

Report to the Membership

The Steering Committee of the Coalition on Intercollegiate Athletics

March 2013

Executive Summary

The Context of College Sports, 2012-13. Over the past year, many of the major problems facing intercollegiate athletics have persisted, among them the growing fiscal imbalance in athletics, and trends towards professionalization, alongside some continuing positive trends concerning rising NCAA minimal academic standards for athletes. At the present moment, however, three factors dominate the landscape of college sports from COIA's perspective: the O'Bannon class action lawsuit against the NCAA, which threatens to undermine the "Collegiate Model" of amateur sports; conference realignment, which has highlighted the strength of economic forces driving the behavior of FBS schools and the growing strength of conference consortia as major driving forces; increasing calls for the end to the NCAA, prompted both by advocates of professionalization and by dissatisfaction with the NCAA's regulatory enforcement conduct. These factors have particular impact on COIA as an alliance of faculty senates at schools within the NCAA FBS, crossing conference boundaries.

The Coalition in 2012. COIA continued to lay stress on working closely with national partner groups this past year, including the FAR associations and the Knight Commission. However, the Coalition's focus has been on its relationship with the NCAA, particularly in light of the NCAA's decision to decentralize many aspects of its regulatory structure, beginning a shift of policy and enforcement features to the campus level. The NCAA, recognizing that economic and competitive forces on campuses increase the challenge of maintaining integrity in a decentralized regulatory environment, approached COIA about developing standards and structures for increased faculty engagement in athletics governance at the local level. Responding to this invitation has been COIA's focus for the past six months.

2013 COIA National Meeting. The issue of increased campus faculty engagement in athletics governance was the major topic at COIA's tenth anniversary meeting in Tampa, in February 2013. Through a series of work sessions over two days, participants worked with NCAA officials to develop practical proposals that could be adapted to individual FBS campuses to increase the capacity of representative faculty to contribute constructively to athletics policy formation, implementation, and assessment. The plan places emphasis on the need to extend this capacity to the conference level, given the growing impact of conferences on the shape of college sports.

Preliminary Agenda, 2013. The Coalition's agenda for the coming year is likely to be dominated by the ongoing dialogue with the NCAA concerning deregulation and faculty engagement. The initial step has been the formulation of a prospectus delivered to NCAA President Mark Emmert in February, conveying the Tampa plan. In that document, the COIA Steering Committee proposed that the NCAA convene a summit of university presidents, athletics directors, faculty athletics representatives, and COIA members representing faculty senates to develop a coordinated approach. Much of COIA's activity in the coming year will depend on the NCAA response to this prospectus. Whatever that response may be, COIA member senates will need to prepare for Fall discussions of the appropriate role campus faculties will need to play in the context of the increasing deregulation of athletics policy formation and enforcement.

Introduction

The Coalition on Intercollegiate Athletics marked the completion of a full decade of activity during the 2012-2013 year. COIA remains the first and only formal alliance of university faculty senates. This past year, COIA added three new member senates: Baylor University, The University of Massachusetts – Amherst, and The University of Nevada – Las Vegas. This brings the total number of faculty senates that are members of COIA to 61, representing the faculty at OVER half the NCAA Football Bowl Subdivision (FBS) schools with faculty senates (see Appendix 1).

COIA is recognized as a national faculty voice on issues of college sports, and consults with such groups as both the national and FBS NCAA Faculty Athletics Representatives Associations (FARA and FBS FARA), the National Association of Academic Advisors for Athletes (N4A), the Knight Commission on Intercollegiate Athletics, and the NCAA administration itself.

In 2012-13, the NCAA asked COIA for input on a major NCAA restructuring proposal designed to transfer aspects of its centralized regulatory regime to individual campuses. Their proposed changes have been the dominant issue for COIA during the past year and formed the main agenda for the Coalition’s 2013 annual meeting, held February 1-3, at the University of South Florida, in Tampa.

This report from the COIA Steering Committee to the representatives of COIA member senates is intended to summarize the context and content of that meeting, and set an agenda for the coming year. It includes the following sections:

1. The national context for intercollegiate athletics, 2013: COIA and the NCAA
 2. Coalition activities in 2012-13
 3. The 2012-13 annual COIA meeting, February 1-3, University of South Florida
 4. Coalition leadership changes
 5. The agenda for 2013-14 and the role of COIA member senates
- Appendix 1: Current COIA member Senates
 Appendix 2: 2013 Annual Meeting schedule
 Appendix 3: 2013 Annual Meeting work session agendas
 Appendix 4: 2013 Annual Meeting work product: “Increasing Faculty Engagement”

1. The national context for intercollegiate athletics, 2013: COIA and the NCAA

One year ago, the COIA Steering Committee’s report to the membership emphasized the growing fiscal imbalance in athletics, with FBS athletics operating at a deficit of over \$1 billion amid heightened calls for professionalization. On the positive side, we noted the NCAA’s decision to substantially enhance academic standards for initial eligibility, starting in 2016. These factors continue to shape the context of college sports; however, three additional elements have come to the fore: 1) The O’Bannon class action lawsuit against the NCAA; 2) Conference reorganization; 3) Increasing calls for the end to the NCAA.

1) O'Bannon Case. The O'Bannon case is a class-action suit alleging that the NCAA is not sharing with student-athletes the significant proceeds from the use of student-athlete images in commercial ventures such as video games. The potential monetary damages are exceedingly high and could impact the viability of the NCAA. Even more important is the impact that a judgment against the NCAA would have on the amateur status of athletics under the "Collegiate Model," the current policy underpinning all of intercollegiate athletics.

2) Conference reorganization. The past year has seen over 20 FBS institutions announce their intention to move to a different conference. The primary rationale for these decisions is financial, to generate enhanced institutional revenue from intercollegiate athletics. These moves, combined with ever rising tuition, feed the growing public perception that higher education is more interested in athletics than academics.

3) Calls to end the NCAA. During 2012, the NCAA came under repeated public attacks for its handling of the Penn State, North Carolina and Miami scandals. These criticisms, coupled with increased understanding that the NCAA has no leverage to control major athletics matters, such as conference reorganization, athletic coaches' salaries, and post-season football, have created a widespread sense that the NCAA is in crisis. In response, the NCAA has proposed a decentralized and deregulated policy creation and enforcement structure referred to above in the Introduction.

These issues, together with the increasing concern about sport-induced brain injuries, have raised questions about the appropriate stance COIA should take with regard to the NCAA.

From its inception, COIA's strategy has been to work as closely as possible with the NCAA. This approach is a product of COIA's structure as an alliance of FBS faculty senates, whose institutions constitute a significant part of the NCAA's membership. It is also the result of a decision reached by COIA members to work within the system rather than from outside. COIA is committed to the position that intercollegiate athletics should be regulated by a national body constituted by the schools that engage in college sports and for now the NCAA is that body. Therefore, with regard to issues of national regulation, COIA's policy is that problems should be addressed in the context of reforming the NCAA, and that any move to "dissolve" the NCAA would merely require its reconstitution in another form.

2. COIA activities in 2012-13

During 2012, COIA co-chairs John Nichols (Penn State) and Mike Bowen (South Florida) worked on strengthening COIA's relationships with its many "partner" organizations, including FARA and the FBS FAR Association, the Knight Commission, the N4A, the National Association of College and University Business Officers (NACUBO), and the Drake Group. Improving the coordination between COIA and the FAR groups was a particular focus, and COIA co-chairsled a session at the November 2012 FARA Annual Meeting and Symposium, dedicated to strengthening the working relationship between COIA and FARA.

To further strengthen COIA's relationship with the NCAA, in August, Mike Bowen visited the NCAA offices in Indianapolis to meet with the NCAA's leadership. In those meetings, the

NCAA administrators discussed their decentralization initiatives, and indicated the need to expand the role of faculty in campus athletics governance as a consequence. They requested COIA's help in designing a process to bring this about effectively. This latter topic became the centerpiece of COIA's 2013 annual meeting, as discussed below, leading to the Steering Committee proposal to the NCAA: "Increasing Faculty Engagement in a Deregulated Athletics Context," appended to this report.

