

FACULTY MEMBERS' CONSTRUCTIVE ENGAGEMENT IN INTERCOLLEGIATE ATHLETICS

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Americans love their sports. It can be left for another time to speculate why this is so; but it should not be doubted that sports have a central place in American popular culture. There is great interest in professional teams; but nothing rivals interest in intercollegiate athletics.

While many faculty members enjoy watching college sports, especially when their home university is engaged in the games, there is generally speaking a palatable sense of frustration about intercollegiate athletics. There is discomfort about the commitment to intercollegiate athletes by institutions whose central missions are learning and research. There is a sense that intercollegiate athletics should but fails to be under the control of the faculty, that intercollegiate athletics enjoys a level of support and autonomy absent for academic departments and schools, and that the standards for academic performance for student-athletes are often compromised.

While not ill-founded, these concerns are exaggerated. The facts about intercollegiate athletics are often obfuscated by myths and misinformation.¹ Nonetheless, there is sufficient truth to these concerns to warrant corrective action. The changes on campus, as well as nationally, necessary to reform intercollegiate athletics cannot occur without faculty participation in developing and sustaining fitting administrative structures and academic oversight. Direct involvement of individual faculty members and faculty governance is a prerequisite for the conduct of intercollegiate athletics in the manner appropriate to an institution of higher education.

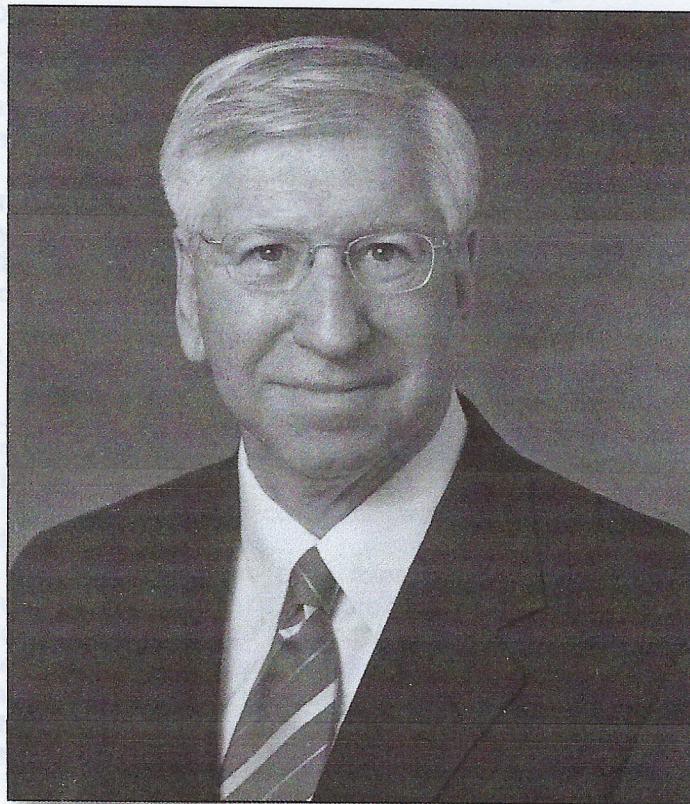
The purpose of this paper is to discuss and recommend the roles of faculty members on campus and nationally that will yield both constructive engagement with the issues facing intercollegiate athletics and satisfactory resolution of them.

The Roles of Faculty Members in the Conduct of Intercollegiate Athletics

There are three primary roles for faculty members in intercollegiate athletics. These roles are applicable at both the campus and national levels. They are:

- (1) Setting and maintaining academic standards;
- (2) Governance oversight; and
- (3) Direct involvement.

(1) The single most important role of faculty members in intercollegiate athletics is establishing and maintaining academic standards. Faculty members are responsible for the creation and development of the curriculum, teaching within this curriculum, and certifying learning through course grading and degree requirements. These responsibilities



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must be met with integrity. For individual faculty members, for academic institutions, and indeed for the entire enterprise of higher education, academic integrity is the central value.

