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FACULTY ATHLETICS REPRESENTATIVES (FAR)

Academics & Athletics as an Integrated Whole: on Campus, in Governance

May 12, 2014

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Dear President Hatch, and Members, Governance Steering Committee:

The 1A FAR Board of Directors represents the Faculty Athletics Representatives (FARs) at the 125 institutions and 10 conferences comprising NCAA Division I's Football Bowl Subdivision (FBS). As you know, I have previously submitted the 1A FAR Board's input and recommendations as the governance restructuring process has unfolded. I will not repeat our prior detailed submissions, but instead will focus on a few key points.

First, we have reviewed the Steering Committee's Draft Governance Model (Draft). We fully support its three main premises: that the Division I Board needs to move from an operational to an oversight role; that the Division I Council must have members with practical experience and expertise in the administration and integration of college athletics on our campuses; and that universities in the ACC, Big Ten, Big 12, Pac-12, and SEC need autonomy to resolve issues that are unique to those conferences or that generally have more impact on institutions in those conferences than on other universities in Division I.

Division I governance reform has been spurred by a host of external threats to the continued viability of intercollegiate athletics and the collegiate model. The very worst outcomes of this process would be for the governance reform to fail to result in much-needed substantive changes, particularly regarding enhancements to the student-athlete experience, and that it will fail to respond to the perception that college athletics have become a variant of professional athletics in all but name. Accordingly, we recommend the following revisions to the governance proposal:

- (1) **Autonomy.** With regard to the autonomy issues discussed on pp. 27-33 of the Draft:
 - Adoption of proposals by the 5 Conferences should be accomplished on a 60 percent vote of all those voting plus 3 of 5 conferences, or by a simple majority plus 4 of 5 conferences. The super-majority requirement identified in the Draft is excessive.
 - For the 5 Conferences to have true autonomy over certain issues, they should be enabled to interpret, enforce, and grant waivers from those bylaws they adopt.
 - The various subject matter areas for autonomy for the 5 Conferences should be defined in general terms to facilitate the ability of the 5 Conferences to be in position

to be responsive to future issues that are not currently anticipated. The current language in the Draft on pp. 32-33 regarding “Expansion of Autonomy” is unclear and unwieldy.

(2) **Council.** The composition of the new Council as described in the Draft should be revised to include more FARs via the following approaches:

- First, we continue to strongly urge adoption of our proposal that that the Council include 1 AD and 1 FAR from each of the five autonomy conferences (ACC, Big 10, Big 12, Pac-12, and SEC). Doing so would not only assure a greater faculty/campus perspective, but also facilitate the implementation of weighted voting for shared governance issues and create a natural subcommittee to vet issues that are in the autonomy category. Inexplicably, the Steering Committee and Division I Board made no mention of this 5/5 alternative in the current Draft or cover letter.¹ We understand a concern has been voiced that having more representatives from the five autonomy conferences grants them too great a presence on the Council. That concern is easily resolved by altering the weighted voting provisions from 4 votes each to 2 votes each for those conference representatives.²
- Second, the Draft’s configuration of the Council should be modified to assure more FAR involvement. On pages 6 and 21 of the Draft, the report calls for “a minimum of 60%” ADs on the Council.³ That leaves room for as few as 3-5 FARs on the entire Council if the 60% figure is applied to the overall 38 seats on the Council.⁴ Similarly, even if the 60% AD target is applicable only to the 32 conference representatives on the Council (as is suggested in the box of bullet

¹ Some have suggested that members may be concerned that a Council of 43 rather than 38 could be too large and unwieldy for effective discussion. If that is the case, we simply disagree. We have all taught different-sized classes. It is our experience that the level of participation and breadth of discussion tends to shift when a group exceeds 20-25. The difference between 38 and 43 is negligible. Even if this were not the case, unduly excluding the faculty/campus point of view from discussions is a move in decidedly the wrong direction.

² Accordingly, the exemplar on page 36 of the Draft could be amended as follows – without altering any of the balance of overall voting power at the table:

- Five conferences (~~5x4~~) (10x2) + one commissioner seat (1x4) = 24 = 38.7 percent.
- Middle five conferences (5x2) + one commissioner seat (1x2) = 12 = 19.4 percent.
- DI/FCS - 22 conferences (22x1) + two commissioner seats (2x1) = 24 = 38.7 percent.
- Two student-athletes (2x1) = 2 = 3.2 percent.

³ The Draft specifies that 60% of the Council should be ADs but is unclear as to what total the 60% figure applies. The Draft also does not articulate a rationale other than a brief statement about “the importance of athletics directors’ involvement.” We very much agree that ADs should play a vital role on the Council, but we believe there should be a greater balance and the inclusion of a significant number of FARs.

