

2014-2105 IAC Response to Illig Report

November 11, 2014

Dear Senate President Kyr:

On March 12, 2014 Rob Illig (Law), Chair of the Senate Intercollegiate Athletics Committee for the 2013-14 term, submitted the annual report of the IAC to Margie Paris (Law), Senate President for the 2013-14 term. (The document is posted on the Senate website here: <http://committees.uoregon.edu/sites/committees.uoregon.edu/files/IAC%20Report%202014.pdf>)

This report was written and submitted without consultation or approval of the IAC or the IAC Executive Committee. Despite this, in an April 29, 2014 letter to Paris (see Appendix 1), then UO President Mike Gottfredson used this report as justification for setting up a presidential advisory group with membership appointed by him and for having athletic department employees and the Faculty Athletics Representative (FAR) participate in the meetings of this advisory group, instead of in the meetings of the Senate IAC as is required by the charge of the IAC. (IAC charge at <http://committees.uoregon.edu/iac>)

The IAC's charge, and the participation of the Athletic Department and the FAR in the IAC, was established by Senate legislation and is part of the UO's basic shared governance procedures. UO reports to the NCAA, as well as to our academic accreditors, reference the IAC as the primary avenue for faculty participation in matters related to the administration of the athletic department. Furthermore, participation in the IAC is currently required in the FAR's position description (see Appendix 2 for documentation).

This year's IAC members are anxious to get to work on the matters included in its charge, and also to take up the new work that the Senate Task Force on Sexual Violence Prevention has proposed for the IAC. The current membership of the IAC believes that we cannot accomplish these goals without the participation of the Athletic Department, and the Faculty Athletics Representative, as well as other members of UO administration such as the Director of Services for Student Athletes.

The members of this year's IAC would like the opportunity to respond to the March 2014 report and request that:

- a) UO Senate President Kyr add this response to the top of the March 2014 IAC Chair's report posted on the Senate webpage, to show the circumstances of that report, and
- b) Interim UO President Coltrane direct the Athletics Director and his designees and the FAR to attend IAC meetings, and cooperate with the IAC by providing information and consulting with the IAC on matters relevant to its charge and the Senate Task Force report.

The response of the current IAC follows. Each of the sections below begins with a direct quote from Illig's March 2014 report, followed by the committee's response.

Summary

Illig Report: "I wish to report my conclusion - and **the conclusion of many of the members of the IAC** - that the committee is broken."

- 1.1 While there was disagreement among committee members on a number of issues during 2013-14, there was no consensus that the committee was 'broken'. Furthermore, the committee did not see the Chair's report prior to it being issued and there was no vote on these issues in the committee.

IAC Functions

Illig Report: "The main structural problem that exists on the IAC is that the committee is **trying to accomplish two competing goals**. It is attempting to be a "watchdog" committee, aimed at ensuring that the athletics department acts in the best interests of the UO community.... At the same time, it is **attempting to be an advisory committee**, seeking to influence the FAR and AD as they make important and potentially controversial decisions. Because it is **trying to do both, the IAC is accomplishing neither.**"

- Units subject to transparency requirements and that are held accountable are likely to behave differently than those operating behind closed doors. Thus, the roles of 'watchdog' and 'advisor' are not necessarily antithetical to one another.
- Nevertheless, we agree that there has been ongoing confusion over the role of the IAC and the wording of the Senate 'Charge' to the committee does not alleviate this confusion. This committee will be reviewing the 'Charge' in the future with the hope of eliminating any confusion.

Illig Report: "Because the IAC has no direct control over athletics personnel, it **has no power to compel cooperation**. Rather, in order to obtain information and recommend policy, it has **two choices**. First, take a confrontational approach and **attempt to demand cooperation**. Second, **build a relationship of trust and mutual respect** with the athletics department and FAR such that they seek out and value faculty input."

- We believe that a relationship of trust and mutual respect is, for many reasons, highly desirable to the functioning of the IAC in its role of providing faculty input to Athletics, as well as in any other role. And, we believe strongly that colleagues whose functions require them to work together need to treat each other – and to be treated by each other – with respect and integrity. However, in an institution in which incentives are properly aligned, cooperation between units should be implicit regardless.