During 2012 the COIA co-chairs responded to high demand for comment on intercollegiate athletics issues from the national print, broadcast, and online press. Interviews and information requests came from such print national news organizations as *The New York Times*, *The Wall Street Journal*, *USA Today*, *The Chronicle of Higher Education*, *the Associated Press*, ESPN, CBS Radio, CNN, Bloomberg News, and *The Huffington Post*, as well as many other national and local sources.

Beyond this, 2012 saw the Steering Committee acting on behalf of the Coalition on three occasions. At the request of the Knight Commission on Intercollegiate Athletics, the Steering Committee endorsed two Commission documents: the Knight Commission's "Proposal on Bowl Revenues" and its "Recommendations on Financial Transparency". In addition, the Steering Committee voted on and issued a statement in full support of the FBS FAR Association's "Statement on the Football Post Season."

Although COIA does not generally comment on developments at individual campuses, the Steering Committee did issue a statement responding to University of Kentucky basketball coach John Calipari's statement that the UK basketball program was adopting a policy of moving all non-conference games to off-campus venues in order to focus the mission of the program on winning national championships. Although off-campus venues have long been scheduled for individual games by many schools, the Steering Committee believed that the elevation of this practice to policy status at UK and the shift in program focus signaled a significant departure from the NCAA Collegiate Model of amateur sports, and indicated yet another sharp turn towards the professionalization of college basketball.

3. The 2012-13 annual COIA meeting, February 1-3, University of South Florida

COIA's Tenth Anniversary Annual Meeting was held in Tampa on the campus of the University of South Florida. Fifty-one individuals attended the meeting, including representatives from 27 member senates. Speakers on the meeting's main day included representatives of a number of national partner organizations, including FARA (President-Elect Scott Benson), the N4A (Past-President Gerald Gurney), and The Drake Group (President Allen Sack). Other presenters included Molly Ott (Arizona State) and Janet Lawrence (Michigan), who discussed their research on faculty attitudes towards athletics. As mentioned above, the meeting also featured a panel discussion on the major legal challenges facing athletics, discussed in more detail below. Evening speakers included Clark Power (Notre Dame), who introduced his organization, "Play Like a Champion," which is devoted to improving the training of sports personnel who work with young athletes, and John Carroll, a former editor of such newspapers as the *Los Angeles Times* and *Baltimore Sun*, who reflected on his long experience observing the impact of intercollegiate sports on colleges and communities, from the perspective of local journalist,

responsible for investigating and reporting controversial events. (The full meeting schedule is included below as Appendix 2.)

The focus of the meeting, however, was the NCAA's invitation to propose a set of "best practices" whereby faculty engagement in college sports governance could be increased; this, in response to the initiative to move aspects of athletics regulation from the national to the campus levels. All attendees received a précis of this issue prior to the meeting (Attached below as Appendix 3).

The first keynote address of the meeting, delivered by Wally Renfro, former Vice-President and Chief Policy Advisor of the NCAA, focused on the decentralization issue directly. Mr. Renfro called on faculty to assert their traditional prerogative to protect the academic mission against external challenges to its integrity, and to preserve the principles of the Collegiate Model of intercollegiate athletics.

Other NCAA personnel attending the meeting included Vice-President for Membership and Academic Affairs Kevin Lennon, and his colleagues Diane Dickman and Jenn Fraser. Mr. Lennon spoke at the meeting and outlined the scope of the NCAA initiative for partial deregulation. Diane Dickman and Jenn Fraser participated in all aspects of the ensuing discussion, joining break-out and plenary work sessions that occupied a total of six hours over the course of two days.

The final plenary session generated strong consensus on a process to increase and institutionalize faculty engagement in campus governance in ways that would prepare campuses and conferences for the increased responsibilities that would fall to them under the NCAA's new regulatory structure. Using this discussion as basis, the COIA Steering Committee crafted a document titled, "Increasing Faculty Engagement in a Deregulated Athletics Context," which was delivered to NCAA President Emmert on February 14, 2013 after brief review by Tampa meeting participants.

That document appears as Appendix 4, below. It proposes enhanced structures for campus and conference level faculty engagement and oversight of aspects of college sports to maintain the integrity of the academic mission. Perhaps its key proposal is that the NCAA mandate that the elected faculty senates of NCAA FBS member schools each appoint a colleague to represent, along with the FAR, campus faculty in the administration of faculty athletics oversight on campus and at the conference level. The ultimate vision is for a community of Senate Athletics Representatives who can share information and experience on conference and national levels, and allow faculty senates to fulfill their roles cooperatively in the sphere of athletics governance. The COIA report also proposes the immediate step of convening a summit of Presidents, Athletics Directors, FARs, and COIA representatives to discuss the design of a more sustainable system for athletics governance.

In addition to the COIA report, meeting attendees listened to a panel on several legal issues that have the potential to reshape all intercollegiate athletics. Aptly entitled "Elephants in the Room: Legal Issues Facing Intercollegiate Athletics," the panel addressed two important and timely issues: (1) the effect of concussions and other forms of brain trauma on NCAA sports, and (2) the effects of the current litigation against the NCAA on its future. The panel was organized by

Steering Committee members and COIA legal advisors Will Berry (Mississippi) and Charlie Wilson (Ohio State). The four panelists were Dr. Chris Kaeding, the team physician for Ohio State University; Tom Bowen a lawyer from the Michigan firm of Bowen, Radabaugh & Milton, with an expertise in liability and sports law; Richard Southall, a sports management professor from the University of North Carolina; and Scott Bearby, the General Counsel of the NCAA.

Dr. Kaeding explained the risk of concussions and the processes that Ohio State currently uses to assess athletes who suffer head injuries. He indicated that there is no NCAA standard practice and medical knowledge about the long-term concussions is not yet well-developed. Mr. Bowen addressed the liability risks inherent in the injuries suffered by student-athletes. Specifically, he emphasized the breadth of the legal duty of universities to care for their students during their participation in intercollegiate activities, and the corresponding liability that accompanies it. As the concussion issue increases in prominence, universities need to be thoughtful about the litigation risks accompanying student injuries.

Professor Southall pivoted the panel to the second topic, pending litigation against the NCAA, focusing on the pending O'Bannon class action lawsuit, which claims that the NCAA's use of athlete images without financial compensation to athletes is a violation of basic economic rights. At the core of Professor Southall's presentation was a discussion of whether student-athletes truly have a choice to participate in the "Collegiate Model" in lieu of the "commercial professional model," and how that question could affect the outcome in the O'Bannon case. Scott Bearby offered the NCAA's perspective on the issues of concussions and the pending litigation. He likened the O'Bannon case to the Board of Regents case in its scope and suggested that the case turned on the acceptance or rejection of the NCAA's principle of amateurism.

4. Coalition leadership changes

The leadership of COIA underwent changes both of personnel and of structure at the Tampa meeting. John Nichols, a member of COIA's founding group, stepped down as COIA co-chair after completing a two-year term. During his tenure, John strengthened COIA's ties to partner national organizations, maintained and broadened COIA's media contacts, recruited four additional COIA member senates, and helped organize two annual meetings. For a full year of his tenure, John bore the co-chair title despite having no second chair with whom to share the burden. COIA is very grateful for his service.

Mike Bowen was appointed COIA co-chair in March 2012, and in addition to sharing the administration of COIA with John Nichols from that time, his role included the strengthening of contacts with the NCAA administration and the hosting of COIA's tenth anniversary meeting in February. Mike is the first colleague in many years to undertake the task of hosting the annual meeting while serving as co-chair. It is appropriate to note that the role of COIA co-chair, like all COIA roles, involves absolutely no form of compensation or release time. The Steering Committee continues to be very appreciative of Mike's efforts on behalf of COIA.

Mike will continue to lead COIA; however because running COIA cannot be done by one person, especially without compensation or staff, the Steering Committee has elected to provide

Mike with increased assistance by appointing three past co-chairs (Bob Eno, Indiana; Ginny Shepherd, Vanderbilt; and Nathan Tublitz, Oregon) to serve as associate chairs.

5. The agenda for 2013-14 and the role of COIA member senates

Given the volatility in intercollegiate athletics, it is difficult to predict the challenges that the coming year will bring. We fully expect the NCAA will respond to COIA's recommendations for increasing faculty engagement, and whatever that response may be, it will be important that COIA and its individual member senates be prepared to initiate action. If the NCAA agrees to the Steering Committee's proposal for a summit on building faculty capacity to assume the burdens that deregulation will create, then the COIA participants in that summit will need to learn as much as possible about the readiness of member senates to contribute to this initiative on their campuses, and their views of how the principles of faculty engagement should be realized in their local contexts. If the NCAA does not follow up on COIA proposals, but continues its process of deregulation, then it will be up to senates themselves to ensure that the faculty is prepared to play an appropriate role on their campuses.

