

# IOWA STATE UNIVERSITY

OF SCIENCE AND TECHNOLOGY

**DATE:** January 20, 2022

**TO:** Wendy Wintersteen, President

**CC:** Michael Norton, University Counsel

**FROM:** Sport Clubs Review Committee<sup>1</sup>

**RE:** **Recommendations for the Future Operations of Sport Clubs at Iowa State University**

## I. INTRODUCTION

In response to a Crew Club accident on March 28, 2021 at Little Wall Lake that resulted in the deaths of two Iowa State University students, the University commissioned two independent review processes: an external review conducted by the U.S. Council for Athletes' Health (USCAH) and an internal review conducted by University personnel with specific knowledge and experience in areas relating to the operation of student sport clubs. The review processes resulted in the production of two separate reports and recommendations regarding the future operations of student sport clubs at Iowa State University. Following the release of the two reports, the Office of the President commissioned the Sport Clubs Review Committee (Committee) and tasked the Committee with reviewing and assessing the two reports' recommendations and developing a proposed plan for student sport clubs at ISU going forward. The Committee's recommendations are outlined in this document.

In summary, the Committee recommends the adoption of a plan that would result in the reduction of the number of sport clubs that are permitted to engage in activity that reasonably could be described as high-risk. Sport clubs that are permitted to engage in high-risk activity would be required to satisfy a number of additional risk-mitigating measures, most importantly

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<sup>1</sup> Committee members include, Brett Lohofener, Associate University Counsel, Office of University Counsel (chair); Kurt Beyer, Senior Risk and Systems Analyst, Office of Risk Management; Brooke Lents, Student Organization Safety Coordinator, Office of Risk Management, Kevin Merrill, Assistant Director for Student Organizations, Student Activities Center; Jason Vlastaras, Associate Director, Recreation Services; and Kathleen Wellik, Director of Transportation, Department of Public Safety Transportation Services.

associating closely with an affiliating department<sup>2</sup> that would knowingly and voluntarily assume enhanced oversight and risk management responsibilities over the affiliated club. Sport clubs that engage in activity that is unreasonably risky<sup>3</sup> and/or that cannot satisfy the enhanced risk mitigating measures would transition to an enthusiast student organization. These enthusiast student organizations would not be permitted to engage in their high-risk activity as a recognized student organization, but would be provided a forum for likeminded and passion-sharing students to come together (see section 7 for additional detail). Individual students could join an established external local, regional, state, and/or national club if they desired to participate or compete in a well-structured and regulated environment. Current sport clubs that engage in low risk activity may transition to a new recognized student organization designation: “Student Sport Club Organization.” This designation would include the same standing and privileges as current sport clubs (for example, access to trademarks), but fall under the auspices of Student Engagement, and no longer Recreation Services. Alternatively, this new designation may remain under Recreation Services if a new/additional designated staff member is appointed to manage these organizations.

## **II. RECOMMENDED PLAN FOR FUTURE SPORT CLUBS ACTIVITIES**

1. Implementation of a High-Risk Sport Clubs Policy: The Committee recommends the drafting and implementation of a High-Risk Sport Clubs Policy (Policy). The Policy will detail a new University assessment process of all current student sport clubs and all future proposed sport clubs to determine the health and safety risks involved in participating in the sport club student organization. Following an assessment, sport clubs that are determined to engage in high-risk activity will be required to meet additional guidelines in order to be a recognized sport club and engage in such activity (see section 3 for specific requirements). Sport clubs that cannot meet these additional guidelines or that are determined to engage in an activity where the identified risks cannot be reasonably remediated will be required to modify their focus to an enthusiast student organization (see section 7 for more information). The proposed policy and accompanying procedures document will explain and detail the adopted recommendations set out below.

2. Creation of a Permanent Committee Responsible for Implementing the High-Risk Sport Club Policy. The permanent committee will be responsible for administering the Policy, including conducting the assessment of sport clubs for recognition by the University and approval for engagement in high-risk activity. It is recommended that the committee include representatives from the Office of Risk Management, including the newly created Student Organization Safety

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<sup>2</sup> Generally, for sport clubs the appropriate affiliating department would be Recreation Services, although the Committee recognizes that other departments may be able to sponsor a higher-risk club after evidencing appropriate commitment, staffing, and risk-mitigating procedures.

<sup>3</sup> As determined by the proposed permanent committee in section II.2.

Coordinator, Student Engagement, Recreation Services, Transportation Services, and the Office of University Counsel.