A Second Committee

Illig Report: "I will **recommend that the President withdraw the administration's and athletics department's involvement in the IAC**...he should appoint - in consultation with the FAR and AD - a small

group of trusted faculty who can advise these individuals during the process of their decision making....Such a group can only function, however, if (1) the parties trust that each **is acting in the best interests of the UO** and (2) the parties can share future plans, half-baked ideas and potential concerns with the confidence of **absolute secrecy**. As presently formed, the IAC ... cannot satisfy either of the prior two conditions.”

- This suggests that advisors that are personally chosen by those they are advising represent the ‘best interests of the UO’ while members elected by the UO community do not. If this is the case, then the membership of all other senate committees must be similarly flawed, as would be the membership of the UO Senate itself.
- The recommendation that such a committee operate in ‘absolute secrecy’ is antithetical to the principles of transparency and open discussion that are the foundation of shared governance at an academic institution. It is also at odds with the Senate’s adoption in Spring 2014 of an open meeting policy.

Illig Report: “What the university really needs, then, is a group of faculty who have foremost in their minds the welfare of the student-athletes as students and the welfare of the university’s larger reputation.”

- This suggests that the current process by which the IAC is formed does not generate a committee that considers the welfare of student-athletes a priority.

Illig Report: “***These individuals must insert themselves into the student-athlete experience*** and learn what is really going on, day-to-day, at the level of the student-athletes and assistant coaches. They ***must attend practices and games***. They ***must learn the players’ names and where the bodies are buried***.”

- The present IAC agrees that it is essential to understand the student-athlete experience, and will seek out, welcome and value communication with student-athletes and coaches, in addition to the Athletics department administrators who have represented them in the past.
- The Athletic Department annually conducts an exit-survey of graduating student-athletes. Access to this data, which the IAC has not had in the past, would be very helpful to the committee in gaining an understanding of the student-athlete experience.

Conflicts of Interest

Illig Report: “It was stated at the last IAC meeting that there was a conflict of interest between Professor Harbaugh’s ‘UO Matters’ blog and his service on the IAC. I believe that this type of overlapping relationship poses a genuine risk of a conflict and I recommend that the Senate investigate the question and promulgate a policy that would apply to all committees.”

- This is a matter for the UO Senate to consider generally, if they agree with such a concern. However, it should be noted that many other possible conflicts of interest can and do exist for members of this (or any) committee that are related to the value of service in a faculty

member's performance or promotion review, aspirations to move into administration, or other professional connections, benefits or interests. For example, last year's committee chair Illig stated that he was serving on the IAC due to an interest in pivoting his career towards the field of Sports Law. Such a motivation has not traditionally disqualified members of the university community from serving on committees.

- Under a UO Senate policy of open committee meetings, there is not an immediately apparent conflict between committee membership and the exercising of First Amendment rights to freedom of speech.

Appendix 1: April 29, 2014 Email from President Gottfredson to Senate President Paris

From: President Gottfredson <pres@uoregon.edu>
Subject: Interim Athletic Advisory Group
Date: April 29, 2014 at 9:21:16 AM PDT
To: Margaret Paris <mparis@uoregon.edu>

April 29, 2014

President Margaret Paris

Dear Margie,

It has become necessary for me to appoint an advisory group to provide advice and recommendations on intercollegiate athletic issues. As you know, the chair of the University Senate's Intercollegiate Athletics Committee (IAC), has made this recommendation. It is critical that the university have an advisory group, one that operates such that all members can participate in an environment free of the numerous problems the chair clearly identifies in his [report](#) to the senate.

To be effective, this committee must ask critical questions, participate in rational and informed deliberations, have a clear mission, and must not be regarded as hostile to individual members, staff, or students. The president and athletic director need advice and independent perspectives, designed to ensure that our programs operate consistent with our academic mission and standards, and comply, at the highest levels, with NCAA and Pac-12 rules and expectations.

This new advisory group will have members from faculty, staff, students, and administration. I invite your nominations of faculty members. I intend to request that the athletic administrators, the Faculty Athletic Representative, and other administrative staff work with this advisory group, including providing appropriate information that the committee deems necessary, in lieu of the IAC. This will be an interim measure, until the senate appropriately addresses the issues raised in the chair's report.

