

Summary Report

11th Annual National Meeting of the Coalition on Intercollegiate Athletics (COIA)

“Considering the Role of Faculty as Stewards of Intercollegiate Athletics on Our Campuses, Conferences and the NCAA”

February 28 – March 2, 2014

The University of South Florida College of Business
Tampa, Florida

The meeting began on Friday evening with a presentation by **Bob Malekoff**, Guilford College and Co-author of the *Rawlings Report on Intercollegiate Athletics at UNC*. The report stems from incidents at UNC regarding academic issues surrounding athletes enrolling in courses and never attending class and large numbers of credits for independent study courses. Initially only a few stars were involved but as the investigation broadened, it became more widespread. Dr. Malekoff indicated a concern regarding faculty participation in the events. He described the recommendations of the Rawlings Report that focused on the concepts of command and control for athletics coming from the academic governance and faculty. The report contains detailed recommendation in the following areas: 1 Oversight and Management, 2. Financial Priorities, 3 Network of Peers, 4 Treatment of student/athletes in admissions, eligibility, and time commitments, 5 Mandatory education program for coaches and 6. Enhancing the UNC-CH’s leadership team’s knowledge of intercollegiate athletics. The full report is available at http://rawlingspanel.web.unc.edu/files/2013/09/Rawlings-Panel_Intercollegiate-Athletics-at-UNC-Chapel-Hill.pdf

The Saturday morning session was *The Current Status of the NCAA Reorganization: “where it is now, and where it may be going”*. The discussion was lead by **Jean Frankel** (President, Ideas for Action, LLC.), a consultant hired by the NCAA to facilitate and lead the reorganization discussion. This restructuring effort refers to several different aspects of the potential revision of Division I governance. These include the reorganization of the D1 Governing Board, the design of a new structure of committees and subcommittees, with new distributions of representation, and, to some degree, a clarification of the basic principles of NCAA and D1 governance. However, the major driver of this initiative has been pressure from the five leading football conferences (or the Big 5 Conference, ACC, Big-12, Big Ten, Pac-12 & SEC) for increased autonomy that would allow them to adopt certain types of policy without the approval of the rest of D1. The immediate issue was the desire of Big 5 schools to provide athletes with new benefits, such as scholarships that reflect full cost of attendance, which some believe might respond to pressures for pay-for-play and unionization. Other schools view the prospect of providing the largest programs such leeway as putting everyone else at a significant recruitment disadvantage and placing the athletic enterprise at their institutions at greatly increased risk. Last year, commissioners of the Big 5 spoke publicly in a way that suggested to some that unless a structure for autonomy were granted, these conferences might decide to leave the NCAA. There have been a number of meetings during the past year with different organizations and individuals regarding this process in order to gain insight for the development of the model. The NCAA has scheduled a release of a draft proposal for August 2014.

The first topic for Saturday afternoon’s session was *Concussions: Developing best practices for their prevention and treatment; the role of faculty*. The speaker for the session was

Dr. Brian Hainline, MD, the NCAA Chief Medical Officer. Dr. Hainline discussed the importance of student-athlete health and safety for competitive athletics. He gave a brief background of the concussion issue within the NCAA structure and identified basic features of the NCAA policy. He focused on the need for medical supervision for the diagnosis, management and return to play decision for student-athletes diagnosed with a concussion. He reviewed the survey run by COIA regarding the member institution policies regarding concussion. From the data, it seems that most have developed specific policies and procedures for concussion management. Nearly all reporting institutions identified a role for the NCAA policy in the formulation of their specific institutional programs. One of the areas addressed in discussion with Dr. Hainline was the need for communication between faculty and the Athletics Medical Team regarding student-athletes who sustained a concussion and the implications for the student's academic work during the concussion recovery period. It was suggested that representatives of the medical team address faculty governance in a discussion of local policies. It was interesting that Dr. Hainline also identified mental health issues as important in the health and welfare of student-athletes.