- a. Criteria to Identify High-Risk Sport Clubs: The proposed Policy will identify the criteria to be used by the permanent committee to assess current and future proposed sport clubs. This Committee has identified the following activity assessment points indicating higher risk activity:
- Participation requires physical contact, especially repeated physical contact or contact that reasonably could inflict serious bodily injury;
  - Participation requires extreme and/or prolonged physical exertion;
  - Participation requires the use of personal protective equipment, especially complex or specialized protective equipment;
  - Participation requires the use of / exposure to mechanical, electrical, or other special equipment;
  - Participation requires the use of / exposure to hazardous substances, e.g., flammable, combustible, toxic substances;
  - Participation requires contact with animals, especially prolonged exposure, specialized treatment, or contact that reasonably could inflict serious bodily injury;
  - Participation requires exposure to hazardous environments, including to potentially hazardous natural elements, e.g., weather, water, heights, enclosed spaces;
  - Participation requires use of / exposure to weapons or firearms;
  - Regional, national, or international governing organization requires participant insurance and/or waivers;
  - Governing organization and/or local, state, federal law requires licensure to engage in conduct;
  - Governing organization identifies detailed health, safety, and risk related procedures.

3. Additional Requirements of High-Risk Sport Clubs: Sport clubs that are determined to engage in high-risk activity by the committee will be required to satisfy additional requirements in order to gain recognition as an ISU Sport Club and engage in their specific high-risk sport/activity.<sup>4</sup> The Committee envisions that following its review, a number of existing sport clubs will be determined to engage in activity where the risks involved cannot be reasonably mitigated and/or clubs will not be able to satisfy the additional requirements. These currently existing clubs will be invited to transition to an enthusiast student organization (see section 7 for

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<sup>4</sup> Clubs that generally do not engage in high-risk activity will still be required to submit events/programs to the Committee for approval if that individual event/program is potentially risky. For example, if the bowling club requests to conduct a marathon as a fundraiser, this event would be assessed by the committee for approval.

more detail). The Committee has identified the following initial additional requirements for high-risk designated sport clubs:

- a. Department Affiliation: High-risk sport clubs must gain affiliated status from a university department. Generally, given the nature of sport clubs, Recreation Services will be the proper affiliating unit of recognized sport clubs, but the permanent committee may approve other affiliating departments on a case-by-case basis upon assessment of that department's plan and ability to assume enhanced oversight and risk management responsibilities, including facility and equipment oversight. The sponsoring department will be required to agree to an updated affiliation agreement that clearly details their enhanced expectations and responsibilities (see section 6 for more detail). The permanent committee will have the authority to deny sponsorship if the inherent risks involved in the activity cannot be reasonably mitigated considering the higher education setting; the department's staffing, resources and/or management plan are assessed to be insufficient; and/or for other legitimate reasons, including compliance with applicable regulations (e.g., Title IX).
  
- b. Club Level Health and Safety Officers: All recognized high-risk sport clubs must identify at least two club level health and safety officers. The health and safety officers will serve on the club's health and safety committee (see recommendation 3.c). Responsibilities of the health and safety officers include:
  - At least one health and safety officer must be present at all club activities. If a health and safety officer is not available or cannot attend the activity, the activity must be cancelled. The health and safety officer is responsible for completing and submitting the required pre-activity health and safety checklist before the club engages in any activity (see section 3.d for more detail).
  - Health and safety officer is responsible for carrying a club emergency contact list and the department's emergency response guide to all club activities.
  - Health and safety officer is responsible for carrying the club's first aid kit to all club activities and work with the department advisor to ensure first aid kits are stocked and prepared before all activities.
  - Health and safety officer is responsible for sharing health and safety concerns with club's executive committee, the department advisor, and the Student Organization Safety Coordinator.
  - Health and safety officer is responsible for completing Recreation Services provided CPR and first aid training (see section 4 for more detail).
  
- c. Club Level Health and Safety Committee: All University recognized high-risk sport clubs must establish and maintain a club level health and safety committee. The club

health and safety committee must consist of the following members: president, both designated club health and safety officers (see section 3.b for more detail), club advisor(s), and club coach.