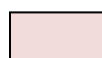
With either outcome, given the enormous economic and reputational promise and risk that sports poses for every school and for higher education nationally, the NCAA's shift from a rule book-based to a principle-based regulatory structure significantly raises the stakes of faculty inattention to athletics. While the Steering Committee cannot yet know the specific shape that this issue will take in the coming year, our anticipation is that at some point during the late spring or summer we will be asking every member senate to place on its Fall term agenda detailed discussion of how it will respond to this issue on its own campus, and as a member of a community of senates dedicated to articulating a national faculty voice on key issues such as this one.

Bob Akin (Texas Christian University)
 Jane Albrecht (Wake Forest University)
 Chris Anderson (University of Tulsa)
 Mike Bowen (University of South Florida)
 Billy Campsey (San Jose State University)
 Sue Carter (Michigan State)
 Gary Engstrand (University of Minnesota)
 Larry Gramling (University of Connecticut)
 David Kinnunen (California State University -Fresno)
 Dan Orlovsky (Southern Methodist University)
 Jerry Peterson (University of Colorado)
 Ginny Shepherd (Vanderbilt University)
 Ben Taylor (New Mexico State University)
 David Turnbull (Washington State University)

Football Bowl Subdivision, March 2013 By Conference



COIA Member Senates



Schools without faculty senates

ACC	Big East	Big Ten	Big 12	C-USA	MAC	Mt. West	Pac-12	SEC	Sun Belt	WAC	Ind.
Boston College	Cincinnati	Illinois	Baylor	Alabama - Birmingham	Akron	Air Force	Arizona	Alabama	Arkansas State	Idaho	Army
Clemson	Connecticut	Indiana	Iowa State	Central Florida	Ball State	Boise State	Arizona State	Arkansas	Florida Atlantic	Louisiana Tech	Brigham Young
Duke	Louisville	Iowa	Kansas	East Carolina	Bowling Green	Colorado State	Cal - Berkeley	Auburn	Florida International	New Mexico State	Navy
Florida State	Pittsburgh	Michigan	Kansas State	Houston	Buffalo	Fresno State	Colorado	Florida	Louisiana - Lafayette	San Jose State	Notre Dame
Georgia Tech	Rutgers	Michigan State	Oklahoma	Marshall	Central Michigan	Hawai'i	Oregon	Georgia	Louisiana - Monroe	Texas - San Antonio	
Maryland	South Florida	Minnesota	Oklahoma State	Memphis	Eastern Michigan	Nevada - Reno	Oregon State	Kentucky	Middle Tennessee	Texas State	
Miami (FL)	Syracuse	Nebraska	TCU	Rice	Massachusetts Amherst	Nevada - Las Vegas	Stanford	LSU	North Texas	Utah State	
North Carolina	Temple	Northwestern	Texas	SMU	Miami (OH)	New Mexico	UCLA	Mississippi	South Alabama		
N.C. State		Ohio State	Texas Tech	Southern Mississippi	Northern Illinois	San Diego State	USC	Mississippi State	Troy		
Virginia		Pennsylvania State	West Virginia	Texas - El Paso	Ohio	Wyoming	Utah	Missouri	Western Kentucky		
Virginia Tech		Purdue		Tulane	Toledo		Washington	South Carolina			
Wake Forest		Wisconsin		Tulsa	Western Michigan		Washington State	Tennessee			
								Texas A&M			
								Vanderbilt			

Total number of FBS schools: 123; number with senates: 119

Total number of COIA member senates: 61

10th Annual National Meeting of the Coalition on Intercollegiate Athletics (COIA)
“Expanding the Role of Faculty in the Governance of Intercollegiate Athletics at Both the National and Campus Levels”

February 1-3, 2013
 The University of South Florida
 Tampa, Florida
 USF College of Business building (BSN)

Schedule of Events

Friday, February 1, 2013		
Time	Session	Speaker(s)/Facilitator(s)
1:00 – 4:00pm	COIA Steering Committee Meeting Location: College of Business Boardroom(BSN 221)	Mike Bowen and John Nichols
4:00- 6:00pm	Dinner on own	
6:30-7:00pm	Meeting registrations/information: BSN Atrium	
7:00 – 9:00pm	Official welcomes, Introductions, Meeting Overview and Kick-off Speaker <u>Location: BSN Auditorium (BSN 115)</u>	John Nichols: COIA Co-Chair Mike Bowen: COIA Co-Chair Dean Moez Limayem, USF COB Doug Woolard: USF Athletics Director Jenn Fraser: NCAA - Membership and Academic Affairs Diane Dickman: NCAA – Membership and Academic Affairs Kevin Lennon: NCAA – VP Membership and Academic Affairs Wally Renfro (Speaker) NCAA Vice President and Chief Policy Advisor (now very newly retired)
Saturday, February 2, 2013		
8:00-9:30am	<u>Setting the stage</u> “Elephants in the Room”: Legal issues facing Intercollegiate Athletics <u>Location: BSN Auditorium</u>	<u>Facilitators:</u> COIA Steering Committee advisors/consultants Charlie Wilson (Ohio State) and Will Berry (Ole Miss) <u>Panelists:</u> Scott Bearby (NCAA general counsel’s office); Dr. Chris Kaeding (Ohio State), Thomas Bowen (Attorney); Richard Southall (UNC Chapel Hill)
9:30am – 10:00am	<u>Setting the stage</u> Research report and discussion on “Faculty Perceptions of Organization Politics.” A discussion of current research on faculty attitudes towards athletics and university governance. <u>Location: BSN Auditorium</u>	Janet Lawrence, Univ. of Michigan Molly Ott, Arizona State University
10:00am – 12:00pm	Working Sessions : Developing best practices <u>Locations: BSN Auditorium, BSN 120, BSN 123, BSN 124</u>	COIA Steering Committee members; Diane Dickman, Jenn Fraser, Kevin Lennon from the NCAA; FARs; and other invited facilitators
12:00 – 1:00pm	Working lunch: BSN Atrium	
1:00 – 3:00pm	Working Sessions : Developing best practices <u>Locations: BSN Auditorium, BSN 120, BSN 123, BSN 124</u>	COIA Steering Committee members; Diane Dickman, Jenn Fraser, Kevin Lennon from the NCAA; FARs; and other invited facilitators
4:00 - 5:00pm	Update and comments from Partner Organizations <u>Location: BSN Auditorium</u>	Scott Benson, FARA; Gerald Gurney, N4A; Allen Sack, Drake Group

5:00 – 6:30pm	Dinner: USF Champion’s Club , and break	
6:30 - 7:00pm	Information session <u>Location:</u> BSN Auditorium	Clark Power: “Play Like a Champion.org”
7:00 – 8:30pm	Speaker <u>Location:</u> BSN Auditorium	John Carroll: Commentator on the state of Intercollegiate Athletics, is a former editor of the LA Times, Baltimore Sun, and other papers that won 15 Pulitzer Prizes under his leadership
Sunday, February 3, 2013		
8:00 – 10:00am	Working sessions (cont.), and reports to the group <u>Locations:</u> BSN Auditorium, BSN 120, BSN 123, BSN 124	COIA SC and NCAA leadership
10:00am – 12:00pm	COIA at 10 years: past, present and future perspectives on our role in intercollegiate athletics at our universities <u>Location:</u> BSN Auditorium	COIA Steering Committee and founding members, institutional partners. etc.

Preparing for NCAA Partial Deregulation of Intercollegiate Athletics Ensuring a Faculty Role in a New Regulatory Structure

COIA National Meeting, February 2-3 Overview of Plenary and Break-Out Group Sessions

Basic Agenda

The NCAA has begun a two-year process of redesigning the way it regulates college sports. It is moving away from devising an ever more elaborate code of uniform rules, an approach that has not proved successful. The new approach will shift towards a uniform set of governing principles, which campuses are charged to realize through local rules and self-regulation. This shift entails abandoning the standard of “competitive equity,” or a strictly level playing field, as a measure of regulatory success. Differences in campus cultures and resources will have greater impact on the conduct of athletics within Divisions. The new goal is “fairness of competition,” which would be reflected by a uniform commitment to abide by the defining principles of the “Collegiate Model” of athletics. An overview statement from the NCAA is included as Document 1.

