. Rather, the review represents a proactive step to analyze and improve safety throughout the Department. While the resulting findings and recommendations are important, they are only a part of the value of this review to the Department. Discussing safety and the concerns of student-athletes and staff also has value in highlighting the issue going forward. Indeed, as a result of our conversations and the feedback provided by student-athletes and staff, many small scale safety improvements have already been made. This report will highlight some of those improvements, as well as provide additional recommendations to improve safety.

### **I. Secure Environments**

One useful way of thinking about safety is that harms occur to people in the absence of guardianship. Guardianship is the protection or defense of a person or thing, and can be as simple as alertness to one's surroundings, a light in a parking lot, a lock on a door, or the presence of another person who will serve in a protective relationship to another. It is vital that staff and student-athletes understand how important it is to be alert to risk and look out for one another. As discussed above, staff and student-athletes operate, practice and compete in many locations in Madison, and far beyond. This reality highlights the need for constant guardianship regarding the safety of our staff and student-athletes in the locations and facilities to which intercollegiate athletics takes them. While the Department has control over some of these places, strategies to increase safety must be flexible and adaptable to cover locations and situations that are not completely within the Department's control. The recommendations below will cover both situations.

#### **a. University Facilities**

The Department controls, and is responsible for, Camp Randall Stadium, which includes the administrative offices found in Kellner Hall and the Student-Athlete Performance Center ("SAPC"), the Kohl Center, which also includes significant administrative office space, the Labahn Arena, the Porter Boat House, the McClimon Track and Soccer Complex, the Goodman Diamond and University Ridge Golf Course. The Department and its teams also make significant use of other facilities controlled by the University's Division of Recreational Sports, including the Camp Randall Sports Center (the "Shell"), the Natatorium and Nielsen Tennis Stadium.

Recognizing that a systematic review of the safety of all of these University facilities is beyond the expertise of the drafters of this report, the UW Police Department has agreed to undertake such a review, projected to begin in 2018.<sup>3</sup> While such a systematic review is outside the scope of this report, our

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<sup>1</sup> During the review it became apparent that there is not a standard protocol for policy creation, implementation or hosting within the Department. As a result, policies differ from unit to unit. We recommend that the Department engage in regular, systematic review of policies in its various units and that it create a central repository of policies applicable to these units.

<sup>2</sup> The specific methods of obtaining the information supporting the findings and recommendations found in this report can be found in Appendix 1.

<sup>3</sup> This will not be the first safety review of Department facilities. The Department of Homeland Security conducted a similar review of Camp Randall Stadium in 2015, finding that the stadium scored above average on its Protective Measures Index Scale when compared with other stadiums. Also in 2015, the Department commissioned an onsite

discussions with student-athletes and staff did identify some specific safety concerns related to University facilities that should be considered, and to the extent feasible, resolved.

#### i. Facility Layout

In interviews with student-athletes and staff, it became clear that the Department has been making significant improvements to the safety of its facilities in recent years, including restricted (key card) access to most of Camp Randall Stadium, the addition of metal detectors at the Kohl Center and an updated clear bag policy for football games. Still, there is a need to continue to monitor threats to safety at events and to adjust practices as further collaboration with the UWPD suggests. The interviews also identified some specific areas where additional improvement could be made. While the group is mindful of budget limitations and the fact that the Department is not ultimately in control of some of the spaces at issue, we recommend the following.

##### Coordination of facility use with the Division of Recreational Sports

The Department's reliance on access to other University facilities, such as those controlled by the Division of Recreational Sports ("Rec Sports"), can cause safety issues. Rec Sports facilities exist to enhance the wellbeing of the entire campus, so their facilities are available to the general campus population, while the Department is naturally focused on the well-being and success of student-athletes.

The differing missions of Rec Sports and the Department naturally cause tensions at times. The amount of coordination between the Department and Rec Sports to date is significant, and we suggest continued coordination and frequent discussion to resolve the issues noted by student-athletes and staff. These issues include a shortage of dedicated practice space and time for the Track and Field Team, leading to potentially unsafe interactions between student-athletes and the public; a lack of a private locker room for the Women's Tennis team within the Nielsen Tennis Stadium; and a concerning lack of railing protection in the spectator area at the Nielsen Tennis Stadium. Further, student-athletes are sometimes required to report to practice before Rec Sports facilities are open for a facility's standard hours of operation. In one case, this resulted in the undesirable practice of student-athletes propping open entry ways that would otherwise be secured in order to allow the team to gain entrance.

While not all concerns can be resolved, some can be, and Rec Sports and the Department have already worked collaboratively to resolve some of them. For example, in the case of the propped door, the Department and Rec Sports jointly invested in new key card access for student athletes who need to be present in the facility prior to the hours of operation, so that the doorway will always be secured. The team also adjusted its practice schedule to minimize the time it is present while the facility is closed. This type of proactive cooperation is necessary to enhance the safety of the greater campus community. In the case of the shortage of dedicated practice space and time for the Track and Field Team, Rec Sports and the team are piloting new practice times in the coming year, which should minimize the opportunity for unsafe interactions. Rec Sports is also looking into resolution of the railing protection in the spectator area at the Nielson Tennis Stadium.

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review, performed by GameDay Consulting, of patron safety, including parking areas, ingress at stadium gates, stadium concourses and other access control issues. Further, in 2016, the Big Ten Conference commissioned a security assessment, performed by MSA Security, which reviewed emergency plans, credentialing systems and carry-in policies. Perhaps the findings of these previous reviews will provide a good starting point for the UWPD's review.

All areas of concern have been raised to both Rec Sports and the Department, and both displayed a willingness to collaborate towards resolution. Both divisions must continue their commitment to further coordination on these points.

#### Prevention of unauthorized access

The practice field is not always a safe place for inattentive visitors. We heard from multiple teams that it is not uncommon for members of the public to encroach upon Department facilities during practices in a manner which causes a safety hazard. Track and Field teams, for example, throw dangerous projectiles as hard and as far as they can during practice. While the team makes every effort to provide signage warning members of the public not to enter the track and field training space for this very reason, we learned that it still happens at an unacceptable rate. Similar concerns were raised by other teams, including hockey and soccer. We recommend additional measures, potentially including physical barriers, to limit access to these areas during practice to protect our student-athletes and the general public.

#### Lighting concerns in and around certain parking structures

Practices and competitions can commonly end late at night, and student-athletes occasionally practice after-hours, when the coaching staff or other team members are not always present. This can be a concern if there is not adequate lighting in the parking lots or other areas our student-athletes use after such practice or competition. While this should be an ongoing consideration for all parking spaces, and indeed, all areas student-athletes will necessarily utilize, our review identified a few specific areas of concern. The first is the parking structure, referred to as Lot 76, near the Goodman Diamond. The second is the pathway from the practice facility to the parking lot at University Ridge Golf Course. The third is Lot 34 and the surrounding wooded area by Porter Boathouse. We suggest a review<sup>4</sup> of these spaces to determine whether current lighting is sufficient and additional lighting if it is determined not to be, noting that any additional lighting in lots controlled by the University's Division of Transportation Services would require cooperation with that group.

