

DIA Faculty Athletics Representatives

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December 16, 2009

Robert Halvaks, Chair
Division 1 Administration Cabinet and
Senior Associate Commissioner
Big West Conference
2 Corporate Park
Suite 206
Irvine, CA 92606

Dear Rob,

Thanks so much for responding to the letter I sent to you and the members of the Administration Cabinet on behalf of the IA FAR as well as for our follow-up phone conversation. Thank you also for your receptivity to the IA FAR sharing our perspective and concerns. As I said when we spoke, I am sending this second letter to do just that in three general areas – committee representation and Guideline Principle No. 5 of the Administration Cabinet, the governance review you are conducting in response to the directive of the Division I Board, and the NCAA nomination form.

Administration Cabinet Guideline Principle No. 5 (Only One Name to be Submitted for a Committee Opening)

The foremost concern of the IA FAR is that NCAA governance is structured so that FARs and senior level athletics administrators with broad based experience serve on councils, cabinets, and committees in numbers sufficient to deal with issues facing intercollegiate athletics as an integrated whole. Joint full engagement¹ is foundational to the health of intercollegiate athletics and to a governance structure that builds on and is responsive to the knowledge and experience of those working in intercollegiate athletics, wherever placed in the university structure. Joint full engagement offers:

The best opportunity fully to consider policy, processes, and legislative proposals;

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¹Otherwise known as “positional diversity,” a term we avoid as it suggests number-crunching for its own sake, although we understand its use as a convenience for discussion.

- The best opportunity for those with “on the ground” knowledge and experience to reconcile and resolve divergent perspectives;
- The best opportunity to assure that decisions are optimally workable by those tasked with implementing them, and, as a result;
- Adoption of strong and effective policy, processes, and legislation.

Perhaps most important, joint full engagement produces decisions that will best serve the interests of the Association and member institutions and permit the Division I Board to focus on overarching policy directions and approaches while confident that the governance structure may be relied on to produce fully considered discussion and effective and broad-based solutions.

Although our prime concern is Division I councils and cabinets, the IA FAR also are concerned with membership distribution on committees. A breadth of backgrounds and experiences brings a breadth of discussion and solutions not likely produced when one or another perspective is missing from the table. For all the reasons stated, the IA FAR are opposed to Guideline Principle No. 5, except for committees so specialized that particular expertise is an indispensable criterion for each committee member. Because the IA FAR believe that there are precious few matters where such specialized backgrounds are the only committee need, however, I suspect we disagree with you as to the number of committees whose particular requirements should trump efforts to bring different expertise and perspectives to the table. That, however, is discussion for another day. In the interim, we believe that a positive first step would be for the Cabinet (1) to look closely at the primary and satellite roles of each committee, and (2) to look closely at the backgrounds and expertise that would enhance each committee’s work, and, then (3) to identify those committees that require exclusively specialized expertise. For all other committees we urge the Administration Cabinet to solicit two names for open positions, one a FAR and one an athletics administrator (as well as designate whether the athletics administrator should be senior level with broad based experience and responsibilities). We believe this is preferable to imposing minimum positional requirements for all committees as it affords the Administration Cabinet the broadest opportunity to exercise its best judgment to assure a balance of experience and perspectives on committees.

For our part, the IA FAR will take up your suggestion to pursue a conversation with the Conference Commissioners Association. It is a productive suggestion, and I thank you for it.

Administration Cabinet’s Review of Governance Structure

The IA FAR Board has reviewed the Commissioner Feedback Questionnaire administered last September and is aware that this is just a first step in the evaluation process planned by the Cabinet. It is our understanding that you will conduct interviews with the chairs of the councils and cabinets and exit interviews with departing council and cabinet members. We fully support these efforts.

We also understand that you plan to develop a survey/questionnaire to distribute to member institutions so as to assess their level of satisfaction with the current governance structure; this is an essential element in any assessment of NCAA governance and, therefore, one we also fully support. We believe that those serving in conference offices or currently serving on councils and cabinets are most likely to feel “plugged in” to governance and, in turn, most likely to be satisfied with it. In consequence, limitations in the governance structure are most likely to be identified by those on campus not presently serving in governance. We expect that you have heard what we hear – concerns from those on campus that they are uninvolved, unconnected from governance, and feel that their voices are muted if heard at all. To capture differences in assessment, moreover, we suggest that the survey/questionnaire include items by which the responder lists his/her current governance service (and also whether service is on a council, a cabinet, or on a committee).

