

## **ATHLETICS INTEGRITY COUNCIL OPERATING GUIDELINES**

### **I. PREAMBLE**

In August 2012, The Pennsylvania State University (the “University”) and the National Collegiate Athletic Association (“NCAA”) and The Big Ten Conference, Inc. (“Big Ten”) entered into an Athletics Integrity Agreement (“AIA” or the “Agreement”) to promote the University’s compliance with the NCAA and Big Ten rules and regulations as well as with the NCAA’s and Big Ten’s standards of integrity for its member institutions, as required by a Consent Decree imposed by the NCAA on, and accepted by, the University. The AIA expired by its terms on August 28, 2017 and after that date is no longer of any force or effect. Notwithstanding the termination of the AIA, the University believes that many of the provisions thereof have been beneficial to the University in its continuing efforts to comply with the NCAA and Big Ten rules and regulations as well as with the NCAA’s and Big Ten’s standards of integrity for its member institutions.

Accordingly, the Athletics Integrity Council adopts the following as its operating guidelines (the “Operating Guidelines”).

### **II. DEFINITIONS**

**A.** As used herein, the following terms have the following definitions:

1. “Athletics Department” shall mean all University Division I NCAA-sanctioned intercollegiate athletics teams and all persons engaged to perform services for those teams. The Athletics Department does not include events staff, ushers, security personnel, vendors, and other individuals who are engaged on a temporary basis to provide support at University athletic events.

2. “Signatories” shall mean all student-athletes, Athletics Department employees, Board of Trustees members and other individuals required by the Athletics Integrity Council to execute and deliver a copy of the Code of Conduct in order to further the goals and objectives described in these Operating Guidelines.

### **III. INTEGRITY OBLIGATIONS**

The University shall continue its Integrity Program that includes the following elements:

**A.** Athletics Integrity Officer and Council.

1. *Athletics Integrity Officer.* The University has appointed an individual to serve as an integrity officer or equivalent for Athletics (“Athletics Integrity Officer” or “AIO”). The Athletics Integrity Officer shall be responsible for developing and implementing procedures and practices designed to ensure the Athletics Department’s compliance with all applicable NCAA and Big Ten rules and regulations and with the requirements set forth herein. The Athletics Integrity Officer shall be responsible for review and oversight of matters related to the compliance and ethical obligations of the Athletics Department, including analyzing Athletics Department risks related to the Athletics Integrity Officer’s responsibilities and, where appropriate, overseeing internal or external investigations. The Athletics Integrity Officer shall be responsible for oversight and monitoring of the Athletics Department’s compliance with the NCAA Constitution and Bylaws, and the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws and Big Ten Handbook, and shall be responsible for any reporting obligations hereunder.

The Athletics Integrity Officer shall have access to all Athletics Department and relevant University records, documents, personnel, and facilities as are reasonably necessary to assist in the execution of his or her duties. The University shall preserve all such records as directed by the Athletics Integrity Officer. The Athletics Integrity Officer shall have the right to interview any officer, faculty, employee, agent, consultant or student-athlete of the University and to participate in any meetings concerning any matter within or relating to his or her jurisdiction.

The Athletics Integrity Officer shall report to the Chief Ethics and Compliance Officer and shall have regular and direct access to the President and the Board of Trustees, or an appropriate committee thereof. The Athletics Integrity Officer shall not hold any other job responsibilities in the Athletics Department. Any other functions that the Athletics Integrity Officer performs must not interfere, or present a conflict of interest, with his or her ability to perform the duties outlined herein.

2. *Athletics Integrity Council.* The University has established and will maintain an Athletics Integrity Council (the “Athletics Integrity Council”) which shall, at minimum, be composed of the Athletics Integrity Officer, three faculty members (including the Faculty Athletics Representative), three senior University administrators, and the Associate Athletics Director for Compliance and Student-Athlete Services. The Athletics Integrity Officer shall chair the Athletics Integrity Council, and the Athletics Integrity Council shall support the Athletics Integrity Officer in fulfilling his or her responsibilities. The Athletics Integrity Council shall report to the President and to the Board of Trustees or an appropriate committee thereof. The Athletics Integrity Council shall meet at least quarterly.