#### Other potential facility improvements related to safety

Additional, specific concerns related to UW facilities were noted in interviews of Department staff. For example, those working in Academic Services note that there is a potentially dangerous area by "Badger Alley" near the SAPC where there are near accidents between bikes or mopeds and pedestrians. Further, one staff member was concerned with staff's inability to access the back stairwell in Kellner Hall from Lot 19 after hours. With many staff and student-athletes that return from activities ending in the evening, this inability results in staff walking around the Field House/Camp Randall in order to return to the office. These represent examples of the many thoughtful suggestions we received from the student-athletes and staff that participated in our process. While the timeframe and resources of our review limited our ability to assess and pursue all such concerns, we have listed them in Appendix II, and ask the Department to consider potential solutions to these concerns and to continue to discuss safety with staff to identify any future concerns. Indeed, we understand that the Department is already undertaking safety improvements related to Badger Alley, involving the use of controlled gates to manage traffic and taking steps to increase card access in situations where it will increase staff safety. While the UWPD's safety

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<sup>4</sup> We understand that some of these reviews have already been completed as of the time of writing. A review of Lots 34 and 76 was undertaken at the direction of the Director of Transportation Services. The review indicated that lighting levels in Lot 76 are safe and in compliance with standards. The review of Lot 34 is ongoing.

review may prove to be sufficient, we further encourage the Department to engage other experts if necessary to identify appropriate solutions to the issues identified.

## ii. Safety Strategies

Apart from improvement to the physical layout of UW facilities, our review also identified concerns that would be better managed by implementing additional strategies to improve safety. We encourage the Department to continue evaluating methods of increasing safety in the areas identified below, including the following recommendations based on our conversations with student-athletes and staff.

### Late-night use of facilities and safe travel home

Student-athletes and staff are required to be on campus and travel to and from work sites later than much of our other student and staff population,<sup>5</sup> either because of work duties after a home game or after travel back from an away game. Combined with the significantly restrictive parking options near Department facilities, both student-athletes and staff from a variety of units and teams reported concern when leaving Department facilities late at night.

An example of a potential solution comes from the Department's Communications unit, whose director committed resources to a shuttle service to transport the staff and media members after a game to reach cars that are necessarily parked far away from UW facilities after game days. We suggest an expansion of such shuttle service, if feasible, or consideration of additional transportation options, such as taxi vouchers and carpools for students returning late at night from road trips.

Academic Services reported similar concerns, as the SAPC is currently open until 10:00pm most weekdays. Academic Services Staff leadership reports that most student activity happens between 5:30pm and 9:00pm. They believe that student need could be met, and student and staff safety enhanced, with an earlier closure time. We recommend consideration of this suggestion and further recommend that as a part of the overall facility security review, special attention is paid to the security of the SAPC, given the number of people that access the building late at night. The hours of operation should be examined to serve student needs while being mindful of student and staff safety. The use of professional security in place of Academic Services staff should be considered after hours.

While not as prevalent as in the past, it is still common for student-athletes to use mopeds to travel to and from campus spaces. Safe use of mopeds is a concern that we heard from many coaches and Department staff. We also learned that the Department provides reimbursement for the purchase of a helmet to student-athletes. We recommend continuing this practice in an effort to keep moped use as safe as possible.

### Staff strategies for handling volatile situations

Department staff members noted that they are "not always in the 'good news' business," and occasionally need to have difficult conversations with student-athletes related to eligibility, team membership and financial aid. This can lead to concerns for staff safety in certain instances. At present, if a student-athlete has shown previous indications that there may be a problem, there may be UW Police on standby in an adjacent room. To this point, there have not been any major issues. However, multiple Department staff members recalled a situation in which there was a potential threat to members of the office, and where the threat could have been communicated in a more timely manner and to a broader

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<sup>5</sup> With some notable exceptions, of course. We recognize that there are other places on campus where employees travel to and from work during the late night and early morning hours.



group. We recommend creating a procedure for disseminating such information quickly and thoroughly throughout the building in question, and communicating that procedure to all staff.

#### Role of the “Welcome Desks”

Many Department staff also expressed concerns regarding the lack of barriers to entering the main administrative areas in Kellner Hall, the SAPC and Kohl Center during business hours. It is fairly easy to obtain access to these areas, without any need to show identification and without stating a destination or reason for one’s visit. Much of this stems from the concept that the reception area outside of each of these spaces has traditionally been thought of as an assistive “welcome desk” as opposed to any sort of security check, or barrier to access. While it is understandable that Department seeks to be welcoming to those who visit its facilities, we believe that this is an opportunity to increase the safety within those facilities. We recommend that the Department consider repurposing the welcome desk to include an element of safety in allowing access only to those who have need to be in the space, in accordance with any recommendations made by UWPD as a result of its review.

#### Fan access and behavior

Our interviews with staff and student-athletes show that the vast majority of interactions with fans are appropriate. Of course, there will always be individuals whose behavior crosses the line, either due to intoxication or to taking an unhealthy interest in a team or a particular student-athlete. The UWPD provides law enforcement services to the Department through four athletic liaison officers (with other staffing as needed). These officers perform a number of functions for the Department, one of which is to relay information to the University Threat Assessment Team, which assesses and monitors threats to campus. This process appears to be a good one, with both coaches who have had fan-behavior situations arise and the UWPD reporting a functional system of coordination. However, we recommend confirming that each team is familiar with how to liaise with UWPD, and developing policies that direct them to do so in any situation where fan behavior is unreasonable or threatening to student-athletes or staff. It would also be useful for coaches to receive threat assessment training, provided by the university’s Director of Threat Assessment in coordination with the athletics liaison officers, so that they can more accurately identify and respond to threats. Finally, areas where additional police presence would be beneficial have been identified and shared with the Department.

It is not surprising that opposing fans also cross the line of appropriate behavior. This behavior is especially concerning at away games, where the proportion of opposing fans is higher, and student-athlete and staff familiarity with their surroundings is lower. However, not all road trips pose the same risk. We learned from coaches that certain away games are much more likely to include inappropriate opposing fan behavior. Accordingly, each team coaching staff should review their road schedule with the team’s sport administrator at the beginning of the season to determine whether there are road games that might, as a result of opponent or venue, require additional traveling security or up-front coordination with local law enforcement to protect the well-being of student-athletes and staff.

#### Cash handling, transportation and management

Our review identified two areas in which the Department can improve safety and security related to cash handling. Given that public knowledge of specific information related to cash handling can exacerbate safety issues, we will not describe, in detail, the situations of concern. But generally, it is undesirable for Department staff to be carrying large amounts of cash in an unsecured manner. This happens in relation to cash needed to pay for student-athlete meals and expenses while traveling, and in relation to the transfer of cash from concession stands.

Regarding the first issue, the Department currently follows campus policy regarding cash advances for travel, but Department personnel have noted the desire to reduce the amount of cash employees carry for team travel or other travel needs. Accordingly, the Department has been working for the past two years to reduce the amount of cash that staff need to carry for travel purposes. Department staff have been working with central campus and UW System to implement a pre-loaded debit card solution. The department expects to start testing the solution in fiscal year 2019. We recommend that the department continues its efforts and implements the solution as quickly as possible, as it will minimize or eliminate the need for student-athletes and staff to carry cash for travel purposes.

Regarding the second issue, steps have already been taken to improve the concerns related to the physical transfer of cash on game days, including the fact that all concession locations at Camp Randall now accept credit and debit cards. We recommend updating the ability of all Department venues to process debit and credit card sales. Further we recommend that, as a best practice, the Department attempt to have at least two staff members present when cash is being transported and additional training in the secure handling and transportation of cash.