The governing principles of this Collegiate Model are described in a revision of Bylaw 20.9.1, a 1000-word description of the terms of Division I membership [included as Document 2]. A key theme is that within this model, “athletics competition is an integral part of a student-athlete’s effort to acquire a degree in higher education.”

The initiative to shift much of athletics regulation from the national to more local levels reflects an assessment that the current regulatory structure has not been successful in many of its aims, has entailed great overhead cost, and has generated inevitable tension between the detail of its uniform requirements and the diversity of campus cultures in Division I. The shift of many regulatory functions to the local level provides an opportunity to address the problems of athletics regulation from a different direction. However, it can only succeed to the degree that local actors are, in fact, committed to the principles of the Collegiate Model and devise and maintain regulatory regimes that reflect that commitment.

Given the intense pressures on college sports to grow in the direction of professional/Olympic models, a major challenge of the new regulatory initiative will be to build capacity on campuses, in conferences, and among national collegiate groups (e.g., the DIA FARs, the N4A, the DIA Athletics Directors Association, etc.) to carry out the tasks of creating effective structures to support the Collegiate Model through local regulation.

The 2013 COIA meeting is a response to the NCAA’s request that COIA assist in devising a framework that will build faculty capacity to participate in and support the new regulatory regime. This will entail identifying, for example:

- 1) the types of roles campus faculty can and should play;
- 2) the tools campus faculty need in order to play these roles effectively;
- 3) potential resistance to full faculty participation that must be addressed;
- 4) requirements needed to empower and motivate faculty to participate effectively;

5) structures to link participating campus faculties on conference and national levels.

Break-Out Discussions

NCAA Vice-President Kevin Lennon will begin our consideration of the NCAA deregulation initiative in the Saturday plenary session, scheduled for 10:00-11:00. Following this, participants will move to smaller break-out groups to begin discussion. The first break-out session (11:00-12:00) will focus on local impacts of changes in regulatory structure and appropriate ways for faculty to respond. NCAA representatives will join the break-out groups.

Session 1:

The impact of deregulation on campuses and the campus faculty response

The NCAA initiative towards partial deregulation will affect many areas of athletics, and faculty concern is likely to extend to all or most of them. For policy areas that do not have close connection to athletics, there are likely to be local debates over the appropriateness of faculty involvement. COIA has traditionally viewed virtually all areas of intercollegiate athletics policy to be legitimate areas of faculty concern. However, for the purposes of the task at hand, the COIA Steering Committee proposes that participants focus discussion on policy matters that have a direct impact on academics, since the appropriate involvement of faculty in those areas should represent initial common ground among all parties, which can best permit discussion to focus on the specific agenda of this meeting.

What will deregulation mean concretely on individual campuses?

The NCAA is proposing to eliminate many prescriptive rules that directly or indirectly relate to academic issues, such as limits on budgetary commitments to athletes' academic success and the types of support that may be offered, limits on non-competition travel time intended to minimize classes missed, limits on team activities to exclude recreation without academic purpose, and so forth. As directive rules of this sort are eliminated, it will be up to campuses to decide whether and how to replace them with local policies.

An example to illustrate the changes underway is the proposed change to NCAA Bylaw 16.3.1.1, which is provided on a separate sheet [Document 3]. (The NCAA has provided information on many proposed changes, and additional examples are included in the general information packets. However, to avoid redirecting discussion to specific proposals, we cite only one example to clarify the overall nature of the types of tasks that deregulation will shift to campuses.)

1. How should faculty involvement be structured?

Assuming that there is agreement that faculty should be involved in the development and maintenance of local policies to replace abrogated NCAA policies relevant to academics:

- What should be the extent and form of that involvement (from minimal forms such as receiving notice of policy, to consultative or determinative roles)?

- What types of campus governance structures would be minimally required, and how can their satisfactory function be assured?
- What aspects of such governance structures (in form, function, or performance) should be universally mandated through minimal-standards legislation binding on all NCAA FBS members?

What would an optimal/acceptable solution entail?

What elements already exist?

What new structures are needed?

Background. In its previous work on campus athletics governance, COIA has focused on the issues binding rules and best practices for three governance components:

- The Faculty Governance Body (FGB – comparable to a faculty senate)
- The NCAA Faculty Athletics Representative (FAR)
- The Campus Athletics Board (CAB – named variously on campuses)

A selection of previous COIA positions concerning these components and governance issues appears on a separate sheet [Document 4].

Additional campus personnel relevant to these issues may be important to consider: e.g., athletics directors, compliance officers, offices of academic advising for athletes, etc.

2. What obstacles must be overcome to reach an optimal or acceptable outcome?

Aspects to consider here might include two broad areas:

a) Obstacles external to the faculty

These might include: highly mobilized state/community/campus cultures unsupportive of meaningful regulation; unfavorable administration or governing board relations with faculty or habits of operation; problematic patterns of athletics department operation or governance; lack of transparency or unwillingness to share information necessary for current or expanded faculty participation, etc.

b) Obstacles internal to the faculty

These might include: lack of adequate faculty governance structures; low faculty interest in or knowledge about campus and/or athletics governance; poor functionality in faculty committee/senate performance, etc.

3. What are the priority issues in building capacity so that faculties, administrations, and campuses are prepared to perform new regulatory functions effectively?

Following the initial working sessions and a break for lunch, we will reconvene in plenary session to share ideas from the break-out sessions and develop an initial list of priority issues related to local athletics governance under the new regulatory regime. Participants will then move to a second round of break-out sessions (3:00-4:00) to address the implications on conference and national levels.

Session 2:

Building structures for faculty athletics governance beyond the campus

Campus faculties and their senates have few or no inter-campus avenues of communication. In a deregulated environment, where presidents, ADs, FARs, and groups such as compliance offices and academic advisors for athletes all have venues within and outside the NCAA to share information and participate in national-level planning, the lack of inter-school representative faculty contact will have the consequence of isolating senates in terms of both information and action. Campus athletics policies will always be under pressures created by the competitive conference and national environments, and with the NCAA eliminating the “level playing field” objective in favor of “fairness of competition,” schools and faculties will need to understand how other schools are interpreting “fairness” in concrete policies and implementation. This work session is devoted to issues concerning forums for information sharing and articulating the faculty voice on conference and national levels, so that campus faculties are not rendered irrelevant by isolation.

What models of inter-campus and inter-senate communication exist?

Several existing models of inter-campus governance may help provide a starting point to the discussion.

1. Existing conference-level structures

Despite the fact that the instability of conferences has been amply illustrated in recent years, conferences have created or maintained inter-campus faculty structures. Many or all conferences provide venues for their FARs to meet at intervals. Since conferences are already a source of athletics regulation beyond the NCAA, these contacts can provide the FARs a very meaningful role in shaping policies and procedures informed by a faculty perspective. In addition, in at least two conferences, member schools sponsor annual meetings of conference senate leaders to discuss a self-determined agenda of issues of concern to faculty, including athletics. (COIA is, in fact, a product of such meetings.)

2. Existing national-level structures

As noted above, many individuals with appointed functional roles in campus athletics governance belong to national associations of their peers. In the case of faculty, FARs in the FBS

are members of two national groups: FARA and the D1A FAR Association. These associations share information through websites, newsletters, and national meetings. Funding is provided through the NCAA as part of general association governance support.

3. Existing structures within the NCAA

Despite its initiative towards relative deregulation, the NCAA will continue to be a dominant force in regulating athletics, continuing its roles in oversight, enforcement, and many aspects of principle and policy design. Currently, faculty are represented in the NCAA structure through FARs, who participate in meetings and who are among the many groups represented in the NCAA committee and legislative structures. This level of national FAR participation ensures that knowledge and values shared at the conference and national levels can be informed by and conveyed within the decision making processes of national athletics regulation.