The academic standards applicable to student-athletes should be identical to those for the general student body. Student-athletes are students first. Coursework and grading for student-athletes should be no different from coursework and grading for the general student body. Degree requirements should be the same for all students. All this is self-evident.

But there are two points to be added. First, student-athletes, in some sports more than others, spend time away from campus to participate in athletics contests. In this regard, they do not differ in principle from students who are away from campus to play in the university symphony orchestra or participate on the debate team. Of course, the number of student-athletes so engaged may be larger than those participating in these other activities, and the amount of time away from campus may be longer.

There should be institutional procedures in place that notify individual faculty members whose courses enroll student-athletes about planned absences. Notification should be well in advance and systematic. Planned time away from campus for athletics participation should be counted as an excused absence.

Excused absences for athletics participation (or for any reason) can place a burden on faculty members, in that it may lead to additional instructional time with students, multiple test

preparation, and so on. Since excused absences for student-athletes tend to outnumber those for other students, some faculty members become displeased. This leads to the second point.

It is unacceptable to treat student-athletes adversely if they are following institutional rules and procedures. One concern often voiced by student-athletes is that some faculty members disparage them publicly, or, worse, penalize them in terms of grades and academic opportunities, because of the requirements of sports participation. Of course, these concerns must be investigated on an individual basis to determine their accuracy; but there is little doubt that some faculty members treat students who are athletes adversely.

Just as the general faculty on campus has an obligation to ensure that student-athletes do not receive any special academic advantages, so too the general faculty has an obligation to ensure that student-athletes are not subject to unfair academic disadvantages. Unfortunately, because of understandable reluctance to criticize colleagues, faculty members are active in ensuring that student-athletes are not unfairly advantaged, but often not equally attentive to ensuring that student-athletes are not unfairly disadvantaged. In principle, the best approach to correcting problems about unfair treatment of student-athletes is at the department level; but, for various reasons, that sometimes does not occur. There then need to be rules and procedures at the university and school levels, which are acceptable to the faculty Senate, to protect student-athletes. There must also be an avenue for individual student-athletes to make their concerns known without the prospect of retaliation. Student advising personnel or the Faculty Athletics Representative might best serve this role.

Some critics argue that student-athletes cluster in certain majors that appear less than fully demanding academically. Studies have shown that there is some tendency for student-athletes to major in the social and behavioral sciences and in professional programs, such as business.² Is that problematical?

If student-athletes choose their majors because of favoritism toward athletes, then, of course, this is unacceptable. Institutional steps must be taken to halt any such practice. But if student-athletes select one type of major over another because of academic or pre-professional interest, and if the majors selected operate fully within university rules, then the mere fact that student-athletes tend to favor one type of major over others is no reason for objection. Student-athletes, like other enrolled students, should have the freedom to select which courses of study they will pursue. Provided that the majors in question satisfy the academic standards established through normal faculty and institutional review, student-athletes should not be criticized or penalized for their academic preferences.

Some faculty members would like to make public the majors selected by student-athletes and the faculty who teach in them.³ Such "outing" is nothing more than an attempt to embarrass colleagues unjustly. If the courses and majors are approved through normal institutional procedures, then there is no legitimate issue. If there are problems with the curriculum, then there should be procedures to correct them that do not inappropriately stigmatize faculty members.

With regard to setting and maintaining academic standards, the primary focus of faculty responsibility is locally,

that is, institutionally. It is also more straightforward to ensure academic integrity locally than nationally. Nonetheless, faculty members also have an obligation to ensure that higher education nationally has academic integrity. National oversight by faculty members for intercollegiate athletics can be achieved in a number of ways; pre-eminent among them is working through the NCAA and through faculty governance-based organizations. I will return to this point in the next section from the general faculty.

The National Collegiate Athletic Association (NCAA) sets the minimum academic standards for a student-athlete's initial and continuing eligibility to participate in intercollegiate athletics. These standards are not intended to substitute for institutional admission or progress-toward-degree requirements. There are some opportunities for faculty members to have input into the national standards. Each institutional member of the NCAA must have a Faculty Athletics Representative (FAR). The primary duties of FARs include representing the faculty and administration to the athletics department, and conversely. But FARs also represent their institutions and the conferences to which they belong to the NCAA. FARs are involved in the committee work of the NCAA, including academic matters.