#### **b. Camps and Clinics**

The Department provides approximately 250 camp sessions on an annual basis that serve nearly 12,000 campers and hire about 900 camp counselors and staff. Nearly 70 of these camp sessions take place during the summer months and include about 35 residential camps. These camps operate primarily on campus in Athletic facilities as well as facilities managed by the Department of Recreation Sports. All residential camps utilize University Housing facilities.

We note that a number of other schools have individual coaches running the camp for each sport. While the Department formerly ran its camps in the same manner, in 2011-2012, the Department made the decision at the administrative level to centralize the oversight and day-to-day operations of all Badger Sports Camps. In January 2013, the Camp Administrative unit began, and since that time, has provided administrative support and oversight for all Badger Sports Camps including, but not limited to: camper registration and customer service, camp staffing and payroll, facility scheduling, health services including first responders, injury treatment and medication collection, and marketing. Furthermore, the Camp Administrative unit is responsible for managing camps in compliance with all federal and state laws and licenses, University policies and guidelines for youth programming, and NCAA rules.

Perhaps as a result of this centralization, we found that the camp process is organized and the Camp Administrative unit collaborated effectively with other parts of the Department and with the wider campus. Despite this improved process, our review identified areas where safety could be improved even further. Many camps check campers in at the beginning of their days but lack systemic check-out processes at their days' conclusions. Staffers tend to determine when to leave by visually scanning the environment to see if kids are still around. We recommend that all camps utilize a daily sign in/sign out sheet to verify that registered children have arrived at the beginning of the day, and that all signed-in children are picked up at the end of the day. We recommend that the sign in/sign out sheet is with staff at all times throughout the day so that staff can verify the whereabouts of all children in case of emergency. For overnight camps, the current practice is that any curfew, bed check and overnight check is sport specific and at the sport's discretion. We recommend that camp administrators determine a best practice with regard to establishing curfews and bed checks, and if the best practice is to have a curfew or bed checks, enact a policy that applies to all camps.

### **c. Offsite Travel, Practice and Competition**

Our review highlighted the unique circumstances experienced by each team in traveling, competing and practicing outside of University facilities. Size of squad, seasonality of sport, and timing of events can create different challenges in ensuring student-athlete and staff safety.

#### Van travel

For multiple sports, away-game travel by van is both convenient and practical given the destination and size of the team. However, there are some additional safety concerns that arise with van travel that are not present with chartered transportation, including the occasional use of student drivers, and coaches driving at night and for extended periods of time after long days of competition. We recommend creating a specific Department-wide policy relating to van travel. While under University policy, there is a procedure for authorizing students to drive state-owned vehicles for University purposes, we recommend that, whenever feasible, students do not drive. We further suggest having at least two staff members or coaches present in the van to assist with late night driving and to ensure that the driver remains alert. Finally, we recommend that the Department consider providing a driver, who has no other competition-related team obligations, when travel exceeds a certain distance away from Madison. We recognize that these policies will result in additional costs which some sports may not be able to bear without central support, and ask the Department to look into the feasibility of financially supporting such policies.

#### Practicing offsite

The cross country teams have the unique issue of needing to practice on city roads and remote trails, and it is not possible for members of the coaching staff to be present for all portions of practice. We recommend that a specific safety protocol be put into place to cover a situation where a student athlete is injured in a remote area. This could be as simple as a written protocol in the student handbook or if feasible, the practice of at least one student-athlete carrying a cell phone or smart watch to make contact in case of emergency.

The rowing teams also have unique safety challenges related to their practice environment, which is usually Lake Mendota. The safety of our student-athletes while on the water is paramount. To that end, rowing coaches we talked to requested the Department's help in creating written policies related to boating safety, based on best practices utilized by other programs. We recommend that the Department engage with the rowing teams and provide the assistance necessary to create these written policies. We also recommend that, during on-water practice without coach supervision, at least one student-athlete carry a means to communicate with shore in the case of an emergency.

#### Test-taking offsite

The Department believes that the best and safest way for student-athletes to take exams is at the University, prior to team travel. To that end, the Department's Academic Services unit educates student-athletes about the ways they can work with their instructors to complete testing and other work early, and actively encourages them to do so. As a result of these efforts, the frequency of exam taking on the road has decreased in recent years. This is a positive change. We recommend that Academic Services continues their work in this area.

However, given the time demands on student-athletes, and the rigor of some courses, exams must occasionally be taken while on the road. This situation requires an exam proctor. Current policy dictates that the proctor may not be a coach. Academic Services personnel act as proctors on the road whenever

possible. However, Academic Services staff are not always able to accompany teams during travel for schedule and budget reasons. In those cases, alternate arrangements are made.

Our review determined that, in the absence of Academic Services staff, exams are proctored either at the host institution (with their Academic Services staff) or by unrelated Department staff members. We learned that on at least one occasion, an exam was proctored in a hotel room, with only one student-athlete and staff member present. While we heard no reports and discovered no evidence of wrongdoing or inappropriate conduct, we recommend that the Department review their practices in this area and establish a written policy related to who may proctor exams, in what locations, and under what circumstances they may do so.

#### Team accommodations

There is no central policy related to rooming while on the road. Rather, these decisions are left up to the individual coaching staffs. Most teams reported that they already have a practice of placing no more than two student athletes in a room, or, when more are placed, ensuring that each student athlete has a separate bed or adequate place to sleep. No student-athletes expressed concern with sleeping arrangements on the road. Even so, we suggest implementation of some broad policies regarding roommates while traveling, including a specific directive that each student-athlete be provided a bed or other adequate place to sleep for their exclusive use.

## **II. Student-Athlete Health**

The healthcare that is provided to student-athletes has been a focus of the University and the Big Ten Conference. Indeed, as part of the Big Ten Conference's "Standards for Safeguarding Institutional Governance of Intercollegiate Athletics," which became effective for all conference institutions in 2015, the Chancellor, the Athletic Director, and the Athletic Board Chair certify yearly to the conference that the University places priority on a student-athlete's health over other considerations; that the personal and academic well-being of every student-athlete is the primary concern of the University; and that the health-related policies, procedures and protocols, including those related to student-athlete concussions, will be followed. The validity of this certification was supported by our review.

### **a. Medical Treatment and Athletic Training**

Medical Services to student-athletes at the University are offered in a medical model of care under which the diagnosis and treatment of student-athletes is the ultimate responsibility of the physicians employed by the University of Wisconsin School of Medicine and Public Health ("SMPH"), administratively managed by its Division of Sports Medicine in the Department of Orthopedics and Rehabilitation (and therefore not managed by the Department). Each Head Team Physician is appointed by the Chair of the Department of Orthopedics and Rehabilitation.

The Department's licensed athletic trainers practice under the supervision of these physicians, but also under the Assistant Athletic Director for Sports Medicine, who is employed by the Department. The Head Team Physician and the Assistant Athletic Director for Sports Medicine assume joint responsibility for quality assurance and the monitoring of student-athlete care on an ongoing basis.

The Sports Medicine department consists of 12 team physicians and 20 athletic trainers (five of whom have direct responsibilities with the football team) assigned to provide healthcare to the 23 sports teams. One additional athletic trainer is assigned to coordinate physicals, assist with physician clinics, and provide care in the athletic training room. Additionally, this department is supported by one program



assistant and various clinical support staff, including those who provide services in psychological assessment and treatment, physical and massage therapy, chiropractic care and dietetics.