In our view, an equally essential element to an overall assessment of the governance structure is that surveys be sent to each athletics director, FAR, and senior woman administrator.² Soliciting the views of each group is the best way to assure that all aspects relevant to an evaluation of the governance structure are considered and that the perspectives of each group are part of the mix. A comprehensive evaluation should assess whether the current government structure is perceived to be working equally well for all of us engaged in intercollegiate athletics and is the best way to assure it works optimally well as we move forward.

The IA FAR further urge that it is not adequately comprehensive to focus questions exclusively on whether the current structure communicates to the membership what NCAA councils, cabinets, and committees are doing. Adequacy of communication is important, and has been a concern voiced on campus since the move away from one institution/one vote. But satisfaction with communication does not necessarily constitute satisfaction with the locus of decision-making responsibility in the governance structure nor does communication alone guarantee a quality “product.”

The IA FAR appreciate that the one institution/one vote structure was viewed by many as unwieldy. Similarly, we recognize that the current representative structure was designed to provide a more orderly and thoughtful process for considering issues affecting intercollegiate athletics and developing legislation to respond to them. But the NCAA is an association of universities and colleges, not conferences. Conference officials obviously are engaged in issues of intercollegiate athletics and can be forceful advocates for student-athlete well-being and academic interests. Nonetheless, the prime concern of Conference officials is to expand revenues and administer competition. Every move from universities and colleges as the locus of decision-making removes control from those who interact daily with student-athletes and implement NCAA bylaws and policies. The IA FAR believe, therefore, that an overriding question in an assessment of the new governance structure should be whether, and how, the representative model should be adjusted so as to reflect better the perspectives and predilections of member institutions.

²It may also be worthwhile to solicit the views of compliance directors and directors of student-athlete academic services.

I have set forth below questions we think should be posed to campus athletics directors, FARs, and senior woman administrators. [Note again that we recommend including questions to identify the responder's current council, cabinet, or committee service, if any; and also recommend that the responder identify his/her campus role (AD, FAR, SWA, etc.).]

1. Do you feel that the current governance structure adequately provides for institutional positions to be heard and considered?

2. If you worked on campus under the one institution/one vote structure, do you feel that the current structure does a better/equally good/ poorer job of providing for institutional positions to be heard and considered?

3. Do you feel that the current governance structure offers adequate communication to those on campus as to what is happening in NCAA governance?

4. If you worked on campus when Division I governance was one institution/one vote, do you feel that the current structure does a better/equally good/ poorer job of communicating to those on campus as to what is happening in NCAA governance?

5. Do you believe that the quality of NCAA policy and proposals is enhanced over what was produced in prior iterations of the Division I governance structure?

6. Do you believe that the Division I Board acts independent of the campus voice or acts after soliciting and considering institutional positions?

7. If you worked on campus when Division I governance was one institution/one vote, do you feel that in the current structure there is more/less decision-making that is made independent of the campus voice or without first soliciting and considering institutional positions?

8. If you believe that the Division I Board acts independent of the campus voice, do you believe that this is a positive/necessary/understandable approach? Does your answer vary with the particular substantive area in which you believe that the Division I Board has acted independently?

9. Do you believe that in the current structure the Division I Board and senior NCAA administrators go outside the formal governance structure (councils, cabinets, committees) when seeking policy determinations regarding specific issues in intercollegiate athletics (i.e., specific task forces rather than formal committee structure)?

10. If you believe that the Division I Board and senior NCAA administrators go outside the formal governance structure (councils, cabinets, committees) when seeking policy determinations regarding specific issues in intercollegiate athletics, do you believe that this is a positive/necessary/understandable approach? Can you identify positives and negatives with such an approach?

11. Do you believe that members on councils, cabinets, and committees should vote their own viewpoints or represent the viewpoints of the majority of the institutions in their conferences?

12. Do you believe that conference officials adequately understand national issues?

13. Do you believe that conference officials adequately represent institutional positions on national issues?

14. Do you believe that conference officials adequately communicate to institutions NCAA policy discussions and undertakings?