There are other roles for faculty members at the national level to help ensure academic integrity. The decision-making bodies of the NCAA consist primarily of campus-based and conference employees of the Association's members, and that includes faculty members. For example, one of the most highly visible activities of the NCAA is investigating and enforcing its rules. Investigations are undertaken by professional NCAA staff members. They prepare a report, which is presented to the Committee on Infractions. This committee, which does not include NCAA staff members, holds hearings and assigns sanctions. The Committee on Infractions includes faculty members; the current and past chairs of this powerful committee, for instance, are law school faculty members.

In sum, with regard to setting and maintaining academic standards and integrity in intercollegiate athletics, the primary focus of faculty responsibility is the institution. There are some opportunities to provide input at the national level through NCAA committees; while FARs usually play this role, there are NCAA committees in which expertise is drawn from the general faculty.

(2) The second category of faculty involvement in intercollegiate athletics concerns governance oversight. The underlying idea is that athletics departments should be integrated into the operation of the university. The previous discussion emphasized athletics department integration into the mission of the university, especially with regard to academic performance. Let me now address operational integration.

Athletics departments should not be free-standing, autonomous structures. Rather, they are an integral part of the university. As such, athletics departments are to be governed, and held accountable, in the same ways as other campus units. Athletics departments resemble schools (or colleges) on campus more than they resemble auxiliary activities. Athletics departments are more like business schools or schools of journalism than they are like university

parking or the tech transfer office.

There are a number of consequences of viewing athletics departments as an integral part of the university structure. First, because athletics departments are highly visible and because of their budgetary impact, at least in Division I, the director of athletics plays a role similar to that of a dean of a college. The director of athletics should be a member of the president's cabinet (or the equivalent body). The interactions that result include the director of athletics coming to understand the institution's strategic and academic priorities and the other senior officers of the university coming to understand the challenges and opportunities that athletics provide.

Integration of the athletics department into the operation and structure of the university means that faculty members have a role to play in accountability and governance. The conduit for faculty input is the Senate (or the equivalent campus body). To the extent that budgets are reviewed by the Senate, so too should the athletics department budget be reviewed. Generally, it is useful for the athletics department to make reports to the Senate, at least annually, that include budgetary issues. The final decisions on budgets are made by the board of trustees (or its equivalent) on the recommendation of the president (or chancellor).

Senate review of the athletics budget should not be perceived as an opportunity to reallocate funds from athletics to other programs. Rather, the purpose of the review, as it would be for academic units themselves, is to assure transparency and accountability. Neither the athletics department nor the general faculty is well served by financial secrecy. Disclosure of athletics budgets is not common on many campuses, and there is trepidation to do so. Nonetheless, budgetary transparency is a critical step toward building trust between the athletics department and the general faculty.

If the Senate is to meet its responsibilities, faculty members who serve on its budgetary review committees must inform themselves about intercollegiate athletics. There are similarities, but also differences, between the operation of an academic unit and of the athletics department, and faculty members have an obligation to become knowledgeable about the function and nature of intercollegiate athletics.

Each campus has its historical and unique approach to how it operates. Nonetheless, there are some common functions for faculty members with regard to athletics. Faculty members should be advisory in the admissions of athletes, especially those prospective students at risk academically. Faculty members should play a role in academic advising of student-athletes, to the same degree that they play that role with the general student body. In many institutions, that would not include direct academic advising, other than in the majors, since there are professional advisors who have those roles; but it would include oversight through Senate governance committees.

One area for faculty member input into athletics which is controversial concerns athletics department hiring. Faculty members should have a means to monitor and encourage the athletics departments to follow the letter and spirit of the institution's affirmative action policies. The same affirmative action procedures applicable to hiring faculty members and university administrators should also apply to hiring athletics

department staff and coaches.