Discussions with student-athletes and staff were generally positive regarding the provision of athletic training and medical care. Indeed, in many instances, student-athletes and staff went out of their way to praise the doctors and athletic trainers working with their respective teams. Further, we found that the medical decisions and recommendations made by the doctors and athletic trainers were respected by coaching staffs throughout the Department. Discussion with physicians found no evidence of coaches attempting to coerce or unduly influence doctors or training staff in relation to player availability.

#### Staffing of doctors, athletic trainers and other providers

Owing to the Department's focus on student-athlete care, both the number of available SMPH physicians and Department-employed athletic trainers has grown significantly in recent years. We learned that, unlike many of the Department's peers, there is a good gender balance of available providers. The benefits of this increased staffing are apparent, and the Department is now better able to monitor the care its student-athletes receive. However, we also learned that there are still occasions where certain teams travel without an athletic trainer, and heard some concerns from coaches and student athletes on this point. We recommend continuing to apply resources to the hiring of additional athletic trainers, and consider enhancing the availability of athletic trainers, including their ability to travel with all teams. We further recommend that the Department prioritize maintaining the gender balance of providers.

Previously, the Department contracted with the University of Wisconsin Hospitals and Clinics Authority for some its athletic trainers. The Department has now almost completely transitioned away from contracting for athletic trainers, instead employing the athletic trainers as full Department employees. We recommend that the Department complete its transition to employing all athletic trainers. We believe that having employment relationships with athletic trainers enhances safety by providing the Department a greater ability to control terms and conditions of employment, manage employee performance, and oversee the care provided to our student-athletes.

The Department also contracts with certain "peripheral" service providers who come into contact with our student-athletes, such as licensed massage therapists, chiropractors and specialists. While there were no reported concerns with the care of these contracted providers, the Department must maintain vigilance through appropriate vetting of these providers and through the control of the spaces where their services can be delivered safely. Further, the Department should consider a policy of having at least one Department employee present when these peripheral services are being provided, if feasible under the circumstances.

Even with the increase of available providers discussed above, resources are still limited and must be conserved. We learned that on road trips, team physicians are occasionally called upon to provide care to individuals travelling with the team who were not team members. To allow medical staff to focus on the care of the student-athletes, we recommend that the Department consider obtaining outside contracted medical care for others (coaches, administration, families) if the size of the traveling party justifies it, so that there is no reliance on team physicians to serve these individuals outside of emergency situations.

#### Care protocols

Multiple Department staff members mentioned that it is not uncommon for athletic trainers and massage therapists to provide treatment to student-athletes in a one-on-one setting. Sometimes this is a matter of necessity given available resources, and other times it is done in order to provide student-

athletes privacy. Student-athletes reported a high level of satisfaction with the medical facilities, indicating that they felt comfortable receiving care there and noting the availability of private spaces in the athletic training room for one on one treatments as a positive.

We recommend that, to the extent possible while maintaining respect for students' privacy and comfort, two service providers (physician, athletic trainer, etc.) should be present when care is being provided within University spaces, to guard against inappropriate treatment or behavior. At the same time, the Department must also continue to be mindful of and respect student-athlete privacy. Further, on occasions where medical residents, interns, or others are present during student-athlete care (which we learned is common in a teaching hospital setting) physicians and athletic trainers should clearly inform the student-athletes of who is in attendance and why.

Treatments on the road happen in more varied locations, and include logistical complications which should be considered and addressed in each given context. We learned that it is not uncommon for athletic trainer and massage therapy treatments to take place within the provider's hotel room. While this would seem to be less than ideal, it appeared to be a relatively standard practice across a variety of sports due to the cost of reserving separate space and setting it up appropriately for treatments. Given the variety of competing considerations related to where and how to best treat student-athletes on the road, we recommend that a committee of experts and stakeholders be formed for the purpose of considering a policy related to the appropriate staffing and location of such treatments.

### Concussions

The care and prevention of concussions is clearly one of the most important medical issues facing the Department today. While this group does not purport to have the expertise necessary to review and evaluate specific treatment decisions that have been made, our review found that this issue is being taken seriously by the Department's student-athletes and staff.

We learned that each student-athlete receives educational materials provided by the NCAA and attends a presentation on concussions given by a member of the athletic training staff. Once on campus, student-athletes receive a formal presentation on concussion signs and symptoms, the importance of reporting concussion injury, and recovery steps. Student-athletes also receive education as to their baseline concussion assessment and attend a freshman seminar course series where concussions are discussed as part of health and wellness lecture. All student-athletes sign an acknowledgement form that states they have received concussion education and understand the importance of immediately reporting symptoms of head injury/concussion to the sports medicine staff.

For their own part, the Athletic Director and all coaches, team physicians and athletic trainers are required to sign an acknowledgement of having read and understood the concussion education materials provided by the NCAA and accepting responsibility for reporting symptoms of a concussion experienced by a student-athlete that they may witness. Medical personnel with training in the diagnosis, treatment and initial management of acute concussion are present at all NCAA varsity competitions and practices in the following sports denoted as contact/collision sports by the NCAA: basketball; football; ice hockey; pole vault; soccer and wrestling. Finally, all student-athletes who show signs of a concussion are subject to the concussion protocol, which has been reproduced in Appendix III.

In addition, researchers at UW-Madison, including physicians that work with the Department's teams, are highly involved in cutting edge research on concussion prevention, impact and treatment. This includes a prospective, longitudinal, multi-site, multi-sport investigation of concussions. Dr. M. Alison Brooks is the lead university researcher in this area, participating in the research of the CARE

Consortium, a joint research project between the NCAA and the Department of Defense. CARE's goal is to gain a better understanding of the neurobiopsychosocial nature of concussive injury and recovery in order to enhance the safety of student-athletes, as well as service members, youth sports participants and the broader public.

From our perspective, the Department appears to be making every effort to deal appropriately with concussions. The Department must remain vigilant in this area and should continually seek new information and resources to protect all student-athletes from head injuries.

#### Sport-specific issues

There are specific health and injury risks that affect each sport more or differently than other sports, such as hand blisters for the rowing teams and skin concerns for the wrestling team. Each team should have a core group (physicians, athletic trainers, coaches, athletic administrators) who assess these areas on a regular basis to ensure that they are being adequately addressed.

#### Additional monitoring through yearly evaluations

While, as discussed above, our review found positive impressions of the medical care provided to student-athletes, vigilance in this area is required to ensure safety. We learned that one way that the Department currently monitors student-athlete satisfaction is through yearly, anonymous coach evaluations completed by each student-athlete. We recommend expanding these evaluations to consider a greater portion of the student-athlete experience, including experience with team doctors, athletic trainers and other care providers. We recommend that specific questions be asked related to concerns regarding inappropriate care. Evaluations which specifically seek student-athlete feedback related to their medical care can provide another opportunity to identify and rectify any concerns in this area.

### **b. Strength and Conditioning**

The Strength and Conditioning coaches work together with athletic trainers, exercise physiologists, and sports nutritionists to maximize the training potential and athletic performance of student-athletes. The Strength and Conditioning department consists of 12 strength and conditioning coaches for 23 sports. The Director of Strength and Conditioning oversees strength and conditioning units for 22 sports and eight strength and conditioning coaches, while Head Football Strength and Conditioning Coach oversees strength and conditioning solely for the football team and the four strength and conditioning coaches assigned to football.