- The club health and safety committee must meet at least twice a semester, with one meeting occurring at the beginning of each semester before any official club activity can take place.
- The club health and safety committee is responsible for developing and annually reviewing a health and safety requirements policy specific to the club (see section 3.d for more detail). The club's department advisor and the University Student Organization Safety Coordinator will verify that all required health and safety polices are drafted and updated and that no activity is taking place until complete.
- The club health and safety committee is responsible for developing and annually reviewing a health and safety training course specific to the club (see section 3.e for more detail). The club's department advisor and the University Student Organization Safety Coordinator will verify that all required safety education is occurring and that no activity is taking place until complete.

d. Club Level Health and Safety Policy Requirement: All recognized high-risk sport clubs must draft, adopt, and abide by a club level health and safety requirements policy. The policy must identify and conform to the established health and safety rules of a recognized regional, national, or international sport governing organization. The policy must be reviewed and approved by the club's health and safety committee and sponsoring department advisor before the club engages in any activity. In addition, the University's Student Organization Safety Coordinator will audit submitted policies for compliance and sufficiency.

- Pre-activity assessment checklist. The club level policy must include a pre-activity assessment checklist that includes all required health and safety assessment points for engagement in activity. At least one of the club's designated Health and Safety Officers must complete the checklist prior to engaging in any official activity of the club and retain the completed checklist for audit purposes. The department advisor and the Student Organization Safety Coordinator will audit clubs for compliance, and policies delineating consequences for failing to complete the checklist and/or violating health and safety rules will be clearly articulated and enforced.
- Equipment audit: The club level policy must include a description of a per-semester equipment audit. The club's health and safety committee must audit all required health and safety related equipment, noting the equipment's condition and any repair/replacement needs. The audit must be submitted to

the club's departmental advisor and to the Student Organization Safety Coordinator. If required health and safety related equipment is unavailable or unusable, club activities that require the equipment must cease until documented repair or replacement.

- e. Club Level Mandatory Health and Safety Training: All recognized high-risk sport clubs must design and implement a sport specific health and safety training course that is mandatory for all active members as well as advisors and coaches. The training must review the health and safety policy adopted by the club; the health and safety related policies, rules and recommendations of the club's identified regional, national, or international governing body; the general emergency action response plan applicable to all clubs (See section 4 below); and include information about the student organization/club reporting hotline (See section 5 below), where any member/individual may report a health or safety concern about a club. Training materials and proof of all-member completion of training must be submitted to the club's departmental advisor and the University's Student Organization Safety Coordinator. Members who have not completed the current training cannot participate in any club activities.

4. Enhanced University Trainings and Mandatory Meetings: The Committee recommends the creation of a more robust required University/department level annual training for all sport clubs members and an additional required annual training for all sport club advisors and coaches. These trainings will be in addition to the club-level training detailed in Section 3(e). The University/department level training should at minimum review all applicable University/department policies and procedures, and include training regarding emergency response procedures relating to medical, weather, equipment, and other risk related situations. An emergency action response document will be developed and shared with all clubs. Individual club members cannot engage in any activity until they have completed required trainings, and the club cannot engage in any activity until all members of its executive committee, health and safety committee, and advisors and coaches complete all required trainings. Recreation Services will also provide CPR and first aid training that will be required for all club Health and Safety Officers.

5. Hotline: The Committee recommends that the Student Organization Safety Coordinator establish and oversee a student organization/club reporting hotline that accepts concerns regarding student organization and club conduct, including health and safety related concerns.

6. Responsibilities of Affiliating Department: Under the new proposed model, the affiliating department of a high-risk sport club would voluntarily take on enhanced responsibilities for the

club, most significantly in the risk management and health and safety areas.<sup>5</sup> This Committee will work to significantly update and enhance the existing Department-Club Affiliation Agreement to account for these enhanced responsibilities. Affiliating departments must be aware of their expectations and responsibilities before agreeing to sponsor a club in order to assure they are aware of the possible risks involved and have appropriate staffing and resources available to provide the necessary oversight. The club and affiliating department will be required to complete a new affiliation agreement every academic year to ensure that current department leadership is aware of and agree to the responsibilities detailed. The enhanced responsibilities of an affiliating department will include:

- a. Department Advisor: The sponsoring department will identify a departmental club advisor. Every recognized high-risk sport club will be required to have a departmental advisor. At the club's discretion, the club may identify one additional advisor in accordance with the Student Organization Recognition Policy (this advisor need not be an employee of the sponsoring department). The departmental club advisor will maintain primary responsibility for the sponsoring department's responsibilities toward the club. The department must develop a position description for the departmental advisor, defining the advisor's role and responsibilities to be included in their official employment position description. The department must evaluate and monitor the number of responsibilities placed on each individual advisor to assess the advisor's capacity to satisfy those responsibilities. Staffing and resource availability must be assessed by the department prior to agreeing to affiliate a club.
- b. Coaches: The affiliating department will maintain responsibility over any club coach. This Committee will work to develop a new uniform club coach agreement/contract that details the responsibilities of coaches and a clear reporting line to the department.
- c. Constitution and Policies: The department advisor and the club coach must play an active role in the development of their clubs' constitutions, bylaws, and health and safety policies (See section 3.d) and have the authority to veto these documents if they are deemed insufficient or lacking in any regard and suspend club activities until complete.
- d. Health and Safety Training: The department advisor and the club coach must play an active role in the development of their clubs' required sport specific health and safety training (see section 3.e) and have the authority to suspend club activities until adequate training is complete.