1. What types of conference-level structures should be created for representative faculty voices?

The new regulatory environment within conferences will provide much greater leeway for variance among conference schools. In some cases, this may reflect (as the NCAA already envisions) different levels of resources among schools, but it may also reflect different interpretations of the Collegiate Model and “fairness of competition.” Do conference senates need, in order to fulfill their campus roles, a formal mechanism to participate in information sharing, policy creation, and oversight of competitive fairness on the conference level? If so, what form should this take? To what degree might conference-level senate-based participation be focused on the senate chair, the FAR, some additional faculty appointee.

2. What types of national-level structures should be created for representative faculty voices?

Should FBS faculty senates have a national association dedicated to the faculty role in athletics governance? What would be its tasks and who would represent senates in such an organization (again, senate chairs, FARs, some additional faculty appointee)? How could it appropriately be funded?

Should the views of senates and the recommendations they make concerning campus (and perhaps conference) regulation be represented formally within the NCAA structure?

Next Steps

As we come towards the close of Saturday work sessions, the following two topics should become part of the conversation:

3. Given the inevitable gap between the current state of faculty governance with regard to athletics and the capacity that it will need to have once deregulation is in place, what steps should COIA, as the sole existing inter-senate alliance, take immediately to mobilize for change?

4. Given the limited leverage that faculties themselves - campus by campus or nationally - presently have over issues of athletics governance, what steps should the NCAA be prepared to take, immediately and in the long term, to ensure that the faculty voice is appropriately represented in a deregulated environment?

The Saturday work sessions will end about 4:00. Saturday evening, members of the COIA Steering Committee will develop materials for the Sunday morning continuation of discussions on the new NCAA approach and its consequences for faculty. The Sunday meeting will begin (8:00-9:00) with plenary discussion of ideas from Saturday's second break-out groups; the second hour, from 9:00 to 10:00, will focus specifically on identifying concrete steps that COIA and the NCAA need to take immediately.

NCAA Information Sheet

Breakdown of Division I rules changes

One of the key elements of NCAA President Mark Emmert's reform agenda is the deregulation of the Division I rulebook. January 19, the Board of Directors approved a series of proposals designed to make the rules meaningful, enforceable and supportive of student-athlete success.

Over the years, the Division I manual has grown to include rules that many in the membership believe are best left to individual schools and conferences. The Rules Working Group is identifying those rules that are less national in scope and refocusing the rules-making process on a group of commitments that speak to the values and principles of Division I members.

"Some of our rules are counterintuitive, outdated and just unenforceable. They don't make sense in the world we live in," Emmert said. "We are refocusing on the things that really matter, the threats to integrity, and the biggest issues facing intercollegiate athletics."

Emmert emphasized that the goal is to shrink the manual by simplifying rules and focusing on student-athlete well-being. The following Q&A provides more details on the deregulation effort:

Why is the NCAA changing its rules?

The goal of deregulation is to protect and enhance the student-athlete experience, shift the regulatory focus from competitive equity to fair competition and allow schools to use the natural advantages of geography, a talented student-athlete or deeper pockets. Over time, the rulebook has expanded to include rules designed to limit those things. The deregulation effort hopes to shift the focus from limiting the advantages of individual schools to making sure all schools compete within the framework of the collegiate model, in which athletics competition is an integral part of the student-athlete's education.

Why focus on fairness of competition instead of competitive equity?

The current justification for rules as creating a level playing field has produced too many rules that are not meaningful, enforceable or contributory to student-athlete success. The shift to a fair competition model acknowledges that natural advantages exist between campuses that cannot – and should not – be regulated. The changes are intended to better define what fairness means in terms of eligible student-athletes, scholarships, the length of the playing and recruiting seasons, and the number of coaches. Ultimately, retaining the current rules will not impede the competitive shift.

Why rely more on campus-level policies and procedures than rules for everybody in Division I?

[APPENDIX 3 / Document 1]

The Rules Working Group recognizes that some schools will be pressured to adopt policies and procedures to not place their program at a competitive disadvantage. The new rulebook would require that policies be in place in specified areas, that they address key components or campus values and that they will be followed. NCAA violations would occur if policies are not developed or followed.

When will the rulebook be reduced in size?

The deregulation process began January 19, when the Board of Directors approved the first round of proposals from the Rules Working Group. These proposals will make major changes in the way the NCAA views personnel, amateurism, recruiting and benefits for student-athletes. The working group will have a second round of concepts for membership feedback and review this spring. The result of these efforts may not necessarily be a significant smaller rulebook, but the rules will be vastly more meaningful and enforceable.

Why does the NCAA have to do it this way?

The NCAA is a membership organization. The Division I membership includes 346 schools and 31 conferences, representing a divergent group of missions, resource levels, public profile and student populations. Preserving this diversity is important to leaders within the division, and in order to do that, the working group strives to build consensus around its approach and the ultimate proposals it recommends to the Board for adoption.

How will the NCAA make sure the rulebook doesn't get back to the way it was?

Part of the Rules Working Group's goal is to develop a process by which each new piece of proposed legislation must pass a three-part test of being meaningful, enforceable and supportive of student-athlete success. The working group is taking this charge seriously and is in the early stages of developing a new process for rules-making.

What if some of the deregulation turns out to have unforeseen consequences?

The working group has proposed a two-year period in which the membership can digest the new rules. After that period, if some areas are identified in which the working group went too far toward deregulation – or didn't go far enough – changes will be considered.

Publish date: January, 2013

Proposed NCAA Bylaw 20.9.1

20.9 Division I Membership

20.9.1 Commitments to the Division I Collegiate Model. In addition to the purposes and fundamental policy of the National Collegiate Athletic Association, as set forth in Constitution 1, members of Division I support the following commitments in the belief that these commitments assist in defining the nature and purposes of the division. These commitments are not binding on member institutions but serve as a guide for the preparation of legislation by the division and for planning and implementation of programs by institutions and conferences.

20.9.1.1 The Commitment to Value-Based Legislation. Bylaws proposed and enacted by member institutions governing the conduct of intercollegiate athletics shall be designed to foster competition in amateur athletics, promote the Association's enduring values and advance the Collegiate Model as set forth in the NCAA Constitution. In some instances, a careful balancing of these values may be necessary to help achieve the purposes of the Association.

20.9.1.2 The Commitment to Amateurism. Member institutions shall conduct their athletics programs for students who choose to participate in intercollegiate athletics as a part of their educational experience and in accordance with NCAA bylaws, thus maintaining a line of demarcation between student-athletes who participate in the Collegiate Model and athletes competing in the professional model.

20.9.1.3 The Commitment to Fair Competition. Bylaws shall be designed to promote the opportunity for institutions and eligible student-athletes to engage in fair competition. This commitment requires that all member institutions compete within the framework of the Collegiate Model of athletics in which athletics competition is an integral part of the student-athlete's effort to acquire a degree in higher education. The commitment to fair competition acknowledges that variability will exist among members, including facilities, geographic locations and resources, and that such variability should not be justification for future legislation. Areas affecting fair competition include, but are not limited to personnel, eligibility and amateurism, recruiting, financial aid, the length of playing and practice seasons and the number of institutional competitions per sport.

20.9.1.4 The Commitment to Integrity and Sportsmanship. It is the responsibility of each member institution to conduct its athletics programs and manage its staff members, representatives and student-athletes in a manner that promotes the ideals of higher education and the integrity of intercollegiate athletics. Member institutions are committed to encouraging behavior that advances the interests of the Association, its membership and the Collegiate Model of athletics. All individuals associated with intercollegiate athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty, responsibility, academic integrity and ethical conduct. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics programs.

[APPENDIX 3 / Document 2]

20.9.1.5 The Commitment to Institutional Control and Compliance. It is the responsibility of each member institution to monitor and control its athletics programs, staff members, representatives and student-athletes to ensure compliance with the Constitution and bylaws of the Association. Responsibility for maintaining institutional control ultimately rests with the institution's campus president or chancellor. It is also the responsibility of each member institution to report all breaches of conduct established by these bylaws to the Association in a timely manner and cooperate with the Association's enforcement efforts. Upon a conclusion that one or more violations occurred, an institution shall be subject to such disciplinary and corrective actions as may be prescribed by the Association on behalf of the entire membership.