After student-athlete, coach, and staff interviews, as well as discussions with administrators, we did not find safety concerns relating to student-athlete workouts. While difficult, the student-athletes largely believed that their training was appropriate and that necessary precautions were being taken. Discussions did reveal that student-athletes of multiple teams occasionally train on their own in some of the smaller facilities on campus. Even though the student-athletes do not perceive this as a problem, a policy requiring that at least one other person (if not a strength and conditioning coach, at least a workout partner) be present in order to train within Department facilities should be considered.

### **c. Nutrition**

Prior to 2014 under NCAA rules, only student-athletes receiving "board" as part of their scholarship could receive meals during non-competition and non-travel periods of time. Further, those student-athletes could only receive a maximum of three meals a day as part of their "board" scholarship. In 2014, the NCAA adopted new legislation to allow member institutions to provide (in addition to a "board"

scholarship) all student-athletes with meals and snacks in conjunction with their athletics participation. In response to this legislation, the Department instituted measures for the nutritional benefit of its student-athletes. All student-athletes are provided with the opportunity to eat breakfast during each weekday morning throughout the academic year. This healthy morning option is provided at both Camp Randall and the Kohl Center, and is designed to provide fuel for both academic and athletic performance. Select sports are provided an additional meal at both Camp Randall and the Kohl Center. Further, fueling stations were created in Camp Randall, the McClain Center, and the Kohl Center to provide all student-athletes with access to nutritional snacks. All sports are encouraged to provide additional nutritional snacks to supplement student-athletes' nutritional needs. Student-athletes reported a high level of satisfaction with the nutritional offerings.

Feeding student-athletes on the road and during away competitions can be more of a challenge. Teams are encouraged to provide snacks on the road when possible, in addition to meals. The process for eating meals is not consistent across teams due to the variety in team size, budget, and competition scheduling. Some sports provide all or the majority of their meals together, while others provide student-athletes a per diem amount of money to get food themselves. After discussions with the sports, we find that team meals provide certain safety advantages, including that coaches and other staff can be sure that student-athletes are eating a sufficient quantity and quality of food to have the fuel to perform. However, team meals are not always possible and teams must be provided the flexibility of using per diem funds. We recommend that the Department enact a policy encouraging team meals when possible, and when not possible, providing the maximum per diem allowed for individual meals.

Certain sports, such as Rowing and Wrestling, necessarily involve a greater focus on student-athlete weight and routinely require weight loss for competitive reasons. The student-athletes in these sports generally reported satisfaction with the assistance they receive from the Department's nutritional specialists in managing weight, and reported no safety concerns with methods utilized.

#### **d. Mental Health**

Recognizing that there was an increasing need and demand for support of student-athlete mental health, the Department recently created the Clinical & Sport Psychology Department. Clinical and Sport Psychology currently employs two licensed psychologists and contracts with additional external mental health professionals to assist student-athletes with their emotional and mental health needs. While these new resources are a dramatic improvement in the options available to student-athletes, our interviews showed that concerns remain, and that additional progress can be made to support student-athlete mental health.

Initially, we recommend a survey of the appropriate staff and student-athletes to determine whether the services in place are sufficient, in light of the significant demands placed on student-athletes. Given the scope of the Department, and the number of student-athletes, the psychologists are understandably in high demand. While there are undoubtedly many areas of the Department that would benefit from additional staffing, we recommend that priority be given to additional mental health resources, should the survey results so dictate.

We also encourage additional communication directly between Clinical & Sport Psychology and coaches regarding each other's roles, responsibilities and limitations. While coaches are generally supportive of student-athlete use of available mental health services, confusion was commonly voiced by coaches as to their own appropriate role in interacting with and supporting a student-athlete, after that student-athlete has sought treatment. Contrasted with a student-athlete's sport-related physical injury,



about which a coach is kept informed pursuant to specific authorization by student-athletes, information about a student-athlete's mental health care is often kept private. While communication between coaches and Clinical & Sport Psychology regarding the mental health treatment of a specific student-athlete may not be appropriate, broader discussion about mental health generally, options for coaches supporting student-athlete mental health, and even the limitations of confidentiality, could serve to demystify the process and lead to better outcomes. Greater visibility of Clinical & Sport Psychology staff could also be beneficial in this area, especially with teams that practice and compete within the Kohl Center, away from the Clinical & Sport Psychology offices in Camp Randall. We encourage staff to interact with the teams to the extent possible, both to publicize the services available and to create greater familiarity and comfort among student-athletes generally.

Finally, we recommend that the Department review, and to the extent appropriate, utilize the Mental Health Best Practices Implementation Tools recently published by the NCAA Task Force to Advance Mental Health Best Practices Strategies.<sup>6</sup>

### **III. Communication of Expectations and Reporting of Wrongdoing**

The final category of recommendations our group identified addresses communication of expectations and reporting of sexual harassment, assault and other wrongdoing such as hazing, bullying, and other forms of discrimination. Clear communication – including the sharing of information, policies, expectations, and reporting infrastructures – is vital to the Department's interests and to the safety of its staff and student-athletes.

#### **a. Reporting of wrongdoing**

We sought to determine whether there were barriers within the Department to the reporting of wrongdoing or inappropriate behavior of coaches, student-athletes or Department staff. Such barriers could take the form of a knowledge gap regarding where and how to report such issues, a Departmental or team culture that discouraged such reporting or suggested retribution if a complaint was made, or a mistrust of the investigatory and disciplinary process by traditionally disenfranchised groups.

Because studies show that climate plays a role in the prevalence of harassing behaviors and how effectively those behaviors are dealt with,<sup>7</sup> student-athletes and staff were asked about their perceptions of Department culture in terms of prevalence of harassing behaviors and the acceptance of reports of the same. Interviewees by and large expressed positive views about the culture in the Department and on individual teams. Student-athletes in particular expressed comfort with reporting problems to people both inside and outside of their team. We did not identify trends in staff or student-athletes expressing concern about not being believed if they filed a report of harassing or assaultive behavior, or that such reports would not be taken seriously.

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<sup>6</sup> UW-Madison Police Chief Kristen Roman was a member of this Task Force, and could provide insight as the Department considers implementation of the Tools.

<sup>7</sup> For example, a recent report from the National Academies of Science Engineering, and Medicine urged colleges and universities to take a more holistic approach to combating sexual harassment by seeking to change organizational culture as a means to lower rates of harassment. These approaches include improving transparency and accountability by having clear policies putting people on notice of prohibited behavior; investigating complaints and issuing decisions in a fair and timely way; working to create more diverse and inclusive environments; taking meaningful steps to achieve greater gender and racial equity in hiring and promotion; and providing supports for the targets of sexual harassment.