The controversy over faculty involvement in athletics department hiring often centers around high profile coaches. These searches differ in fundamental ways from searches for faculty members; they are conducted under significant press scrutiny and the time frame is considerably shorter. Extreme efforts must be made to ensure confidentiality during the search, as compared with faculty searches. Nonetheless, there are elements of the search for a high profile coach that must resemble that of a faculty or administrative search if it is to be fair and open. There must be a genuine attempt to identify qualified candidates, and the net should be cast widely. There must be adequate time to interview candidates, though that will likely be measured in weeks, not months.⁴

Members of the athletics department should serve on university committees, including governance committees. Athletics administrators, in addition to the director of athletics, need to have a good working knowledge of the campus' academic structure and academic priorities. They need to reach out to the faculty, and generally to become involved in the life of the university beyond athletics.

Members of the faculty and the athletics department are colleagues. Though their professional interests do not often coincide, they do share the common goals of wanting the institution and its students to succeed. Occasions should be found for professional and social interaction between faculty members and those in the athletics department.

(3) The third role for faculty members in intercollegiate athletics pertains to direct assistance and involvement. On the campus level, the role of Faculty Athletics Representatives has already been cited. This is a time-consuming position, often requiring in Division I a half-time commitment or more. Another opportunity at the local level for faculty members is service on governance committees that have review or oversight responsibilities for intercollegiate athletics. Like other Senate committees, there is usually good opportunity to serve on the faculty athletics committee. This service provides excellent exposure to campus athletics issues, and often a perspective on national issues.

Unfortunately, if there is a lack of trust between the athletics department and faculty governance, there can be attempts to co-opt the committee. In the short run that might limit criticism of athletics, but in the long run it is counterproductive. An independent, fair-minded faculty athletics committee best serves the university, the alumni and fans, the athletics department and the faculty itself. Faculty members, through normal governance procedures, must ensure that the faculty athletics committee is independent of vested interest but at the same time ensure that those who serve on the committee are knowledgeable about intercollegiate athletics and do not bring bias or cynicism to the table.

Faculty governance oversight of athletics includes certification. Universities undergo voluntary regional accreditation every 10 years in order to assure their constituents and especially the public that their operations and academic programs meet specified minimum standards. Beginning approximately 15 years ago, as a result in part of the Knight Commission's reform efforts, intercollegiate athletics began a certification requirement for its members.⁵ Athletics certification resembles in many ways institutional

accreditation. It too occurs every 10 years; and it verifies compliance with specified minimal standards. The value of athletics certification, like institutional accreditation, often resides in the required self-examination and report, rather than in detailed critique or sanctions resulting from the process.

There are other opportunities on campus for faculty members, through the governance system, to be involved in the review and oversight of intercollegiate athletics. New athletics facilities and major renovations, which are most often bonded, need approval by the president and the board. Though the commitment to repay the bonds is most often assumed by the athletics department, ultimately the general fund of the university guarantees the bonds. Bonded indebtedness for facilities is one of the fastest growing budget items for athletics departments; it contributes close to one quarter of the increase of the annual rate of expenditures in athletics. To the extent that faculty committees on a campus provide advice on institutional capital projects, they should do so for athletics facilities.⁶

There has been a recent effort among faculty governance leaders on Division I-A campuses to review intercollegiate athletics at the national level and to influence in a constructive way its future. The Coalition on Intercollegiate Athletics (COIA) consists of duly elected faculty Senate leadership across most of the institutions in Division I-A.⁷ As the recent academic reform in intercollegiate athletics began in earnest several years ago, faculty members who were governance leaders on their campuses wanted to join the dialogue. COIA has developed its own faculty voice; it has made recommendations on national academic issues affecting student-athletes and athletics departments; and it has initiated discussions of policy and process at the NCAA. In order to set the agenda for future reform and change in Division I intercollegiate athletics, a task force of presidents and chancellors met for over a year. COIA has had input into both the work of the task force and its report.⁸

The success of COIA is the result of a clear agenda and credibility on campus and in the athletics community. When COIA began providing recommendations on the directions for reform, they were presented in good faith, but they did not influence the decisions or approaches of the NCAA. The reason was that these recommendations failed to reflect a good working knowledge of the current rules and practices in intercollegiate athletics. Faculty members on COIA understood this problem and informed themselves about the current state of intercollegiate athletics. As a result, their criticisms became more accurate and their recommendations for improvement were taken seriously and often adopted.

