

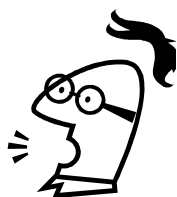


JULY, 2007

ISSUE XIII

No doubt the summer is flying by as rapidly for you as it is for me. Somehow, about this time each summer I realize that the goals I had hoped to accomplish were unrealistic, and I'll need to settle for half a loaf. Most of the trips I have taken this summer relate to intercollegiate athletics, and were very productive. I have enjoyed seeing many of you at these various meetings, and for all of you I wish an enjoyable remainder to the summer months. I'm already itching to get into the fall sports season.

Let me raise the subject of a phone call all of us hope we never receive, whether during the summer or at any other time of the year. The caller is an NCAA staff member, telling you "Your institution may have committed a major infraction of NCAA rules, and our staff will need to conduct an investigation." As your heart rate and your blood pressure soar, you realize that



you and your institution have a long and winding road ahead of you, whether or not there is a finding of guilt. Having proper procedures already in place is one way to ensure that what will follow is not any more traumatic and time consuming than

it needs to be. In this issue of FARA Voice is an abstract of an article by law professor Mike Rogers, FAR at Baylor University, and Rory Ryan, also on the law faculty at Baylor. This article, published in *Seton Hall Law Review*, is titled "Navigating the Bylaw Maze in NCAA Major-Infractions Cases." I recently read this article. It is very well written, raises key points of concern for both before and after you receive "the" phone call, and clearly guides the reader through the maze of decisions that must be made and the procedural issues that will need to be addressed as the investigation runs its course. In my

opinion, this is a "must read" for any FAR, best done before a major infractions case may arise. Proper preparation is, as the writers emphasize, the key. The Web site for the article is listed in the abstract.

Dennis Leighton, president of FARA, presents the next piece, in which he discusses the National Leadership Conference, which this year involved 350 student-athlete participants. As Dennis notes, spending time with these students clearly makes one aware of the educational benefits of intercollegiate athletics.



Dennis worked with one of the clusters of student-athletes as they did problem solving and made plans "for bettering themselves, their institutions, and society in general," to quote Dennis. However, there is also a lesson here for us as FARs. Almost none of the students thought of the FAR on their campus as a person to whom they could turn for help with problems they were having, thinking instead of their director of athletics. This tells us all that we need to do more to make student-athletes aware of our roles as FARs, and our willingness to help them with problems they have. As Dennis notes, FARA will be seeking to work more closely with the national SAACs, and to plan future programs for our national meetings which will help FARs to work better with their student athletes and their campus SAACs.

There is also a note from Dennis concerning the Faculty Summit on Intercollegiate Athletics, which is being sponsored October 15 by the Knight Commission. While it will be held in Washington, DC, please note that it will also be available via Webcast. FARA representatives will take part in this program.

Enjoy the remaining weeks of summer!!

Alan J. Hauser, editor  
FARA President-Elect  
Appalachian State University

## ABSTRACT

An NCAA major-infractions investigation is a big deal. Along with the possibility of severe penalties arrives a parking lot full of media members. Recruits are surely made aware. The investigation often leads to charges, then to a trial, and then to penalties. The sequence described of course inspires visions of a trial in a courtroom, and perhaps of the pretrial matters that precede. To be sure, the infractions process resembles a trial—it's a formal adversarial process to which significant consequences attach. But it differs, and in this Article, Professors Mike Rogers and Rory Ryan combine their experiences—one as a professor of procedure and the other as an investigator or attorney in numerous investigations and cases—to help you Navigate the Bylaw Maze. For context, frequent comparisons are drawn to courtroom proceedings, and frequent examples given from Baylor's experience. And to facilitate a well-rounded view, the Article incorporates interviews conducted with the NCAA Vice President of Enforcement, the Chair of the Committee on Infractions, Enforcement Staff members, and a leading lawyer experienced in representing institutions.

The article targets two primary goals. First, the Bylaws are complex, and merely determining *permissible* options among the procedures and timelines can be

daunting, especially to the uninitiated employee faced with time-pressured decisions. The authors focus in depth on these "Can-I" questions. Second, while minimal competence requires knowing permissible options, the "Should-I" strategic options are often as important (and as elusive). The authors offer suggestions throughout, based on interviews and experience, regarding matters such as: Who should conduct the investigation; How to deal with the media frenzy; and What plan should be in place long before the process ever begins? With respect to both primary goals, significant attention is given to the Bylaw-imposed "duty to cooperate," which impacts many aspects of duty and strategy. Along with targeting these two primary goals, the authors also highlight areas in need of reform as they arise.

The Article begins: An unfamiliar number appears on your caller ID at work. After hanging up, you will wish the caller had merely been an IRS agent informing you of a personal audit. Instead, it's much worse. The call is from ESPN seeking an immediate response to an allegation of a major infraction of NCAA rules.

<http://law.shu.edu/journals/lawreview/lawrev/>

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## NCAA NATIONAL LEADERSHIP CONFERENCE

By: Dennis Leighton

President, FARA

University of New England

The NCAA National Leadership Conference is held each year at Lake Buena Vista, Florida. For the past several years, the president of FARA has been invited as a faculty/administrator participant. This past May, I was fortunate enough to attend the Conference as a proud member of the Purple team, the "Purple Pride".