While staff and student-athletes expressed comfort raising issues, continuing effort to clarify reporting lines is desirable. Some staff and many student-athletes could not identify where exactly complaints of bias, harassment, or assault should be brought.<sup>8</sup> Further, it became clear that if a student-athlete did choose to report an issue, that report would, in many instances, be made to a member of the coaching staff or to one of the team's athletic trainers. Students were often not aware that they could report such issues to their sport administrators, much less to other resources outside of the Department. To help alleviate this issue, we recommend that the University's Title IX Coordinator and other relevant administrators visit with every sport<sup>9</sup> to explain available campus resources, provide information about how to make a complaint, and in the case of coaches or athletic trainers, explain exactly where to go and what to do if a complaint is brought to them. We also recommend review and clarification of the role of the sport administrator to confirm that they are appropriate outlets for voicing team-related concerns.

Creating transparent processes that give a complainant multiple reporting options is important, so that student-athletes or staff members understand that they have options about how they report, should they choose to do so. The Department should clearly identify confidential resource options on campus, such as Department Psychologists, University Health Services Mental Health Services and Survivor Services, for individuals seeking confidential support services.

While the Department appears ready to receive reports of sexual harassment, assault and other wrongdoing, and is committed to addressing those issues, more clearly defined pathways for reporting, both internally and especially outside of the department should be developed.

#### **b. Sexual assault training and prevention**

Sexual harassment and sexual violence (including sexual assault, dating and domestic violence and stalking) prevention is a looming issue on campuses and in athletic departments across the country. It is also an issue of considerable interest to the NCAA.<sup>10</sup> We do not have evidence that UW student-athletes are different from other UW students in their levels of understanding sexual harassment and violence. We received feedback from interviewees on this topic, with many people reporting that there was a good amount of training related to the issue. However, some members of Department staff suggested that some student-athletes remain confused regarding issues of consent and sexual assault.

The Department reports compliance with the NCAA's recently updated policy on sexual violence training, which includes a requirement to annually certify that they are knowledgeable about institutional policies and processes regarding sexual violence prevention; that the institutional policies and processes regarding sexual violence prevention and adjudication, and the name and contact information for the campus Title IX coordinator, are available within the Department and provided to student-athletes; and

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<sup>8</sup> Because our inquiry was limited to the Department, it is unknown whether the concern is applicable to the broader campus.

<sup>9</sup> We understand that the Title IX Coordinator already meets with the coach of each team. We encourage meetings between the Coordinator (or other appropriate staff) and other team members as well.

<sup>10</sup> The NCAA Commission to Combat Campus Sexual Violence, appointed by the NCAA Board of Governors, has a charge to proactively examine issues and propose solutions related to what athletics departments can do to address campus sexual violence and achieve positive culture change. That group defines the aspirational culture of a university athletics as "[a]...culture that revolves around respect and empathy for all, fostering a climate in which all feel that they are respected, valued and contributing members of their teams, athletics programs and institutions; and creating an environment in which students (athletes and non-athletes alike) feel safe and secure, both emotionally and physically, and are free of fears of retaliation or reprisal. The positive culture exuded by a member institution's NCAA teams is the catalyst for a positive culture across an entire campus." We believe that the Department supports this vision.

that all student-athletes, coaches and staff have been educated on sexual violence prevention, intervention and response. The Department also reports compliance with distributing and completing the newly required NCAA annual training on healthy relationships; consent; sexual violence prevalence and attitudes; harassment; hazing and bullying; stalking; discrimination; misogynistic and homophobic language; how negative language impacts team cultures; how positive language contributes to healthy environments; bystander intervention; the relationship between sexual violence and alcohol/other drugs; and survivor support.

The Department is still looking to enhance training opportunities for student-athletes, and the content of their trainings. To that end, the Department has partnered with University Health Services (“UHS”) to add content and engage student athletes on the important issue of sexual harassment and violence. UHS developed the curriculum for the GetWise program, which is a series of four workshops designed to educate students (not just student-athletes) on a broad range of issues.<sup>11</sup> The Department should continue to work with UHS to provide information and training on an annual basis for all student-athletes, in compliance with the NCAA policy. These training models may naturally address some of the confusion that undoubtedly remains about sexual violence as student-athletes, like other students on campus, navigate their newfound freedom on a college campus.

UHS also provides pathways for any university student or staff to go beyond participating in training and actually become facilitators of their workshops. The Department is already aware of this opportunity and has a plan to encourage key student-athletes to become facilitators. We recommend that the Department actively encourage student-athlete leaders to participate in UHS opportunities through publicizing and supporting them and, further, that key staff members are identified to take on this role.

### **c. Title IX compliance and complaint adjudication**

Title IX is a federal law that prohibits discrimination on the basis of sex in educational institutions. Under Title IX, the University – including the Department – has certain obligations to meet when a student or employee reports having experienced sexual harassment or sexual violence on campus, including providing appropriate support resources and reporting options. Certain staff members (“Title IX Responsible Employees”) also have mandatory reporting requirements. The Department and its staff are an essential component in the University meeting these requirements.

The purpose of this report is not an audit of the Department’s Title IX function. Indeed, investigation and adjudication of Title IX complaints of sexual harassment and sexual violence against students are handled centrally through the University’s Office of Compliance and the Office of Student Conduct and Community Standards, and the Department appropriately does not have full access to the records of those offices such that an audit could be unilaterally undertaken by it. Even if an audit were requested, the records and reports at issue are not currently kept in a way that would allow an auditor to reliably determine when a student-athlete is involved in a complaint, either as complainant or respondent. To cure that issue for the future, we recommend that the Office begin to track involvement of student subgroups, including student-athletes, in complaints and investigations. We understand that the Office of Compliance is already considering the feasibility of such tracking, and is currently previewing case tracking software that would meet this need. Because the benefit of tracking student-athlete involvement in Title IX

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<sup>11</sup> The GetWise program includes SexWise, which explores sex, sexuality, consent and sexual assault; DatingWise, which focuses on dating and healthy relationships in college; ListenWise, which teaches skills students can use to support a friend who has been the victim of dating violence; and YouWise, which focuses on resources for victims of sexual assault. UHS is also developing ActWise, which teaches bystander intervention strategies.

complaints and investigations comes, at least in part, from the ability to compare that student subgroup with others, we further recommend that other discrete student subgroups are similarly tracked.

We are mindful of the recent allegations and confirmed cases of sexual harassment, assault, and violence in collegiate athletics, and recognize the concerns related to the handling of these matters by the athletic departments and universities involved. While it is not necessarily the case that student-athletes are involved in Title IX investigations more frequently than other students, the cases in which they are involved are more likely to be high profile. Lack of confidence in the Department or University's ability to appropriately and fairly handle and adjudicate complaints under Title IX creates a barrier to the reporting of sexual harassment and violence involving student-athletes, even if that lack of confidence is based on inaccuracies or misperceptions. The Department should have clear protocols related to complaints of sexual harassment and violence, including the appropriate reporting structure outside of the Department. Such protocols are protective of the complainant, the accused, and the Department, which, no matter how scrupulously it handles a complaint, will still be perceived as a party with a conflicted and vested interest in the outcome.

As noted above, the Department is an important part of the University's Title IX presence. For this reason, it is imperative that the Department and the University's Office of Compliance cooperate, both when such a complaint arises, and in setting Departmental and Athletic Board policies related to student-athlete discipline. As a current example of this cooperation, the Department and the Office of Compliance are currently working together to revise the Department's Student-Athlete Discipline Policy to more clearly define how the University's Title IX complaint process interacts with athletics-related discipline, and to clarify when disciplinary outcomes imposed by the Department are mandatory versus discretionary.<sup>12</sup> Included in this collaboration is identifying what information regarding complaints may be shared with whom, and when.