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<sup>5</sup> As explained in ft. 2, generally, for sport clubs the appropriate sponsoring department will be Recreation Services given the nature and activity of most sport clubs. However, the Committee recognizes that other departments may be able to sponsor a higher-risk club after evidencing appropriate commitment, staffing, and risk-mitigating procedures.

- e. Authority: The sponsoring department (in addition to the Office of Risk Management and other relevant University offices) will have the authority to suspend all of a club's activities on an interim basis pending a review after learning of a health, safety, or risk concern; and the authority to sanction, suspend, and/or disband clubs, including the suspension/dismissal of individual members, following a review, for violations of the club's and/or the University's health, safety and risk policies. The department advisor and the club coach (in addition to the Office of Risk Management and other relevant University offices) will have the authority to unilaterally postpone or cancel any club activity for health, safety, and risk reasons.
- f. Equipment: The affiliating department will maintain ownership and authority over all equipment which is purchased with University funds and/or funds from a club's University account for the benefit of the current and future members of the club. Such equipment will be available for use only by the club for which it was purchased. The club and its student members will maintain responsibility for the care and maintenance of club equipment. As detailed in section 3.d, the club must conduct an audit of all health and safety related equipment at least twice a year or as required by governing rules. The department will conduct its own separate audit of all health and safety related equipment and approve or reject the club's audit. If required health and safety related equipment is unavailable or unusable, club activities that require the equipment must cease until documented repair/replacement.
- g. Funding: The Committee does not recommend changes to the funding structure of sport clubs. The Committee believes that the individual sport club and its members should retain responsibility for funding of their clubs. Currently, most sport clubs receive funding from Student Government, membership dues, and/or club led fundraising efforts.

7. Enthusiast Organizations: High-risk identified sport clubs that cannot satisfy the additional requirements above or that are determined to engage in activity where the risks cannot be reasonably remediated, will be required to modify their focus. Modification of a club's focus will generally entail shifting away from a sport club that engages in the high-risk activity, to an enthusiast student organization dedicated to bringing students together to discuss and learn more about their shared common interest. Enthusiast groups will not be permitted to engage in high-risk activity as an ISU recognized organization and the University will not support or facilitate any engagement in the high-risk activity (e.g., no activity equipment, no activity space, no vehicle rental for activity engagement, etc.). Under this model, individual students could still explore engaging in activity through an external established local, state, regional, or national club.

It is expected that the implementation of the High-Risk Sport Clubs Policy will result in a significant number of current sport clubs being required to transition away from the active engagement in their sport to the enthusiast-organization model. Currently, there are

approximately 50 sport clubs that engage in activity that based on an initial cursory review of these clubs, the majority would likely be determined to engage in high-risk activity. Based on current staffing levels, Recreation Services estimates that they would be able to sponsor ~15 sport clubs at the new enhanced oversight level. If more than ~15 sport clubs were recognized, additional staffing would be necessary within Recreation Services. Current sport clubs that are determined not to engage in high-risk activity may be transitioned to student organizations that are permitted to engage in their activity if the Committee determines that the registered student organization tier and model better applies to the club's activities. Transitioning these non-high-risk clubs to student organizations will free up Recreation Services staff and resources to focus on affiliated high-risk sport clubs.

8. Low Risk Clubs: Current sport clubs that engage in activity that is determined to be of low risk, may transition to a new recognized student organization designation: "Student Sport Club Organization." This designation would include the same standing and privileges as current sport clubs (for example, access to trademarks), but fall under the auspices of Student Engagement, and no longer Recreation Services. Alternatively, this new designation may remain under Recreation Services if a new/additional designated staff member is appointed to manage these specific organizations. Because these organizations do not (and cannot) engage in high risk activity, these organizations would not be affiliated with any department, and the level of support and oversight provided would be less than that provided to high risk designated clubs.

### **III. CONCLUSION**

The above recommendations encompass the Committee's initial primary recommendations for the future operations of sport clubs at ISU. The Committee envisions that additional, more detailed and specific policy and guidelines will result from the implementation of the final accepted recommendations.