⁴ We calculate this as follows: 60% ADs out of 38 total seats = 23 ADs. If you then add those 23 AD seats to the 4 slots set aside for commissioners and the 2 for student-athletes, that equals 29 of the 38 seats – thereby leaving only 9 other slots. Then, per page 21 of the Draft, nominees for the Council can include not only ADs and FARs, but also SWAs, commissioners, compliance administrators, and other senior level administrators. If, for example, 2-3 SWAs and 2-3 compliance administrators are selected, that would leave room for only 3-5 FARs on the Council, and even fewer – if any – from FBS institutions.

points on page 21 of the Draft), the number of available seats for FARs is not much greater.⁵ Therefore, we urge that should you continue to view the 60% AD figure as fixed, that

- (a) the 60% calculation be applied to the 32 conference seats – thereby resulting in 19 seats for ADs out of the 32 total (excluding the 4 seats for commissioners and the 2 seats for student-athletes); **and**
 - (b) the remaining 13 seats (i.e., 32 – 19) be designated for FARs; or
 - (c) alternatively, should the Board desire representation from other senior athletics administrators such as SWAs or compliance officials, those positions should be a part of the 19 seats otherwise designated for ADs, and not reduce slots for faculty representation.
- In sum, there should be a greater inclusion of FARs on the Council as the representatives of the broader campus. Policy for intercollegiate athletics should be vetted and considered through both an athletics and a campus/academic lens and challenges should be addressed in a manner that not only embodies – but, equally, is *seen* to embody – the values of higher education and the enhancement of all facets of the collegiate student experience, including those directly related to the student-athlete experience. Few, if any, collegiate athletics issues are either exclusively athletic or exclusively academic. The inclusion of both ADs and FARs with significant representation will serve to demonstrate that intercollegiate athletics is a shared partnership between athletics and the greater campus and reflect a renewed commitment to the collegiate model.⁶

⁵ Under that approach, 60% ADs out of 32 conference seats = 19 ADs. That would leave 13 slots for others, including FARs. But, if many of those seats are filled with SWAs, compliance administrators, and other athletics administrators, that still will leave few seats at the table for FARs.

⁶ In response to earlier submissions about greater FAR involvement on the Council, we have heard comments from some presidents/chancellors that they are in fact academics and can adequately represent academic interests at the Board level. Although it is true that most of our university presidents/chancellors rose up through the ranks in an academic discipline, we suggest that the premise is flawed. If the Board is truly going to move from an operational role to a position of oversight, the Board's involvement in the details of policy development will be much more limited than in the past. Accordingly, the primary and perhaps sole opportunity for an engaged campus voice on the chief policy-designing entity in the new governance structure, the Council, will need to include FARs in significant enough numbers to be more than mere token representatives. But, more pointedly, is there other justification for having more FARs on the Council? Consider the following alphabetical list of ten typical priorities for a successful intercollegiate athletics program:

- Academic Integrity
- Competitive Success
- Compliance with Regulations, Rules, and Bylaws
- Facilities, New and Upgrades
- Financial Solvency, Enhancing Revenue
- Fund-raising and Sponsorships
- Graduation of Student-athletes
- Marketing and Branding, National Image
- Title IX Requirements and Expectations
- Well-being of Student-athletes

Without question, all of these priorities are important to success. We urge you, however, to consider rank ordering these items from highest to lowest priority, first from the perspective of an AD in Division I and then from the perspective of a FAR. We suggest, of course, that the rank ordering by ADs and FARs will likely differ. Does that make one approach correct and the other

- (3) **Academic Council.** The Draft discusses the Academic Council on page 25. We applaud the plan to merge the current Academic Cabinet and CAP into a single body to focus on all matters academic. We note that the current Academic Cabinet includes 8 FARs, while the CAP has only 2 FARs. The proposed model for the Academic Council on page 25 of the Draft states only that there should be 15-20 members. We strongly urge that at least half of the membership of this *academics-focused* committee be FARs.⁷
- (4) **FAR on the Board.** We applaud the inclusion of a FAR on the redesigned Board of Directors. We note an inconsistency in the Draft, however. On page 43 you emphasize a move to competency-based representation. In contrast, on page 18 of the Draft you specify that the FAR on the Board will be the “highest ranking Division I member of the Faculty Athletic Representatives Association’s Executive Committee.” We urge that you employ a competency-based metric to the FAR Board position and suggest that this can be achieved by allowing FARA and 1A FAR to submit nominees (either collectively or separately) who will be subject to the same competency-based scrutiny as nominees for other positions in the new governance structure. The selected FAR will then serve a four-year term like conference appointees, something that might not happen if the FAR is the highest ranking Division I member of FARA.⁸

Respectfully submitted,



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wrong? Of course not. We point out these differences simply to emphasize that a Council with both ADs and FARs might at times approach challenges and issues facing intercollegiate athletics from differing perspectives, but in ways that are in fact complementary.

Copies of our previous submissions that articulate additional rationales for FAR involvement are available at:

http://www.oneafar.org/1AFAR_letter_to_President_Hatch_and_Steering_Committee_3_17_14.pdf,
http://www.oneafar.org/letter_to_President_Hatch.pdf, and
http://www.oneafar.org/Bullet_points_FARs_and_ADs_working_together_to_develop_policy.pdf.

⁷ Of course, other sub-Council committees should also include a meaningful number of FARs.

⁸ Given that the Board will also include a subcommittee to “assess compliance with guiding principles” and standing committees for such matters as nominations and assessing accountability in governance, we encourage the inclusion of the Board’s FAR or student-athlete member on such bodies to assure inclusion of the campus or student voice.