Constructive Faculty Engagement in Intercollegiate Athletics

There are numerous entry points for faculty members to engage intercollegiate athletics, as outlined. But engagement translates into effective influence only when it is undertaken with credibility and knowledge. Uninformed, antagonistic criticism of intercollegiate athletics will not lead to constructive change. Intercollegiate athletics is too well rooted in higher education for it to disappear or totally reinvent itself.

But the future of intercollegiate athletics can be substantially changed, most importantly in becoming integrated into the mission of higher education. Faculty members can and should play a central role in bringing about this change. But they will only be successful to the extent that they advance a constructive agenda informed by knowledge of the facts and actual practices.

It is ironic that there are faculty members, who would be entirely dismissive of those outside their own disciplines making unfounded pronouncements about disciplinary issues, who believe that they can make uninformed criticism of intercollegiate athletics and expect to be taken seriously. Rather it is entirely reasonable to expect faculty members to be informed about intercollegiate athletics if their input is to make a difference, on campus and nationally.

Fortunately, the facts and practices of intercollegiate athletics are readily accessible. Much can be learned from the NCAA divisional rule books—though caution is required. The NCAA rules are mostly designed to assure competitive equity—the proverbial level playing field. The rules are made by experts for experts, specifically by the NCAA athletics department members, and they are detailed and written in ways to avoid confusion. Of course, the opposite is often the case for the occasional or casual visitor to these publications; good parts of the rule books are as clear as the tax code. Nonetheless, a selective reading of the key principles and underlying philosophy in these official documents can provide the context for compliance and conduct in intercollegiate athletics. The NCAA Web site, www.ncaa.org, is an excellent source of background material and the best source for contemporary issues. The NCAA is transparent in providing information (other than ongoing investigations and student-athlete personal data), and its Web site is an excellent place to start. The *NCAA News*, available from campus athletics departments or directly from the NCAA, provides current information from the point of view of the athletics community. The NCAA has recently developed a strategic plan that maps the values and envisioned future of intercollegiate athletics based on very extensive consultation, and that too is available on its Web site.⁹

There are innumerable books and articles about intercollegiate athletics. A good many of them are polemical. Taken together, they probably offer a balanced perspective; but selective reading can easily mislead. William Bowen's books are the best researched recent accounts of intercollegiate athletics, though they tend to be focused on Division III and elite institutions.¹⁰ In any case, faculty members certainly know how to inform themselves of the objective facts and actual practices in athletics. The key is understanding the need for being so informed and the willingness to acquire this knowledge as a prerequisite for engaging in the national and local conversation.

Constructive engagement of faculty members, based on informed judgment, is a necessary part of athletics reform both locally and nationally. Engagement is most likely to succeed if it emanates from credible governance structures, such as faculty Senates. Individual faculty members or small groups of faculty can engage productively. But on most campuses, a systematic effort requires the support and participation of the governance structure. The standing of faculty governance on campus often permits the president

or chancellor to accept recommendations expecting that they have faculty support.

There are forces working against constructive faculty engagement in intercollegiate athletics. The sports media, the competition for scarce institutional funding, and the inherent bias in the academy for cognitive learning and against the physical, conspire to make faculty members uneasy, at best, or antagonistic toward intercollegiate athletics. Yet, the faculty voice is necessary if the future of intercollegiate athletics is to be marked by the integration of the academic mission of higher education into its culture.

Fortunately, there are adequate opportunities for faculty members to constructively engage intercollegiate athletics. They have clear roles in setting and sustaining standards for academic programs and the education of student-athletes, in oversight provided through faculty

governance, and, if they so choose, in direct involvement and assistance. These roles need to be realized on both the institutional and national levels.

A necessary condition for success of these efforts by faculty members to influence the future of intercollegiate athletics is informed, constructive engagement. Faculty members need to inform themselves about the rules, practices and philosophy in intercollegiate athletics, and they need to understand the cultural and institutional realities about intercollegiate athletics.