The Department should utilize all available resources in handling Title IX issues, which includes the mandatory training provided by the Title IX program in the Office of Compliance for all of its employees, including its seasonal and temporary employees,<sup>13</sup> as well as a new Title IX Responsible Employee training, which outlines certain staff members obligations to report sexual harassment and sexual violence to the Title IX Coordinator. Finally, the Department should continue to utilize its own Deputy Title IX Coordinator, who receives targeted, yearly training related to this process. To the extent possible, the Deputy Title IX Coordinator, or someone with similar background and training in handling these issues, should be utilized by the Department when questions arise related to both formal and informal complaints, and the surrounding Title IX processes.

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<sup>12</sup> We understand that such revisions will require Athletic Board approval.

<sup>13</sup> While this training is intended to be taken online, we understand that the Title IX Coordinator will also provide in-person training for certain groups of employees if necessary.



## **METHODOLOGY**

### **Data Collection Group Composition**

Realizing that multiple perspectives would be helpful, the group charged with collecting data and conducting interviews was composed of individuals from both inside and outside of the Athletic Department, including two members of campus legal staff (Andrew Norman and Claire Dalle Molle), two members of Department compliance staff (Dan Rohrer and Brady Minter), the Director of Student-Athlete Engagement (Alando Tucker), the Director of Recruiting (Katherine Wodajo) and a member of the faculty who also serves as Chair of the Athletic Board (Peter Miller). It was also thought that the presence of group members outside of the Department could help to foster reporting of concerns by those who might otherwise be hesitant.

### **Advisory Group Composition**

Recognizing that the data collection group lacked specific expertise in many of the areas of inquiry, subject matter experts were gathered to provide insight and guidance. This group included Director Barry Alvarez, Professor Ann Sheehy of the School of Medicine, UW-Madison Police Chief Kristen Roman, Professor Richard Davidson of the Department of Psychology (Founder, Center for Healthy Minds), Regent Regina Millner, Mr. Tucker and Mr. Miller. These subject matter experts met regularly with the data collection group throughout this process.

### **Data Collection**

Data regarding the current climate of safety within the Department was gathered in various ways, including surveys, interviews and policy collection.

#### *Surveys*

The 690 active student-athletes and approximately 400 members of Department staff were each given the opportunity to respond to survey questions related to safety within the Department. The survey instruments were created with the assistance of Professor Richard Davidson and the UW Survey Center. In addition, the data collection group consulted Christopher Wiswell of the Department's Technical Services unit, to learn about how to best administer the survey to students and Department staff. The survey instrument provided to student-athletes is attached as Exhibit 1. The survey instrument provided to Department staff is attached as Exhibit 2. After the initial offering of the survey, two subsequent reminders were sent to the recipients, in the hopes of encouraging broad participation. Recipients were also invited to contact members of the data collection group directly to discuss any issues or concerns they had. 527 people completed the surveys.

The purpose of these surveys was to gain further guidance for the interviews and observations that occurred throughout the review process. There were no statistical inferences drawn from the survey responses. Rather, the intention was to get a general sense for student-athlete and staff perceptions of safety-related matters. In some instances, team response rates were low enough that the group was unable to get any sense for that team's perception of safety-related matters prior to student-athlete interviews. If the survey responses showed a larger number of negative responses on a given issue, that issue was specifically addressed during the interview process. By way of example, a significant proportion of the responses given by Women's Tennis to the statement "I feel safe in my team's locker room" were either

“strongly disagree” or “somewhat disagree.” Accordingly, locker room safety was a particular focus of the interviews involving Women’s Tennis. Through the interview process, the group learned that the sentiment voiced in the survey responses was related to the fact that the locker room for the Women’s Tennis team, which is within the Nielsen Tennis Stadium, was also open to the public. This information was included in the Safety Review, and provides a basis for the recommendation that the Department continue to coordinate with Rec. Sports to alleviate this, and similar concerns.

### *Interviews*

The data collection group divided into teams of two to interview various Department constituencies regarding safety. These interviews lasted anywhere from half of an hour to two hours. Each interviewee was given the opportunity to discuss any safety concerns they had, and then taken through a series of topics designed to identify other potential areas where safety could be improved within the Department. In order to encourage the sharing of concerns, the interviewers stressed that that the interview was part of a broad review of safety as opposed to an investigation of any particular concern or allegation. To the extent issues were raised that would more appropriately be handled by an existing campus resource, for example, the Office of Human Resources or the Office of Compliance, those issues were so referred.

### Departmental Interviews

The Director of each of the 26 departments with the Athletic Department was interviewed. The Director was invited to include other staff within their department if they thought it would be beneficial. While each interview was tailored to focus on the topics relevant to the work of each department, all interviewees were asked about facility safety, office safety, travel, recruiting, donor access, human resources, medical care provided to student-athletes and the office environment related to reporting of concerns or complaints. Each interviewee was then invited to follow up with any member of the data collection group if they thought of any other issues worthy of discussion after the interview concluded. When necessary, secondary interviews were conducted as information was gathered from other sources.

### Student-Athlete Interviews

Student-athletes from each of the Department’s 23 teams were also interviewed. At least two members of each team were interviewed, with larger groups of student-athletes taking part from the larger teams, such as football and rowing. The student-athletes were selected at random. However, if the random selection did not yield diversity of perspectives by experience and by race, additional student-athletes from within those groups were randomly selected. The interviews were conducted in a group setting in the hope that this would encourage fruitful discussion and prevent the student-athletes from feeling as though they were being singled out. However, at the end of the group interview, the student-athletes were encouraged to contact members of the data collection team separately if there was an issue they were not comfortable discussing within the group setting. The student-athletes were asked if they had any safety concerns related to their experience with the Department. The student-athletes were then asked to take the interviewers through a “day in the life” of a student-athlete within their respective sport, which yielded important information about the student-athlete experience. Finally, aided by the responses from the previous surveys, the student-athletes were asked specific questions regarding issues such as medical care and athletic training, team culture and the reporting of any complaints or concerns, travel, and recruiting.

### Coaches and Other Team Staff

The head coach and team doctor for each team was also interviewed, as were many assistant coaches, strength and conditioning coaches and athletic trainers. The interviews were similar to the interviews conducted with Department staff, but with additional discussion related to the challenges faced by each individual team.

### Other Interviews

As information was collected and concerns were raised, the data collection group found it necessary to engage other individuals, both inside and outside the Department, to learn more about Department and University policies and practices related to safety, and to discuss potential solutions. This includes discussions with Department senior staff, and leadership from the Division of Recreational Sports and Transportation Services.

### *Policy Collection*

Each Director of a department within the Athletic Department was asked to provide any written policies applicable to their respective department to allow for an evaluation of potential gaps or areas where additional policies may help safety.

With the intent of ensuring that the University of Wisconsin Athletic Department maintains a safe environment for student-athletes, staff, and other stakeholders, we are conducting a broad review of the department's operations, policies, and processes. This survey for student-athletes addresses such matters. Participants' responses will be kept confidential. Thank you for your time and careful attention to each question.

*Optional:* While all information will be kept confidential, our ability to analyze the survey responses will be assisted by knowing certain broad characteristics of survey participants. If you do not feel comfortable sharing any of these individual characteristics, please proceed to question 1.

What is your gender?

What is your race?

