

UO's 2005-6 NCAA Certification and the UO Senate IAC's charge

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for the UO Senate
Intercollegiate Activity Committee
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NCAA Certification Process:

- NCAA programs go through certification every 10 years (on hold at moment).
- Starts with UO prepared self study document, NCAA responds, then a final report.
- Most universities post the certification materials online (e.g. Kentucky, Maryland).
- It took 3 weeks and the threat of a petition to the DA for an IAC member to get a copy from the UO athletic department.

Per NCAA rules, UO's 2005-6 certification team included:

Steering Committee:

- Dave Hubin, Executive Assistant President (Chair)
- Dave Frohnmayer, President
- Bill Moos, Director, Intercollegiate Athletics
- Renee Baumgartner, Senior Associate Director of Intercollegiate Athletics
- Professor James O'Fallon, (Law) Faculty Athletics Representative
- Gary Gray, Associate Athletic Director, Compliance

Subcommittee on Compliance and Governance:

- Bill Clever (Assistant Athletic Director, Compliance)
- James O'Fallon, (Law)

(and others)

The NCAA **requires** faculty and student input into the formulation and implementation of athletics program policies:

1. **Governance and Commitment to Rules Compliance**

- 1.1 Institutional Control, Presidential Authority and Shared Responsibilities.** The Association's principle of institutional control vests in the institution the responsibility for the conduct of its athletics program, including the actions of its staff members and representatives of its athletic interests. In fulfilling this principle the institution shall demonstrate that:
- a. The institution's governing board provides oversight and broad policy formulation for intercollegiate athletics in a manner consistent with other units of the institution.
 - b. The chief executive officer is assigned ultimate responsibility and authority for the operation and personnel of the athletics program.
 - c. **Appropriate campus constituencies have the opportunity, under the purview of the chief executive officer, to provide input into the formulation of policies relating to the conduct of the athletics program and to review periodically the implementation of such policies.**

The NCAA also **requires** UO to explain the IAC's involvement in "major decisions" as a demonstration of good governance practices:

The NCAA sample self-study certification materials say

5. Since the institution's previous self-study, list the major decisions made related to intercollegiate athletics. For each decision, explain the role and involvement (if any) of the:

- a. Chancellor or president;**
- b. Athletics board or committee;**
- c. Faculty senate (or other faculty governing body);**

...

And UO told the NCAA it does:

Institution Self-Study Instrument Report - Oregon

Governance and Commitment to Rules Compliance

Evaluation

1. Does the institution demonstrate that the institution's governing board provides oversight and broad policy formulation for intercollegiate athletics in a manner consistent with other units of the institution? **Currently Yes**
2. Does the institution demonstrate that the president or chancellor is assigned ultimate responsibility and authority for the operation and personnel of the athletics program? **Currently Yes**
3. Does the institution demonstrate that appropriate campus constituencies have the opportunity, under the purview of the president or chancellor, to provide input into the formulation of policies relating to the conduct of the athletics program and to review periodically the implementation of such policies? **Currently Yes**

In fact UO told the NCAA that the IAC provides **oversight** regarding the Athletics Department:

The Intercollegiate Athletics Committee (IAC): It is a faculty and student committee that reports directly to the President of the University Senate. They provide advice and consultation to the Director of Athletics and the President on a variety of issues. **They also provide faculty and student oversight and input to the Department of Intercollegiate Athletics.** Finally, they are there to aid in the understanding of intercollegiate athletics among faculty and students.

But Jim O'Fallon and Rob Mullens told
the IAC that we **could not do**
oversight:

- In IAC minutes. Repeatedly.
- Also in emails and communications with Interim President Berdahl?

UO also used the 2004 Task Force report as an example of IAC oversight in the NCAA certification report:

In addition to this standing committee of the Senate, the President and the University Senate jointly appointed a Task Force on Athletics in 2001 to review institutional controls of athletics, to **assess the academic and the financial integrity of athletics and to ensure the athletic department's operations were consistent with goals and values befitting higher education.**

In addition to evaluating presidential control, the Task Force focused on issues of student athlete welfare. Over the next three years, the Task Force, composed of faculty, administrators and students thoroughly reviewed the University's athletic program.

The Task Force concluded its work in 2004; its report is at <http://darkwing.uoregon.edu/~uosenate/dirsens034/finalreportATF04.pdf>.

But Athletic Director Mullens and UO administrators now tell the IAC something quite different:

- Pres Berdahl: Frohnmayer now claims he did not sign TF report.
- AD Rob Mullens will not say if he accepts the TF report

Senate President Kyr and the IAC agreed to two main goals for 2011-2012:

- Movement on scholarship money
- A process to review FAR Jim O'Fallon.

These were bullet points 1 and 2 in the 2004 TF report.

- The AD has worked hard to stall the IAC on both.
- Other issues: Special admit process for athletes. Also no progress.

Loss of institutional control

- UO's athletic department and our FAR tell the NCAA one thing, then they tell the IAC something completely different, on important issues of oversight and our governance role.
- The NCAA certification report addresses many of the issues that the AD and FAR have blocked the IAC from making progress on.
- The FAR and AD representatives to the IAC did not even disclose the existence of the NCAA report until our last meeting – even though many of them had helped write it, and even though it specifically contradicted what they were telling the IAC. Or maybe that's why they didn't tell us.
- When we finally learned of the report, our athletic department and general counsel sat on it for 3 weeks, until I threatened to make a public records request and if necessary petition the district attorney.
- If the AD and the FAR are not going to cooperate with the IAC they should be upfront about that.
- Tell the NCAA that UO is no longer doing what it said it would do when it was trying to get NCAA approval for certification.
- The AD and the FAR should stop hiding the information the IAC needs to do its job.