There is good news. More and more faculty members, including those engaged in governance, are contributing to the ongoing reform of intercollegiate athletics. Much remains to be accomplished if there is to be broad based constructive faculty engagement, but there is good reason for optimism.

NOTES

¹ See Brand, Myles, "State of the Association Speech," January 8, 2005, (www.ncaa.org) for a discussion of the central myths about intercollegiate athletics.

² For an excellent summary and analysis, see Shulman, J.L. and Bowen, W.G. *The Game of Life: College Sports and Education Values* (Princeton, NJ: Princeton University Press, 2001).

³ The Drake Group, whose members self-identify as critics of intercollegiate athletics, takes this position. See www.thedrakegroup.org

⁴ See the Black Coaches Association (BCA) description of best practices in hiring. The BCA issues a "report card" for the process used to hire Division I head football coaches, and it will soon expand it to include senior women coaches and athletics administrators. See www.bcasports.org

⁵ The 1991 Knight Commission report, "A Call to Action," is the most influential of its several major reports. This was the report which received national attention that stressed presidential leadership in athletics and athletics certification.

⁶ For the most accurate picture of the financing of Division I intercollegiate

athletics, see Jon and Peter Orszag. Orszag, Jon and Peter, "The Empirical Effects of Collegiate Athletics: An Interim Report," "The Physical Capital Stock Used in College Athletics," and "Division II Intercollegiate Athletics: An Empirical and Case Study Analysis," all on the NCAA Web site www.ncaa.org

⁷ See the Coalition on Intercollegiate Athletics (COIA) Web site, currently housed at www.neuro.uoregon.edu/~tublitz/COIA/index.html

⁸ See the Task Force's report: "The Second-Century Imperatives: Presidential Leadership - Institutional Accountability," www.ncaa.org

⁹ For an excellent history of the NCAA, with a focus on the past 25 years, see Crowley, Joseph, *The NCAA's First Century: In the Arena* (NCAA Publication: Indianapolis, 2006). This volume was written on the occasion of the NCAA's Centennial.

¹⁰ Schulman and Bowen, *op cit*, and Bowen, William; Levin, Sarah A.; Schulman, James L., and Campbell, Colin G., *Reclaiming the Game: College Sports and Educational Values* (Princeton: Princeton University Press: Princeton, New Jersey, 2004).

THE U. S. CONGRESS: NEW HOPE FOR CONSTRUCTIVE ENGAGEMENT WITH THE NCAA AND INTERCOLLEGIATE ATHLETICS

Frank G. Splitt
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BACKGROUND

The increasing commercialization of big-time (Div I-A) intercollegiate athletics and its negative impact on America's higher education enterprise has become evermore apparent to academic leaders, elected public officials, the sports press, and to a growing fraction of the public. After a century of ineffective efforts to reform college sports, there is a growing concern over out-of-control commercialization that is driven by the college-sports entertainment industry to further its financial interests—exploiting college sports and its participating athletes while limiting access to higher education by real students. There is also concern about compromised academic integrity and the distracting influence of overly commercialized college sports on school officials, on America's youth, and on the nation's prospects as a leader in the 21st century's global economy.

There follow some historical perspectives that help get at the truth about big-time college sports ...the brutal truth that is often obfuscated by myths, misrepresentations, and

misinformation promulgated by ardent defenders of the status quo. To begin, the negative impact of college sports on higher education is not a new story. In 1929, the *Chicago Tribune* featured a headline column on the Carnegie Report's indictment of college sports.¹ This report focused on the need for reform based on the negative influence of big-time college sports on higher education.

[College football] is not a student's game as it once was. It is a highly organized commercial enterprise. The athletes who take part in it have come up through years of training; they are commanded by professional coaches; little if any initiative of ordinary play is left to the player. The great matches are highly profitable enterprises. Sometimes the profits go to finance college sports, sometimes to pay the cost of the sports amphitheater; in some cases the college authorities take a slice for college buildings.