20.9.1.6 The Commitment to Student-Athlete Well-Being. Intercollegiate athletics programs shall be conducted in a manner designed to enhance the well-being of student-athletes who choose to participate and to prevent undue commercial or other influences that may interfere with their scholastic, athletics or related interests. The time required of student-athletes for participation in intercollegiate athletics shall be regulated to minimize interference with their academic pursuits. It is the responsibility of each member institution to establish and maintain an environment in which student-athletes' activities, in all sports, are conducted to encourage academic success and individual development and as an integral part of the educational experience. Each member institution should also provide an environment that fosters fairness, sportsmanship, safety, honesty and positive relationships between student-athletes and representatives of the institution.

20.9.1.7 The Commitment to Sound Academic Standards. Standards of the Association governing participation in intercollegiate athletics, including postseason competition, shall be designed to ensure proper emphasis on educational objectives and the opportunity for academic success, including graduation, of student-athletes who choose to participate at a member institution. Intercollegiate athletics programs shall be maintained as an important component of the educational program, and student-athletes shall be an integral part of the student body. Each member institution's admission and academic standards for student-athletes shall be designed to promote academic progress and graduation and shall be consistent with the standards adopted by the institution for the student body in general.

20.9.1.8 The Commitment to Responsible Recruiting Standards. Recruiting bylaws shall be designed to promote informed decisions and balance the interests of prospective student-athletes, their educational institutions, the Association's member institutions and intercollegiate athletics as a whole. This commitment includes minimizing the role of external influences on prospective student-athletes and their families and preventing excessive contact or pressure in the recruitment process.

20.9.1.9 The Commitment to Diversity and Inclusion. The Division I membership believes in and is committed to the core values of diversity, inclusion and equity because realization of those values improves the learning environment for all student-athletes and enhances excellence within the membership and in all aspects of intercollegiate athletics. The membership shall create diverse and inclusive environments, promote an atmosphere of respect for and sensitivity to the dignity of every person, and include diverse perspectives in the pursuit of academic and athletic

[APPENDIX 3 / Document 2]

excellence. Member institutions, with assistance from the National Office, are expected to develop inclusive practices that foster positive learning and competitive environments for student-athletes, as well as professional development and opportunities for athletics administrators, coaches and staff from diverse backgrounds.

Proposed Changes to Bylaw 16.3.1.1 on Academic Counseling & Support Services

The following is one example of the way in which the regulatory approach of the NCAA is changing. Boldface additions and indicated deletions suggest the changes; the stated NCAA rationale is appended. The basic thrust of these changes is to remove limitations, which had been expressed in terms of detailed specifics, and leave to campuses decisions concerning what sorts of academic support should be provided to athletes and what limitations shall apply. This would cover support commonly provided to all students, and also support to athletes that may involve university commitments beyond those provided to all students. Issues that may inform campus policy making in this specific area might include, for example:

Ensuring that athletics participation commitments do not put athletes at an academic disadvantage; ensuring that athletes receive academic support comparable to non-athletes; ensuring that excess academic support does not provide an unearned advantage interfere with development of academic skills; principles of budgetary responsibility and fairness to tuition-paying non-athletes. Other issues could concern the external environment: e.g., principles of how to campus policies limiting academic services may affect recruitment and competitiveness.

16.3.1.1 Academic Counseling/Support Services. Member institutions shall make general academic counseling and tutoring services available to all student-athletes. Such counseling and tutoring services may be provided by the department of athletics or the institution's nonathletics student support services. In addition, an institution, **conference or the NCAA** may finance other academic ~~and~~ **support, career counseling or personal development** services that ~~the institution, at its discretion, determines to be appropriate and necessary for~~ **support** the academic success of its student-athletes.

16.3.1.1.1 Specific Limitations. An institution may provide the following support services subject to the specified limitations. [R]

(a) ~~Use of institutionally owned computers and typewriters on a check out and retrieval basis; however, typing/word processing/editing services or costs may not be provided, even if typed reports and other papers are a requirement of a course in which a student athlete is enrolled;~~

(b) ~~Use of copy machines, fax machines and the Internet, including related long distance charge, provided the use is for purposes related to the completion of required academic course work;~~

(c) ~~Course supplies (e.g., calculators, art supplies, computer disks, subscriptions), provided such course supplies are required of all students in the course and specified in the institution's catalog or course syllabus or the course instructor indicates in writing that the supplies are required;~~

(d) ~~Cost of a field trip, provided the field trip is required of all students in the course and the fee for such trips is specified in the institution's catalog; and~~

(e) ~~Nonelectronic day planners.~~

Rationale: As a result of the Presidential Retreat in August 2011, the Collegiate Model – Rules Working Group was formed and charged with reviewing current Division I rules with a view toward reducing the volume of unenforceable and inconsequential rules that fail to support the NCAA's enduring values, and emphasizing the most strategically important matters. This proposal is part of a package recommended by the Rules Working Group designed to accomplish those objectives. This proposal will provide institutions and conferences with the flexibility to provide student-athletes with services that support their success and will enhance the student-athlete experience. Given the recent emphasis on academics and the various support services available, deregulating this area will allow institutions and conferences to further support the academic and personal success of student-athletes.

Existing COIA Positions Concerning Campus Athletics Governance

Faculty Athletics Representative

Overview Statement from “Framing the Future” (2007)

[see: <http://blogs.comm.psu.edu/thecoia/wp-content/uploads/FTF-White-Paper2.pdf/>]

The Faculty Athletics Representative (FAR) should be appointed by the University President based on recommendation by the campus faculty governance body. The FAR appointment should be made for a specific term and a review of the performance of the FAR should take place prior to reappointment. Such a review should include meaningful participation by the campus faculty governance body, or the Campus Athletics Board.

In “Campus Athletics Governance: The Faculty Role” (2004), COIA formulated over 30 best practice guidelines for the FAR position. Among these are the following examples [for the full list, see: <http://blogs.comm.psu.edu/thecoia/wp-content/uploads/FTF-White-Paper2.pdf/>]:

- The appointment of the Faculty Athletics Representative shall be made by the President; the process of appointment shall involve meaningful consultation with the elected body that exercises campus-level faculty governance; the appointment shall be made for a specified term; a review of the performance of the Faculty Athletics Representative that includes meaningful participation by the elected faculty governance body shall take place prior to any reappointment. If no elected faculty governance body exists on a campus, the campus athletics board shall be the consulting body. *(proposed as an NCAA bylaw)*

The FAR:

- position is defined by a written job description, which has been reviewed and approved by the President, in consultation with the Campus Athletics Board (CAB), Faculty Governance Body (FGB), and Athletics Director.
- has regular access to the President or Chancellor of the institution or campus.
- operates from an office that is located outside both the department of intercollegiate athletics and the academic athlete advisement center.
- ensures that all procedures and roles related to student eligibility are fulfilled.
- is available to meet with athletes on an individual basis.
- reports regularly to the Faculty Governance Body.
- sits on the Campus Athletics Board.
- sits on search committees for athletic administrators and head coaches.
- serves as a leader or committee member for NCAA Athletic Certification.
- serves on conference and/or NCAA committees.

Faculty Governance Body

Overview Statements from “Framing the Future” (2007)

Leaders of campus faculty governance body should report annually to the University President (1) that the faculty has been able to fulfill its responsibilities in regard to athletic governance, or (2) that it has not, in which case the report should specify the obstacles that have prevented it from doing so. These reports should be made available to the NCAA during re-certification.

The Athletics Director, Faculty Athletics Representative and the Campus Athletics Board chair should report orally and in writing at least once a year to the campus faculty governance

body. Their reports should include a focus on academic benchmarks including the APR, GSR, graduation rates and the percentage and progress of student athlete special admits.

In “Campus Athletics Governance: The Faculty Role,” COIA formulated 12 best practice guidelines for the FGB. Among these are the following examples:

- The FGB elects members to the CAB or nominates a stipulated number of individuals for appointment to each faculty position on the CAB, from among which the President selects appointees.
- The faculty chair or president of the FGB consults regularly with the FAR and chair of the CAB to learn of issues that may be of concern to the faculty.
- The faculty leader of the FGB consults at least annually with the President concerning the success of the faculty in fulfilling its athletics governance responsibilities.

Campus Athletics Board

Overview Statement from “Framing the Future” (2007)

Each NCAA member institution should establish a Campus Athletics Board. The charge of this Board should be to monitor and oversee campus intercollegiate athletics. A majority of Board members should be tenured faculty who should be appointed or elected through rules established by the campus faculty governance body. The Faculty Athletic Representative should be an *ex officio* voting or non-voting member of the Board. The chair of the Board should be a senior (tenured) faculty member. An Athletics Director should not be chair.