Still more loss of control

- 5/16/2012

From UO's response to the NCAA peer
review report:

A. Evaluation of the Athletics Program in Relation to the Operating Principle.

Committee on Athletics Certification Identified Issue

1. Operating Principle 2.2 requires an institution to demonstrate that academic-support services for student-athletes are reviewed and approved periodically by academic authorities outside athletics. In order to demonstrate conformity with this operating principle, the institution must demonstrate that academic-support services are subject to a comprehensive review at least once every three years by appropriate academic authorities outside the department of intercollegiate athletics who do not have day-to-day responsibilities in the academic-support services area. After reviewing Page Nos. 35 through 44 of your self-study report, the committee noted the following academic-support areas have not been subject to a comprehensive review at least once every three years by appropriate academic authorities outside the department of intercollegiate athletics: tutoring; success skills; study hall; academic progress monitoring and reporting; assistance with special academic needs and learning assessments. In addition, after reviewing Page No. 45 of your institution's self-study report, the committee noted that your conference office conducted a review of your institution's academic-support services. However, in 2005 the committee determined that for purposes of this particular review requirement, an institution's conference office is not considered to be an appropriate academic authority outside athletics. Further, there was no evidence as to the date of this review or an indication as to what areas were reviewed. Therefore, your institution must provide written evidence that all program areas, including those noted above, within your academic-support services have been subject to a periodic, comprehensive review at least once every three years and have been approved by appropriate academic authorities outside the department of intercollegiate athletics who do not have day-to-day responsibilities in the academic-support services area.

Institution Response to the Analysis

The University of Oregon established The Support Services for Student Athletes (SSSA) Office in the mid-seventies and has consistently strived to meet its mission of "Serving student athletes by providing the support required for them to succeed academically and personally while at the UO." This unit is separate from the Athletic Department while maintaining the contact necessary to communicate and create the consistency necessary for the student athletes to be successful.

REPORTING RELATIONSHIP

Oversight of the SSSA has occurred outside the Athletic Department for many years, and in fact UO is looked to as a leader in establishing and maintaining that separation. Initially, the unit reported to the Director of Academic Advising, then the Vice Provost for Undergraduate Studies and then to the Vice President for Academic Affairs (VPAA). Each of the deans of the various schools and colleges report to the VPAA who reports to the Provost. Clearly the direct oversight of the SSSA unit is outside the Department of Intercollegiate Athletics and with day-to-day responsibilities overseeing the academic mission of the university. The importance of maintaining the academic quality and the academic integrity led the president of the UO to support this arrangement. Prior to the VPAA assuming the direct (rather than indirect as previously) oversight of the SSSA unit in 2003, a comprehensive review of the unit and its operation was conducted. This involved an interview with each of the faculty/staff members, consultation with student athletes, information from the athletic department, and a review of all the record processes and procedures. An office specialist was hired to provide the coordination and service needed as in all other academic units on campus.

The VPAA to whom the unit reports has recently retired. However, the University has retained her as Special Assistant to the President. In that capacity, one of her primary assignments is continued oversight of SSSA. She continues to meet with the director of SSSA on a regular basis (no less than once a month) and communicates regularly as situations and concerns arise. The degree of oversight, dedication and attention provided to the SSSA by a highly ranked academic officer at the University of Oregon is unusual and regarded as "best practice" in the field.

Peer-Review Team Report

Rationale as to how the committee's issue has been addressed:

During interviews it was confirmed that a comprehensive review of academic-support services was completed May 12, 2004, by the University of Oregon Athletics Task Force and submitted to the university president and university senate. In addition, the former vice president for academic affairs, now the special assistant to the president, who is outside the department of intercollegiate athletics and does not have day-to-day responsibilities in the academic-support services area, conducted the most recent annually scheduled academic-services review of athletics department and nonathletics department personnel with student-athlete academic support responsibilities June 22, 2006. Both the task force report and the review conducted by the special assistant to the president included tutoring, success skills, study hall, academic progress monitoring and reporting, assistance for special-academic needs and learning assessments. The peer-review team believes that the institution resolved this issue.

4. Operating Principle 2.1 states that written policies related to scheduling must be established in all sports to minimize student-athletes' conflicts with class time and/or final examination periods due to participation in intercollegiate athletics consistent with the provisions of NCAA Constitution 3.2.4.14. In order to demonstrate conformity with this operating principle, these policies must be clearly communicated to student-athletes and staff (for example, published in the institution's student-athlete handbook, published in the appropriate faculty/staff manual, discussed during team meetings). After reviewing Page No. 32 of your institution's self-study report and information included in the student-athlete academic policy, the committee is unclear if your institution has established written policies regarding the scheduling of practices and competition to minimize student-athletes' conflicts with class time and/or final examination periods due to their participation in intercollegiate athletics. Further, the committee is unclear if these policies are clearly communicated to student-athletes and staff. Therefore, your institution must provide written evidence that established written policies regarding the scheduling of practices and competition exist to minimize student-athletes' conflicts with class time and/or final examination periods due to their participation in intercollegiate athletics. Further, your institution must provide written evidence that these policies are clearly communicated to student-athletes and staff.