The second Saturday afternoon session was a review of *The Knight Commission on the NCAA reorganization and guiding principles; financial considerations and implications; role of the faculty* presented by Amy Perko, Executive Director, The Knight Commission. (<http://www.knightcommission.org/about/about-commission-reports>) This report aims to set forth NCAA reforms that are achievable and that, if implemented, will create a foundation upon which future reforms can build. The blueprint for restoring educational values and priorities begins with strengthening accountability for athletics programs in three ways: requiring greater transparency and the reporting of better measures to compare athletics spending to academic spending; rewarding practices that make academic values a priority; treating college athletes as students first and foremost -- not as professionals. The discussion focused many on the financial questions and identified a "spending database" managed by the Knight Commission. This database compares financial reports from among major college institution and is available to the public. (<http://spendingdatabase.knightcommission.org/>)

The third Saturday afternoon session was a discussion of *The NCAA and an Anti-Trust exemption* led by Allen Sack and Gerry Gurney of The Drake Group. The mission of this groups is "...is to defend academic integrity in higher education from the corrosive aspects of commercialized college sports." (<http://thedrakegroup.org/2012/12/04/hutchins-award-2>) They developed the "College Athlete Protection Act" and presented to U.S. Congressmen that subsequently sponsored the **House Bill 3545: Collegiate Student Athlete Protection Act** (<https://www.govtrack.us/congress/bills/113/hr3545>). A "Fact Sheet" regarding the bill, prepared by the Drake Group, is attached as Appendix A. The presentation included a discussion of the rationale for the legislation and its implication for intercollegiate athletics.

The Sunday morning session included COIA member representatives from a number of different institutions. The discussion focus on the role of COIA in participating in and supporting the NCAA process of re-organization as well as updating the COIA mission and goals. (see Appendix B) The will be a formal report from COIA regarding the conference as well as additional materials regarding NCAA issues and the role of faculty governance in the oversight of the athletics enterprise.

APPENDIX A

COLLEGE ATHLETE PROTECTION ACT (CAP Act)

Fact Sheet

Three hundred and seventy-seven (377) 4-year higher education institutions in the USA, all members of the National Collegiate Athletic Association (NCAA), sponsor athletic programs generating annual revenues in excess of \$1 million each, for a total of \$11 billion. Only twenty-three (23) of these athletic programs earn more money than they spend on operations, drawing upon student fees and institutional general fund subsidies to balance their budgets. The unprecedented commercialization of these athletics programs threatens the integrity of their institutions by (a) driving an “arms race” that results in athletics program annual cost increases that exceed the growth rates of other higher education expenses, (b) causing insufficient attention to the academic success and graduation of athletes, (c) encouraging admissions practices that allow academically under-qualified but athletically talented athletes, unable to compete with their peers in the classroom, to attend and participate in athletics (d) elevating the compensation of football and men’s basketball head coaches to levels far exceeding the compensation of top institutional faculty and administrators and the highest paid state employees in 41 of 50 states, (e) providing inadequate attention to the prevention and treatment of athletics injuries and insufficient athletics injury insurance, (f) proliferating construction of elaborate and costly facilities limited to athletics use only, and (g) igniting antitrust lawsuits and unionization efforts by athletes who believe they are being financially and academically exploited.

As a condition for receiving federal funds and tax preferences, these institutions should meet standards that (1) specify adequate care of the education, health, and welfare of students participating in athletics, (2) prohibit excessive expenditures and exploitative practices, and (3) maintain a clear line of demarcation between collegiate sport conducted by non-profit educational institutions and professional sport.

The CAP Act applies to 4-year higher education institutions with commercialized athletic programs (those generating \$1 million or more in annual revenues) and conditions federal financial aid eligibility under Title IV of the Higher Education Act of 1965 on membership in a national governance association that includes all of these institutions and applies the following standards to all of its members unless otherwise indicated:

- (A) Independent Governance.** The association’s governing board must be comprised of “independent directors” (former presidents, trustees, athletic directors, tenured faculty, and college athletes with extensive experience and knowledge of athletics) who are held in the highest esteem by the general public, reflect diversity of gender, race, and ethnicity, are not currently employed by any member institution, and are held responsible for protecting the interests of students and the integrity of higher education;
- (B) Athlete Protections.** Requires high standards of due process prior to withdrawal of participation rights or athletics financial aid, mandates a coaching ethics code, specifies athletes’ rights related to commercial use of name, likeness and image and transfer to other institutions, mandates institutionally financed athletics injury insurance, requires prevention education and baseline testing/monitoring of health related risks, mandates physician determination of return to competition following injury, and mandates athletic scholarships extending to graduation (or five years) that cannot be reduced or canceled based on athletics performance, physical condition, or injury.
- (C) Specific Benefits to Athletes.** Allows institutional members of the highest competitive division to provide athletic scholarships up to the full cost of attendance under federal definitions, requires that remedial and academic support programs of all member institutions be under the control of the institution’s academic authority, and mandates that a percentage of media revenues be used for the establishment of academic trust funds that enable athletes to complete baccalaureate or advanced degrees following completion of athletic eligibility.
- (D) Minimum Standards of Educational Athletic Program.** Association members must provide for (1) “whistle blower” protection to college athletes, faculty, and other institutional employees, (2) regular external peer certification, (3) athletic participation restrictions for admitted athletes whose academic profile is more than one standard deviation below the mean academic profile of their entering class or below a cumulative GPA of 2.0, (4) institution ineligibility for post-season competition if Title IX or sport academic deficiencies are not remedied, (5) minimal regular season athletic contest schedule conflicts with class attendance and final exams, (6) prohibition of construction and exclusive use athletics facilities not available for general student use, and (7) control of excessive salaries and student fees.

Financing Athlete Benefits. This Act requires NCAA ownership of all national championships, including any FBS play-off, and use of such championship proceeds to pay for all athlete health, insurance, scholarship and other benefits and protections under this Act.

Limited Antitrust Exemption. Conditioned on its enforcement of all standards specified in this Act and the continued membership of all commercialized athletic programs specified in this Act, the NCAA would receive an antitrust exemption limited to those rules or rule categories specified in the Act.

Reporting and Oversight. The Act requires institutions to have faculty-only committees for academic oversight of athletics. These committees would report annually to faculty senates and would provide annual reports to Congress that would be available online to the general public. The Secretary of Education would have the authority to approve exceptions and to issue regulations clarifying Act requirements.

Feb. 25, 2014

APPENDIX C

Mission Statement Coalition on Intercollegiate Athletics 2014

The Coalition on Intercollegiate Athletics (COIA) is an organization representing the elected faculty governance bodies of FBS universities in activities related to the administration and governance of intercollegiate athletics.

COIA's mission is to promote the academic integrity of our universities; representing the interests of our faculties, non-athlete students and student-athletes in matters related to college sports that can significantly affect the health, viability and educational missions of our institutions.

COIA aims to accomplish these by assisting the governance of intercollegiate athletics on our campuses through data collection, information sharing and the development of "best practices", working with peer-faculty and other organizations on our common interests, and also by providing a constructive, responsible and informed representative faculty voice at the conference and national (NCAA) levels.

APPENDIX D

11th Annual Meeting of the Coalition on Intercollegiate Athletics (Attendees)

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2. Michael Bowen mbowen@usf.edu
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7. Michael O'Hara mike-ohara@uiowa.edu
8. Jane Albrecht albrecht@wfu.edu
9. Kevin Lennon – NCAA klennon@ncaa.org
10. Edmund Gordon etgordon@austin.utexas.edu
11. Kathleen Bailey baileyk@bc.edu
12. Brent Yarnal alibar@psu.edu
13. Jean Frankel - Ideas in Action, LLC. jsfrankel@ideasforactionllc.com
14. Azure Davey – NCAA adavey@ncaa.org
15. Edward (Ted) Kian edward.kian@okstate.edu
16. Thomas Jensen tjensen@uark.edu
17. Clare Pastore cpastore@law.usc.edu
18. Bob Malekoff – Speaker (Guilford College) rmalekof@guilford.edu
19. Diane Dickman – NCAA ddickman@ncaa.org
20. Jim Pignataro – N4A (MSU) pignataro@sass.msu.edu
21. Allen Sack – The Drake Group allensack@yahoo.com
22. Katy Greenwood kgreenwood@uh.edu
23. Amy Perko – The Knight Commission perko@knightfoundation.org
24. Robert Eno eno@indiana.edu
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