Major athletic department decisions (*e.g.*, hiring of the athletic director and key athletic department personnel, changes in the total number of intercollegiate sports, initiation of major capital projects, *etc.*) should be made in consultation with the Campus Athletics Board and leaders of the campus faculty governance body and appropriate faculty committee(s).

In “Campus Athletics Governance: The Faculty Role,” COIA formulated 12 best practice guidelines for the FGB. Among these are the following examples:

- The Board has clearly established functions and responsibilities that are acknowledged by the president of the institution.
- The Board includes faculty and academic administrators (including the AD) who are highly respected by peers for their research, teaching, service, or administrative work outside intercollegiate athletics.
- The Board has a specified relationship to the Faculty Governance Body.
- The Board reviews data on admissions decisions, including progress and graduation success rates by admission category.
- The Board, by FGB policy or in tandem with the FGB, establishes policy for normal progress and grade point average that meets or exceeds NCAA and conference requirements, where this is consistent with the institution’s standards for other students.
- The Board, by FGB policy or in tandem with the FGB, guides athletics program decisions by establishing policy for excused absences and maximum amount of missed class time for athletic competition.
- The Board reports activities, on at least an annual basis, to the FGB.
- The Board coordinates informational reports to the FGB, given by the Chair of the Board and/or the Faculty Athletics Representative.

Coalition on Intercollegiate Athletics, Steering Committee

INCREASING FACULTY ENGAGEMENT IN A DEREGULATED ATHLETICS CONTEXT

February 2013

The Coalition on Intercollegiate Athletics, an alliance of Football Bowl Subdivision (FBS) faculty senates, appreciates the initiative taken by the NCAA to consult on issues related to the imminent decentralization and deregulation of many areas of college sports. The proposed deregulation includes a shift from a centrally administered rules-based system that enforces competitive equity to a local, values-based system; the reduction of the scope of NCAA enforcement; and replacement of the NCAA's ten-year recertification process with an annual Institutional Performance Program (IPP). The result is that schools will have to adhere to standards of fair competition that to a significant degree they themselves define and implement. For the athletics enterprise to retain integrity over time, schools will need to monitor and enforce campus adherence to the core values of the NCAA Collegiate Model.

Faculty engagement in athletics governance must play a critical role in this new deregulated world. Faculty maintain a unique commitment to academic standards that will support values adherence, and the institution of tenure, on campuses where it is granted, allows faculty to speak with independence not practically available to others. These factors are strong institutional bases for seeking an increased faculty role in a less regulated environment.

The NCAA's new decentralized structure requires increased institutional commitment to the values of the Collegiate Model through stronger checks and balances among campus groups who share responsibility for the academic mission and for the enhancement that athletics can bring to that mission. This will mean a change in the status quo on many campuses, and it will not happen without the support of administrations and governing boards, and the active participation of athletics department leaders, FARs, and faculty.

- Because these issues are not ones that the NCAA can fully legislate top-down, we strongly recommend that the NCAA seek to convene a broader summit of Presidents, Athletics Directors, FARs, and COIA representatives to discuss the design of a more sustainable system for athletics governance. We offer our ideas here as an initial contribution to such a discussion, focusing on the particular issue of more productively engaging faculty.

The model proposed in this document is based on COIA's belief that if the faculty contribution to athletics governance is to be effective, it must be present on three levels: campus, national, and conference. What follows is a model for how faculty engagement can be constructively enhanced at each level. This model is strictly conceptual: the specific operational forms will vary according to the diverse systems and traditions among the 125 campuses and eight conferences of the FBS.

1. Campus level faculty engagement in athletics governance

There are three current athletic governance components at the local institutional level in which faculty play a role:

- The Faculty Athletics Representative (FAR). By NCAA legislation, all FBS campuses have an institutionalized faculty presence in athletics governance in the form of the FAR. The FAR is an indispensable component of good governance, and must remain the key element of any strengthened governance structure.
- The Faculty Governance Body (FGB). Approximately ninety-five percent of FBS campuses organize the governance functions of the campus-level faculty through some form of FGB, such as a faculty senate or a university senate with predominant faculty membership. The form of the FGB varies greatly across campuses; however, its near-universality makes it an available and essential tool to incorporate the faculty perspective on athletics governance under a less regulated regime.
- The Campus Athletic Board (CAB). Most campuses also have a CAB with a degree of faculty presence. Like the FGB, the CAB is different on every campus; however, where it performs a serious oversight role, it can be an important part of effective local athletic governance.

The FAR, FGB, and CAB function with varied degrees of effectiveness on FBS campuses. * On individual campuses there may be a need to improve the capacity and performance of some of these components, but any approach to developing a strong system of balanced athletics governance at the campus level should begin with these existing tools.

New Local Components:

The Academic Integrity Group (AIG) & Senate Athletic Representative (SAR)

Deregulation creates the need for individual campuses to set and monitor athletic policies in new areas, including those bearing on academic integrity, which is the responsibility of campus faculties at most or all institutions. For campus faculty to perform this function constructively and consistent with the faculty's historic independence and commitment to academic integrity, a fourth component is needed: a new committee or subcommittee that we will call here the Academic Integrity Group (AIG), chaired by a tenured faculty member whom we will here call the Senate Athletics Representative (SAR).

The charge of the AIG would be to set new policy concerning athletics matters that bear on academic integrity, to monitor the campus implementation of all such policies, to report on a regular basis to the FGB, and to provide the NCAA with an annual report confirming the due diligence of the AIG and its ability to perform its assigned role. Although the specific form of the AIG would be determined by each campus, each AIG should share these features:

- Voting members shall be tenured faculty without administrative appointments
- Voting members shall be appointed by the FGB for multi-year terms
- Voting members shall not receive any form of athletics perquisite
- The SAR shall be appointed by the FGB for a term exceeding that of other AIG members

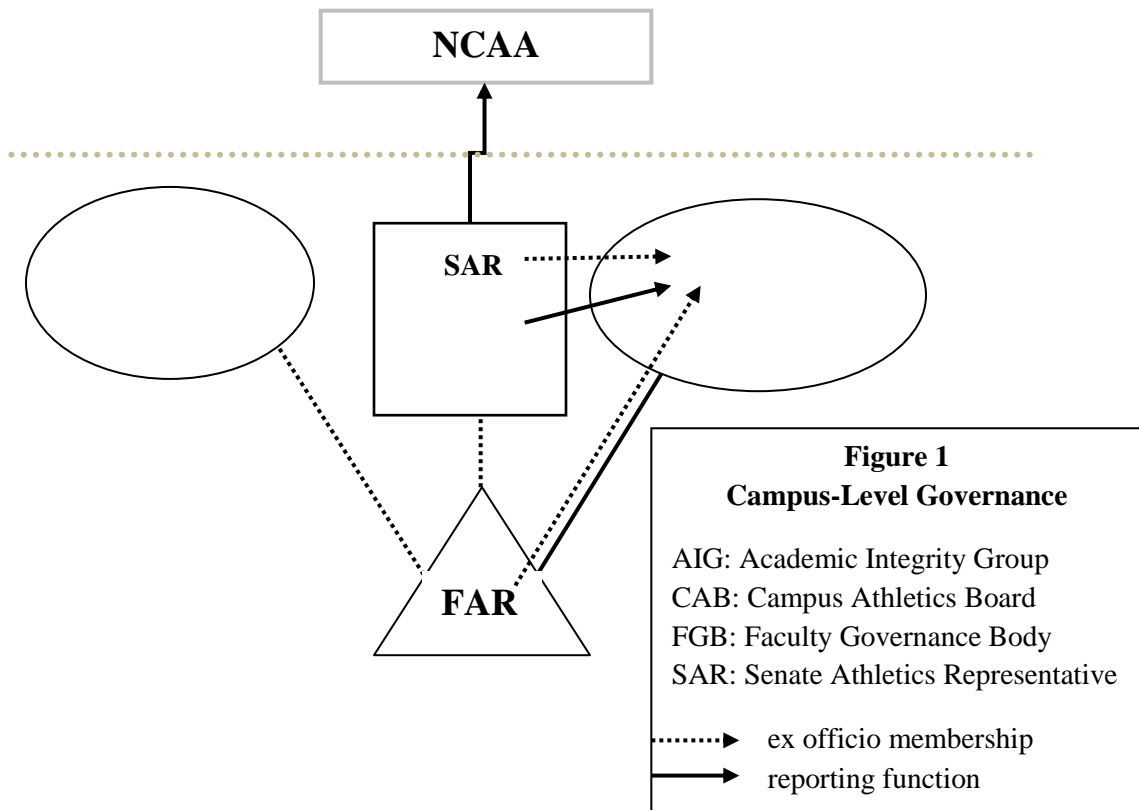
* COIA has developed detailed best practice guides concerning the structure and operation of all three ("[Campus Athletics Governance: The Faculty Role](#)" [2004]). These best practice standards can help form the basis for a "tool kit" to strengthening capacity in these critical components, where necessary.