Regards,

Michael R. Gottfredson
President

Appendix 2: FAR Position Description



UNIVERSITY OF OREGON

**OFFICER OF ADMINISTRATION
POSITION DESCRIPTION**

Approved as OA
 Exempt from overtime
 Non-exempt from overtime
Confirmation of FLSA status: _____
ds 8/8/14

Section 1: Position Information

Position Type: _____ New Revised
Working Title: Faculty Athletics Representative
Position Number: B98053
Department: President's Office
Employee Name: Tim Gleason
Actual FTE: .50
Reports to: President of the University
Overtime: Exempt Non-exempt

Section 2: General Description of the Position. Include budgetary authority, supervisory responsibilities, level of decision-making, and reporting relationship.

This position is mandated by NCAA rules and bylaws, and represents the University of Oregon and its faculty in the institution's relationships with the NCAA and the PAC 12 conference. The UO's Faculty Athletics Representative (FAR) is responsible for ensuring the academic integrity of the intercollegiate program, promoting the well-being of student athletes, and supporting institutional control of athletics through oversight of compliance and student eligibility. The FAR collaborates with staff from a variety of departments across campus for the purpose of bettering the development of student-athletes' academic experience at the University of Oregon.

Section 3: Description of Duties. List the major duties (include percentage of time duties are performed).

The primary responsibility and duty of the FAR is to certify that all student-athletes meet all NCAA, Pac-12 Conference, and University of Oregon (UO) requirements for initial and continuing eligibility for athletic participation, both practice and intercollegiate competition, and financial aid. These certifications may be performed by university personnel in the Offices of the Registrar, Admissions, Financial Aid, and Athletics Compliance, but are subject to oversight, review, and audit by the FAR. The FAR will review and sign all Certificates of Eligibility and Participation Lists (team rosters). In order to complete this duty, the FAR must develop knowledge of current NCAA Division I Bylaws, specifically Articles 13, 14, and 15, and Pac-12 Conference Rules. The FAR will participate in the various rules education activities carried out internal to the UO and by the Conference and the NCAA. The FAR will review and authorize by signature all NCAA and Pac-12 Conference rules waiver applications. The FAR will interact directly with student-athletes, be widely known amongst student-athletes, and interact specifically with the Student-Athlete Advisory Committee (SAAC). The FAR will collaborate with the Services for Student-Athletes (SSA) staff as well as those units in Athletics specifically charged with student athlete development for the betterment

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of student-athletes' academic experience at the UO. The FAR will coordinate these duties with and communicate his or her activities to the President. Student-athletes should recognize the FAR as a source of information, support, and advice located administratively outside of the athletics department.

The FAR will meet regularly with the Athletics Compliance Office staff to review outstanding compliance and eligibility issues. The FAR will participate in or be informed of investigations of alleged violations of these regulations and may be called upon to lead such investigations. It is mandatory that the FAR play a direct role in investigations of potential major violations of NCAA rules; the FAR chairs the Intercollegiate Athletics External Review Committee in this role. The FAR will review and sign all violation reports that are sent from the University to the Conference and NCAA. The FAR shall review and certify all petitions to the PAC-12 Conference for medical hardship waivers and to the NCAA Administrative Review Sub-Committee.

The FAR will evaluate the academic progress and performance of the student-athletes on the various intercollegiate sports teams based on periodic reports provided by the Services for Student Athletes, the Department of Intercollegiate Athletics, and other offices on the campus. The Intercollegiate Athletics Committee (IAC) will receive periodic reports regarding the academic progress and performance of student-athletes with collaboration of the FAR and SSA units.

The FAR will periodically attend the meetings of the Head Coaches, the SAAC, Athletics Department Awards ceremonies, team banquets, competitions, and other athletically-related events. The FAR is part of the effort to ensure that the University of Oregon is demonstrating a culture of compliance.

The Faculty Athletics Representative will represent the university to the NCAA and the Pac-12 Conference. Together with the Athletic Director, the FAR will formulate and recommend institutional positions on NCAA legislation and other matters affecting or related to intercollegiate athletics on campus. The FAR will attend NCAA and Conference meetings as required and appropriate and will participate in communications among Pac-12 Conference FARs and the Conference Office.

The FAR will participate in the UO Athletics Compliance Advisory Group to ensure that the interface between the various units is collaborative and informative.

The FAR will serve as a liaison between the Department of Intercollegiate Athletics and the UO faculty. The FAR will promote interaction between the UO faculty and the Department of Intercollegiate Athletics, its employees, and the student-athletes.

The FAR will work with the Athletic Department staff to ensure that there is a comprehensive and effective rules education and compliance program on campus.

Other duties as assigned by the President.

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