The over-350 student participants are divided into 15 groups, designated by color. Within each group are also one faculty/administrator member and two representatives from one of the national SAACs. Each

color group is led by two trained facilitators. The lead facilitator for the entire Conference is Lynne Kaplan, from Lynne Kaplan & Associates in Chevy Chase, MD. The primary contact at the NCAA national office is Becky Ahlgren-Bedics, the associate director of education services.

The general format of the conference is available on the NCAA Web site (see link below), so I will not repeat these details here. A quick summary is that the participants learn about the leadership styles of

themselves and others, how to lead and work with others more effectively, and finally how to develop an action plan that they can bring back to their campuses.

I could go on for days about this conference, which I pretty much did at the office and at home when it was over. Spending a week with these student-athletes was incredible. To hear their ideas and plans for bettering themselves, their institutions, and society in general was inspiring. It was a chance for me to see in action all of the benefits we talk about related to college sports, and the personal attributes that these student-athletes bring to and take from the athletics setting. And it does not matter whether it's division I, II, or III, or what sport, or what part of the country. These student-athletes have a palpable passion for what they do, and it goes way beyond the athletics arena.

I came away from the conference with two thoughts related to my role as a FAR, and as president of FARA. Many student-athletes talked about problems they have encountered on their campuses, and what they have tried to do to remedy the problems. Almost exclusively, the student-athletes felt that the only person to turn to was their athletics director. Not once did a student-athlete talk about seeking advice and help from their FAR. And it wasn't only my group that I heard this from. This indicated to me that we are failing in a major role of the FAR, which is to be a

resource to the student-athletes on our campuses. This is a point I will bring up to the FARA executive committee as we plan future professional development programs through our Annual Meeting and Symposium.

My second realization was that FARA should work closer with the national SAAC. Last year, then-president Lorrie Clemo invited national SAAC members to serve on the FARA legislative review committees. This relationship worked very well, and will continue. However, I think it would be great if FARA and the national SAACs had on-going communication through the year. I spoke to at least one national SAAC representative from each division while in Florida, and they were receptive to this idea. I will work with the national SAACs and the NCAA liaisons to see if this can happen.

If your institution has not been involved in the NCAA Regional or National Leadership Conferences, I encourage you to advocate for these programs on your campus. A good place to start is to become a member of the CHAMPS/Life Skills program through the NCAA, which affords a multitude of programming at the campus, regional, and national levels. As the FAR, you can make this happen.

[http://www1.ncaa.org/membership/ed\\_outreach/champs-life\\_skills/foundation\\_leadership\\_conf/index.html](http://www1.ncaa.org/membership/ed_outreach/champs-life_skills/foundation_leadership_conf/index.html)

## 2007 FARA ANNUAL MEETING AND SYMPOSIUM REGISTRATION

The registration site for the 2007 FARA Annual Meeting and Symposium (formerly the FARA Fall Forum) is now live!!!

Please go to <https://www.planningpoint.net/Events/2007FARA> to access the site. You may pay by credit card online or you may follow up your registration with payment by check. Instructions are on the Web site. Please complete a separate registration form for each attendee.

We are very excited to offer you this quick and easy way to register for this very important meeting. Should you have any questions, please contact Karen Cooper at [kcooper@ncaa.org](mailto:kcooper@ncaa.org)



## FACULTY SUMMIT ON INTERCOLLEGIATE ATHLETICS

FARA representatives will participate in a Faculty Summit on Intercollegiate Athletics, to be held on Monday, October 15, from 8:30 a.m. to 3 p.m. at the National Press Club in Washington, DC. The summit, hosted by the Knight Commission on Intercollegiate Athletics, is intended for faculty members, university

administrators, media, and the general public. You can attend the event in Washington, and the summit will also be available via Webcast.

Contact the Knight Commission for more information.

### Mark Your Calendars!

July, 2007  
October 4, 2007

Registration for FARA Annual Meeting and Symposium  
Annual Meeting and Symposium Registration Deadline

November 8-10, 2007

FARA Annual Meeting and Symposium  
Baltimore

Register now at <https://www.planningpoint.net/Events/2007FARA>

January 11-14, 2008  
May 18-23, 2008  
June 1-6, 2008  
November 13-15, 2008  
January 14-17, 2009

NCAA Convention  
NCAA Regional Rules Compliance Seminar  
NCAA Regional Rules Compliance Seminar  
FARA Annual Meeting and Symposium  
NCAA Convention

Nashville  
Boston  
San Antonio  
San Diego  
Washington, DC

*Tell us How We Are Doing!*

*We would love to hear from you regarding the FARA voice.*

*If you have any comments, questions, or ideas for future articles, please direct them to*

*Karen Cooper at [FARA@ncaa.org](mailto:FARA@ncaa.org)*

*or*

*or Alan Hauser at [hauseraj@appstate.edu](mailto:hauseraj@appstate.edu)*