What is your team?

*Please answer each of the following questions using the following scale:*

1 (strongly disagree)      2 (somewhat disagree)  
 3 (somewhat agree)      4 (strongly agree)  
 N/A (not applicable to me)

**1. I feel safe...**

- in my team's locker room
- at my team's practice facility
- in the weight room
- while my team is traveling (on the van, bus, plane)  
 at the hotel on team road trips
- in the academic center during the daytime
- in the academic center in the evening
- in the athletic training room
- with the athletic training staff
- with team doctors
- with donors and/or other "outsiders" who interact with my team

**2. I have access to supportive and caring adults (coaches, administrators, support staff, etc.).**

**3. I am aware of resources to support my psychological and emotional wellness.**

**4. In my experience as a student-athlete, I have significant safety concerns relating to:**

- practicing/competing in unsafe weather conditions
- having unsafe equipment or facilities
- doctors or trainers who are not protective of my physical welfare
- being physically assaulted by teammates, coaches, or staff



--being targeted by racially or sexually demeaning language from those associated with my team

**5. I know where I can report instances of sexual harassment and sexual assault (on campus and/or within the athletic department).**

Thank you for your important contributions to our safety review. If you have questions or specific concerns, or if you would like to further elaborate on any safety-related issues in a confidential manner, please feel free to contact any of the following individuals who are working with this review process:

Claire Dalle Molle, University Legal Counsel (262-4416; [claire.dallemolle@wisc.edu](mailto:claire.dallemolle@wisc.edu))

Walter Dickey, Professor and Athletic Department Administrator (262-1542; [WJD@athletics.wisc.edu](mailto:WJD@athletics.wisc.edu))

Peter Miller, Professor and Athletic Board Chair (262-3771; [pmmiller2@wisc.edu](mailto:pmmiller2@wisc.edu))

Alando Tucker, Director of Student-Athlete Engagement (381-3847; [AFT@athletics.wisc.edu](mailto:AFT@athletics.wisc.edu))

## Exhibit 2

### Staff safety survey

With the intent of ensuring that the University of Wisconsin Athletic Department maintains a safe environment for student-athletes, staff, and other stakeholders, we are conducting a broad review of the department's operations, policies, and processes. This brief survey for athletic department staff addresses such matters. Thank you for your time and careful attention to each question.

While all information will be kept confidential, our ability to analyze the survey responses will be assisted by knowing a couple broad characteristics of survey participants. If you do not feel comfortable sharing these individual characteristics, please proceed to question 1.

What is your gender?

What is your unit within the department?

*Please answer each of the following questions using the following scale:*

1 (strongly disagree)      2 (somewhat disagree)  
3 (somewhat agree)      4 (strongly agree)  
N/A (not applicable to me)

1. The physical security of my office environment is adequate.
2. Among my co-workers, I feel safe from physical assault.
3. Among my co-workers, I feel safe from physical or psychological intimidation.
4. The head of my unit cares about the safety and welfare of those who work in my office.
5. I feel safe from racially and sexually degrading language in my office environment.
6. I have access to supportive and caring co-workers or administrators.
7. I am aware of resources to support my psychological and emotional wellness.
8. I know where I can report instances of sexual harassment and sexual assault (on campus and/or within the athletic department).

Thank you for your important contributions to our safety review. If you have questions or specific concerns, or if you would like to further elaborate on any safety-related issues in a confidential manner, please feel free to contact any of the following individuals who are working with this review process:

Claire Dalle Molle, University Legal Counsel (262-4416; [claire.dallemolle@wisc.edu](mailto:claire.dallemolle@wisc.edu))

Walter Dickey, Professor and Athletic Department Administrator (262-1542; [WJD@athletics.wisc.edu](mailto:WJD@athletics.wisc.edu))

Peter Miller, Professor and Athletic Board Chair (262-3771; [pmmiller2@wisc.edu](mailto:pmmiller2@wisc.edu))

Andrew Norman, University Legal Counsel (263-7400; [andrew.norman@wisc.edu](mailto:andrew.norman@wisc.edu))

Alando Tucker, Director of Student-Athlete Engagement (381-3847; [AFT@athletics.wisc.edu](mailto:AFT@athletics.wisc.edu))

## APPENDIX II- Additional facility safety concerns

- Rowing and Wrestling expressed concerns about excessive heat within their respective training facilities. We understand that the issue related to Wrestling has been resolved, and that solutions related to Rowing are currently being considered by the Department
- One coach mentioned that it is not uncommon to see unauthorized visitors obtaining access to Department facilities by waiting for staff to use the slow-closing handicap-accessible door to the Labahn Arena, and then sneaking in after.
- Wrestling noted that the location of its offices within Camp Randall causes some safety concerns. Once an individual obtains access through Badger Alley, there is no need to pass through any reception area or welcome desk to enter the Wrestling offices. The Department should be mindful that any additional security measures taken in relation to the welcome desks may not increase safety related to the Wrestling offices.
- There are metal doors that are commonly used by student-athletes to obtain access to Camp Randall. These doors do not have windows, making it difficult to tell if other student-athletes are about to come through the doors on their way out of Camp Randall. We understand that one student-athlete has already been injured in this area, as the door swung open right as she was reaching for it. If adding windows to these doors is not immediately feasible, perhaps signage could help.
- Our interviews showed that while there is general agreement that all workout and practice spaces should have an Automated External Defibrillator (“AED”), there is not consistent knowledge as to where AED’s are currently located within Department space.
- Wrestling identified the concern that the odd layout of the wrestling room, which includes large weight-bearing columns in between the practice mats, is far from ideal. The columns have been padded, which may be the only step that can be taken without significant renovation of the space or moving the team to a different location.



## APPENDIX III-

### Concussion protocol

Any student-athletes suspected of having a concussion, or reporting concussion like symptoms is removed from activity and evaluated by a licensed athletic trainer or physician member of the sports medicine staff. Evaluation also includes clinical assessment for cervical spine trauma, skull fracture, and intracranial bleed when indicated.

If the evaluation results in concern for a concussion, the student-athlete is removed from athletic and classroom activity for the remainder of that day unless directed otherwise by a team physician.

Student-athletes suspected of having a concussion and another responsible adult are provided and review the handout “Concussion Information for Student-Athletes and Family/Friends” following their evaluation. Student-athletes are advised of the importance of being supervised by a responsible adult for the remainder of the day. Arrangements are made for follow-up of the student-athlete the next day.

Student-athletes suspected of having a concussion are referred to a physician for consultation and further evaluation. Student-athletes may be provided the “Documentation of Concussion” letter to outline any suggested temporary academic accommodations that may be necessary as a result of their concussion. Student-athletes are expected to return to academics prior to returning to athletic participation.

Student-athletes with a concussion undergo serial monitoring utilizing a graded symptom checklist, and if symptoms persist longer than 72 hours is followed by a physician weekly, or as determined by the physician.

When a student-athlete’s concussion-related symptoms have improved, they undergo concussion testing for comparison to their baseline concussion assessment. Return-to-play progression has six stages:

- Stage 1 – No activity, prescribed treatment related activity, and activities of daily living
- Stage 2 – Light exercise
- Stage 3 – Sports activities without risk of contact from others
- Stage 4 – Noncontact training or practice with others and resistance training
- Stage 5 – Unrestricted training or practice
- Stage 6 – Return to play