3. *Internal Accountability and Certifications.* In addition to the responsibilities set forth herein for all Signatories, a named coach, manager, or appropriate administrator for each University NCAA-sanctioned intercollegiate athletics team shall be assigned to monitor and oversee activities within his or her team relating to compliance with all relevant standards and obligations (“Team Monitor”), and shall report annually to the Athletics Director and Athletics Integrity Council regarding any issues or problems that

have arisen during that year and any corrective action taken in response. Every year, the Team Monitors shall certify in writing to the Athletics Director and Athletics Integrity Council that his or her team is compliant with the NCAA Constitution and Bylaws and the Big Ten Handbook, and the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws and the Big Ten Handbook. The certification shall include reference to any secondary violations committed by the Athletics team with a notation as to whether those violations were self-disclosed by the team or discovered by someone external to it. It should be noted that monitoring and discovery of secondary violations is generally viewed as an indicator of a healthy compliance environment that encourages education and awareness of the need to self-disclose and self-report. If the Team Monitor fails to certify in writing or such certification is limited or conditioned in any way, the Athletics Integrity Council shall direct that immediate steps be taken to remediate any shortcomings and report such action to the President and the Board of Trustees, or an appropriate committee thereof.

4. *Additional Review and Certification.* Every year, the Athletics Director shall review any and all reports submitted by Team Monitors and shall annually certify to the Athletics Integrity Council and the Board of Trustees or an appropriate committee thereof that the Athletics Department is in compliance with the NCAA Constitution and Bylaws and the Big Ten Handbook, and the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the Constitution and Bylaws and the Big Ten Handbook.

**B. Written Standards**

1. *Code of Conduct.* The University has developed, implemented and distributed a written Code of Conduct for Athletics (the “Code of Conduct”) to all Signatories. The Code of Conduct sets forth in sufficient and appropriate detail:

a. That promotion of, and adherence to, the Code of Conduct is an element in evaluating the performance of all coaches and staff.

b. The Athletics Department’s commitment to full compliance with the NCAA Constitution and Bylaws, and the Big Ten Handbook, and the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws, and the Big Ten Handbook.

c. The Athletics Department’s requirement that all Signatories shall be expected to comply with the NCAA Constitution and Bylaws and the Big Ten Handbook, the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws and the Big Ten Handbook, and the Athletics Department’s own Policies and Procedures.

d. The requirement that all Signatories must report suspected violations of the NCAA’s rules and the Big Ten’s rules or the Athletics Department’s own policies and procedures, or other conduct that has a reasonable risk of undermining the University’s commitment to principles of civility, integrity, and ethical conduct in its

Athletics Department, to the Athletics Integrity Officer or through another official reporting mechanism (e.g., a hotline).

e. The right of individuals to use the Disclosure Program described in Section III.D, and the University and the Athletics Department's commitment to non-retaliation and to maintain, as appropriate, confidentiality and anonymity with respect to such disclosure.

The Athletic Integrity Officer shall use reasonable efforts to ensure that new Signatories shall receive the Code of Conduct and shall complete the required certification within 30 days after becoming a Signatory.

The Athletics Integrity Council shall periodically review the Code of Conduct to determine if revisions are appropriate and shall make necessary revisions based on such review. The Athletics Integrity Officer shall use reasonable efforts to ensure that any revised Code of Conduct shall be distributed within 30 days after any revisions are finalized. The University shall use reasonable efforts to ensure that each Signatory shall certify, in writing, that he or she has received, read, understood, and shall abide by the revised Code of Conduct within 30 days after the distribution of the revised Code of Conduct.

2. *Policies and Procedures.* The Athletics Department has updated its written policies and procedures (the "Policies and Procedures") regarding the operation of the Integrity Program, including, but not limited to, compliance with the University's requirements under the NCAA Constitution and Bylaws and the Big Ten Handbook, and the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws and the Big Ten Handbook.

The Policies and Procedures contain mechanisms designed to ensure that Signatories do not permit their collective or individual reverence or deference towards any individual, team or other aspect of the Athletics Department to undermine their responsibility to comply with the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws, the Big Ten Handbook and the University's Code of Conduct as described pursuant Section III B.1 above. These mechanisms prohibit retaliation or retribution against anyone; including Trustees, the University President, members of the Athletic Integrity Council, or other senior University administrators, for any actions taken that the individuals reasonably believed necessary to uphold or enforce compliance with this AIA, the University's obligations under the NCAA Constitution and Bylaws and Big Ten Handbook, or the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws and Big Ten Handbook.