15. Do you believe that majority positions of institutions within conferences typically represent the positions that would be taken by your institution if it were voting on its own?

I know that the Administration Cabinet is working with Todd Petr and NCAA research staff to design the content and format of survey questions. Faculty, of course, have expertise in writing, administering, and analyzing surveys. We also are familiar with survey design, qualitative and quantitative methods, and analysis. Todd already has an advisory group of FARs who work with him on campus survey projects. Should you or he think our assistance might be helpful, the IA FAR Board would be happy to assist in identifying questions to be asked and in classifying responses.

Nomination Form

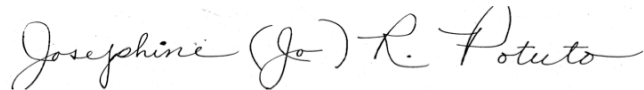
The final matter I would like to raise on behalf of the IA FAR relates to the forms conferences use to nominate individuals. Our concern here is that the form is not suited to surfacing information from faculty that would demonstrate experiences and backgrounds relevant to committee service. We understand that the Administration Cabinet is engaged in an on-going process to evaluate and improve the nomination form. We have looked at the current form and have some suggestions to make that we hope you will consider. The suggestions are contained in the revised nomination form that I have attached to this letter.

Conclusion

The IA FAR appreciate the work of the Administration Cabinet in fulfilling its charge from the Division I Board to evaluate the current governance structure. It is a critically important undertaking, and we know that it will take much time and attention to do it right. We also thank you for taking seriously our concerns with governance. Our suggestions are intended to enhance the governance process as well as the on-going effort to evaluate its effectiveness. We recognize that what we set forth here may increase the work of the Cabinet. Lest we be

considered noisy and officious benchwarmers with suggestions to offer when someone else does the work, please know that the IA FAR, and the IA FAR Board in particular, would be happy to assist you in this process in any way you think useful and appropriate.

Very truly yours,



Josephine (Jo) R. Potuto

Richard H. Larson Professor of Constitutional Law, University of Nebraska
and President, DIA Faculty Athletics Representatives Association

att: 1

cc: Harvey Perlman, Chair, Division I Board
Jim Isch, Interim President
Bernard Franklin, Senior Vice-President, Governance and Membership
Damon Evans, Chair, Division I Leadership Council
Joseph F. D'Antonio, Jr., Chair, Division I Legislative Council
David Berst, Vice-President, Division I Governance
Kevin Lennon, Vice President, Academic and Membership Affairs
Jackie Campbell, Director, Division I
Steve Mallonee, Managing Director, Academic and Membership Affairs
David Schnase, Managing Director, Membership Services
Todd Petr, Managing Director, Research
Sharon Tufano, Committee Coordinator
Karl Benson, President, Conference Commissioners Association
Members of Division I Administration Cabinet

Section 2. for Faculty Athletes Representatives only.

Number of years serving as FAR at current institution _____

Number of years serving on Athletics Boards, Councils or Senate Committees whose primary responsibilities includes the oversight of Intercollegiate Athletics. Please include those years as Faculty Athletics Rep. _____

Box 1 Past/current service on NCAA committees and cabinets; please indicate dates.

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| Box 1 |
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Box 2 Past/current service on conference committees; please indicate dates.

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| Box 2 |
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Box 3 Past/current service on University committees pertaining to intercollegiate athletics (e.g. Intercollegiate Athletics board, NCVAA Site Certification Campus Committee, Faculty Senate committees on athletes, academics and financial/budget); please describe the role played, if any, on campus in the most recent NCAA certification process. Please give dates.

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| Box 3 |
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Box 4 Past/current service on University academic senate, special appointments by the chancellor/president, past/current service on committees pertaining to university financial, academic, and campus matters (academic planning committee; facilities approval committee, budget committee). Please give dates.

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| Box 4 |
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Box 5 Courses taught, presentations/panel participations, etc., and scholarship pertaining to intercollegiate athletics.

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| Box 5 |
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Sport Rules Committees only.

Do you have particular expertise in a sport (student-athlete, amateur or youth coach, rules expertise) or that is otherwise relevant to the operation of a sport (rules drafting, project administration, etc

Yes _____ No _____

Please explain.