- The FAR shall serve as a non-voting ex officio member

We also recommend that the SAR and FAR serve as non-voting ex officio members of the FGB. For both practical and principled reasons, the goals of this model cannot be accomplished by fusing the roles of SAR and FAR in a single individual. The functions of the two roles are distinct in terms of developing and implementing policy; moreover, the SAR’s role in enabling the independent perspective of the faculty to serve as an institutional balance under a deregulated system requires a principal reporting line to the FGB, while the FAR is and should continue to be a Presidential appointee.

We envision the AIG as a faculty governance committee whose focus and competence will encourage university administrations to provide full transparency with regard to information necessary to the proper function of the AIG, including data that will allow it to effectively monitor for potential cases of academic fraud on campus. In this regard, it will be critical that the AIG, along with the FAR, participate in preparing materials for the NCAA IPP, and that the IPP report from the NCAA be shared with the AIG and the FGB to enable the AIG to be successful. We also envision the SAR as a key component of a strengthened faculty role beyond the campus, as will be discussed in the following sections.

The following diagram is a schematic outline of the relations among these four campus elements, as envisioned in this document (the AIG, pictured separately here, could on many campuses be an all-faculty subcommittee of the CAB):



This structural scheme depends on regular communication between all local components, including the FAR, FGB, CAB and AIG. We wish to emphasize that the Athletic Director and University President must also be regular contributors to these interactions.

2. National level faculty engagement in athletics governance

Strengthening the FBS FAR Organization. For COIA, the national level means the FBS, as organized through the NCAA. The keys to effective faculty engagement at this level include the continued strengthening of the FBS FAR Association, which is an established and effective forum for information sharing and a faculty voice at the national level.

Senate Athletic Representative (SAR) Reports and Orientation. From the national perspective, one major change we propose in campus-based governance is the addition of an FGB-appointed Senate Athletics Representative, and in this respect we have two proposals. One is that the annual certifications and reports sent by SARs to the NCAA on faculty due diligence and the state of governance from the faculty perspective, be reviewed by an NCAA committee of FARs, appointed by the FBS FAR Association to address such academic integrity issues.

We also propose that the NCAA provide orientation seminars for new SARs, similar to its current orientation for newly appointed FARs. Our goal here goes beyond education: in the same way that college presidents, athletics directors, and FARs escape the insularity of single-campus perspectives through regional and national meetings, SARs, as the chief representatives of campus faculty governance in athletics oversight, need opportunities to share experiences and build social networks essential to escaping campus particularism. This orientation will help faculties develop the capacity to contribute to their campuses from a broader perspective.

We understand that the decentralization and deregulation on the national level is an experiment, the success of which is to be reviewed after a period of two years. We urge the NCAA to include faculty governance representatives meaningfully in the assessment of deregulation and in the design of any further deregulatory steps.

3. Conference level faculty engagement in athletics governance

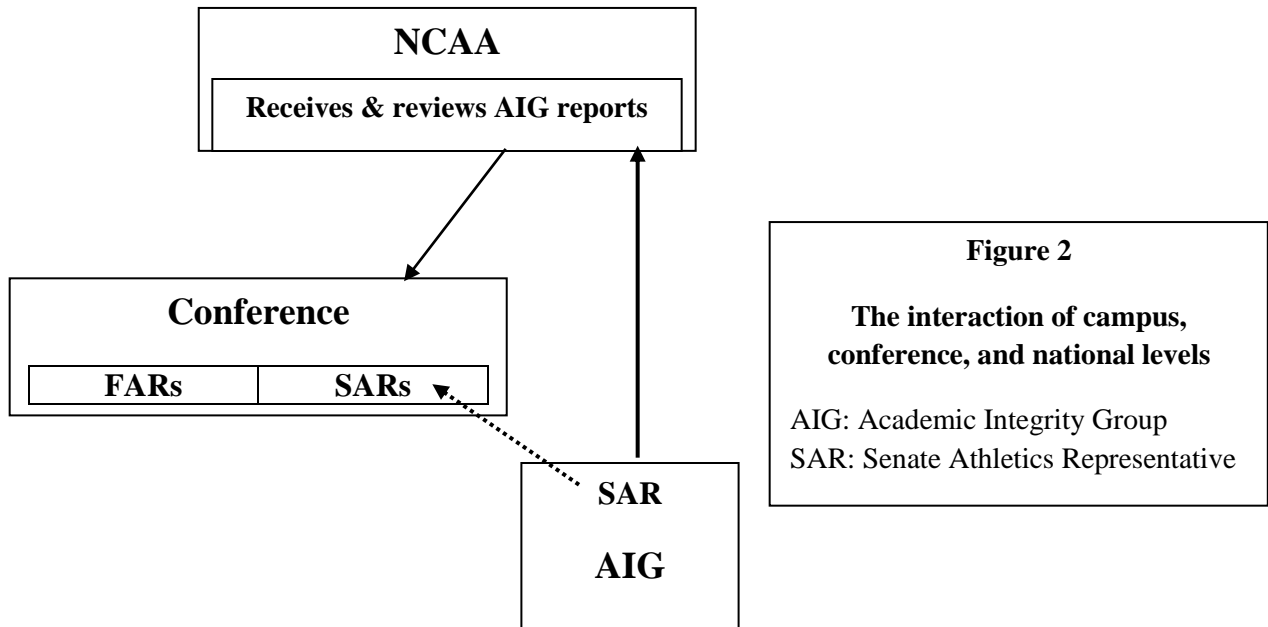
Conferences perform certain types of regulatory functions as a product of specific agreements among their member schools. These functions are likely now to become far more critical. With the NCAA shift to a fair competition standard, the conference will become the sole level with a critical stake in level-playing-field criteria and the power to sanction deviations from accepted conference norms if campus-level governance fails to enforce them.

Information Sharing at the Conference Level. We recommend, therefore, that the NCAA, which receives annual reports from AIGs on conference school policies and implementation, provide these reports to the conferences. As conference FARs typically meet on a regular basis and have input into conference-regulated aspects of athletics, so should SARs meet to review the work of their policy making committees on matters concerning academic integrity. SAR groups will be charged with reviewing policy initiatives by campus AIGs, both in response to initial NCAA deregulation and then ongoing, and with developing and maintaining best practice guidelines that

express conference norms from the standpoints of both fairness in competition and competitive equity.

Conference SARs, meeting periodically as a multi-campus faculty group, will benefit in escaping the parochial perspective of a single campus in ways described earlier regarding national gatherings. They will be able to convey these more broadly based views to their campus FGBs, just as FARs currently inform CABs on many campuses.

The following diagram represents the concept we propose at the conference level:



COIA recognizes current and long-term issues of stability at the conference level, and the strength of the economic forces that have led to accelerating realignment. It is likely that these forces will continue to destabilize conferences. However, the growing role of conferences, which are not themselves based on an academic mission, is itself an argument for strengthening conference-based cohorts of academically committed faculty concerned with issues of academic integrity.

Summary

The proposals developed here are designed to increase faculty engagement in intercollegiate athletics at the campus, conference, and national levels. Only a set of checks and balances that actively engages the commitment and independence of faculty can adequately respond to the new deregulatory environment. The models we propose make use of existing structures with only a small number of new features. The changes are modest, but depend on a change in attitudes on many campuses on the part of administrators and faculty alike. COIA representatives look forward to discussing these and other approaches with FAR colleagues, members of the NCAA administration, and with the presidents and athletics directors at our institutions.