The Athletics Integrity Council shall periodically assess and update, as necessary, the Policies and Procedures. The Athletics Integrity Officer shall use reasonable efforts to ensure that within 30 days after the effective date of any revisions, the relevant portions of such revised Policies and Procedures shall be distributed to all Signatories.

**C. Training and Education**

1. *Annual Training.* The Associate Athletics Director for Compliance and Student-Athlete Services (or designee) shall conduct an annual training course for all Signatories which addresses the NCAA Constitution and Bylaws and the Big Ten Handbook; the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the Constitution and Bylaws; and the Athletics Department's own Policies and Procedures. The training received by the Board of Trustees shall cover the Board's relationship, role and responsibilities regarding the Athletics Department and any team, person or aspect thereof. The training shall also cover the Disclosure Program, described in Section III D, and the University and the Athletics Department's commitment to non-retaliation and to maintain, as appropriate, confidentiality and anonymity with respect to such disclosures.

2. *Certification.* Each Signatory who is required to complete training shall certify, in writing, that he or she has received such training. The certification shall specify the date the training was received. The Athletics Integrity Officer (or designee) shall retain the certifications, along with any course materials.

**D. Disclosure Program**

The University has established a Disclosure Program, including a hotline, for named or anonymous individuals to disclose, report, or request advice on, at a minimum, any identified issues or questions related to compliance with (i) the Athletics Department's and/or relevant University Policies and Procedures, (ii) the NCAA Constitution, Bylaws, and the principles regarding institutional control, responsibility, ethical conduct, and integrity reflected in the NCAA Constitution and Bylaws or (iii) the Big Ten Handbook and the principles regarding institutional control, responsibility, ethical conduct and integrity reflected in the Big Ten Handbook. The University shall appropriately and widely publicize the existence of the disclosure mechanism (e.g., periodic e-mails or by posting the information in prominent common areas). The University may use its existing hotline and disclosure policies and procedures if they comply with the requirements in this section.

The Disclosure Program shall emphasize a non-retribution, non-retaliation policy and shall include a reporting mechanism for anonymous communications for which appropriate confidentiality shall be maintained. Upon receipt of a disclosure within the job responsibilities of the Athletics Integrity Officer, the Athletics Integrity Officer (or designee) shall gather all relevant information from the disclosing individual, to the extent possible. The Athletics Integrity Officer (or designee) shall make a preliminary, good faith inquiry into the allegations set forth in every disclosure to ensure that he or she has obtained all of the information necessary to determine whether a further review should be conducted. For any disclosure that the Athletics Integrity Officer (or designee) in good faith determines requires further inquiry, the University (under the oversight of the Athletics Integrity Council) shall conduct an internal review of the allegations set forth in the disclosure and ensure that proper follow-up is conducted.

The procedures described above in this Section III D regarding the preliminary

inquiry by the Athletics Integrity Officer or review by the Athletics Integrity Council must be done in a manner that does not interfere with any relevant criminal investigation and must be done in a manner that is consistent with all laws and any and all University policies relating to: mandatory reporting; the proper handling of criminal misconduct; proper handling of student misconduct; or the proper handling of health and safety issues. Any University policies promulgated after the date hereof shall be developed in good faith with due consideration given to the processes described in this Section.

The Athletics Integrity Officer (or designee) shall provide regular updates to the Athletics Integrity Council of any reports received by the Athletics Integrity Officer. The Athletics Integrity Officer (or designee) shall maintain a disclosure log, which shall include a record and summary of each disclosure received, regardless of how general or unsubstantiated the information is ultimately viewed (whether anonymous or not), the status of the respective internal reviews, and any corrective action taken in response to the internal review.

Nothing in this Section is intended to replace any of the existing procedures at the University to address disclosures. The University may follow such other procedures in addition to the process described above, for any particular disclosure.

**E. The Role of the Associate Athletics Director for Compliance and Student-Athlete Services.**

The Associate Athletics Director for Compliance and Student-Athlete Services will remain the individual primarily responsible for the day-to-day administration of the Athletics Department compliance office, including responsibility for compliance with the NCAA Constitution, Bylaws, and the Big Ten Handbook. Nothing in these Operating Guidelines is intended to limit, restrict or supplant any part of the University's existing compliance programs or the responsibility and authority of the Associate Athletics Director for Compliance and Student Athlete Services. The provisions relating to the Athletics Integrity Officer are intended to enhance oversight of compliance operations for Athletics.