

A HISTORICAL PERSPECTIVE ON THE ROLE OF FACULTY ATHLETICS REPRESENTATIVES: THE SMU EXPERIENCE

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I. INTRODUCTION

The role of Faculty Athletics Representative has changed over the years, as has the governance of intercollegiate athletics within our institutions. In some ways that has been a mixed bag for faculty reps, since, at least in some conferences and in some institutions, the role of the faculty rep has diminished somewhat. But in other ways, the changes have arguably enhanced the position. Although the position of faculty athletic representative is often ill-defined and little understood, it can be a highly visible position on our campuses and with the press, and it can be a lightning rod for criticism when things go awry.² Given my long tenure in the role through SMU's membership in four conferences,³ I hope to offer some insights into the job, with reflections on the past and present and consideration of the challenges faculty reps collectively face.

II.

SMU President A. Kenneth Pye appointed me faculty athletics representative in the early fall of 1987, right on the heels

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² See, e.g., Brad Wolverton, *Faculty Reps Botch Sports Oversight Role*, Chronicle of Higher Education, October 31, 2010.

³ They are the Southwest Conference, the Western Athletic Conference (the WAC), Conference USA, and the American Athletic Conference (AAC). The number of conferences is five if one counts SMU's brief membership in the Big East before it splintered.

of SMU's infamous football scandal. And I have served in that role ever since, now 32 years and counting. I was appointed so long ago that the popular acronym FAR did not exist; we were simply known as faculty reps.

One positive and necessary change in my tenure has been the engagement of university presidents in the governance of athletics, on campuses, within conferences, at the Knight Commission, in the Drake Group, and within the NCAA. That engagement, while indispensable, has, at least at some institutions and in some conferences, resulted in a diminished role for faculty reps.

The old Southwest Conference is perhaps the extreme example of this trade-off. In its governance structure, the faculty reps had the institutional vote on all conference matters, whether related to academics or not. Faculty reps served, by rotation, as president and vice-president of the conference. Thus, at conference meetings, the faculty rep who was serving as president was in charge. As it happened, I served as President of the Southwest Conference from 1991 to 1993 before its breakup in 1995, leading conference meetings attended by SWC Commissioner Fred Jacoby, associate commissioners, athletic directors and faculty reps.⁴ Occasionally associate ADs attended meetings. For example, when Jackie Sherrill was Athletic Director at Texas A&M, he attended, but always brought along the irrepressible John David Crow, his associate Athletic Director.⁵

The senior women's administrator position had not been invented during my early years as faculty rep. All the ADs, the faculty reps, and commissioners in the SWC were men, so the conference governance was an entirely male and, as I recall, white male preserve. The sole exception was the University of Texas where the women and men's athletic departments were separate.

⁴ The faculty reps and ADs formed the SWC Council with the Commissioner and associate commissioners serving as ex officio members.

⁵ Since Sherrill was also head football coach at A&M, it was our assumption that John David ran the Aggies day-to-day operations. Of course, Crow succeeded Sherrill as Athletic Director when Sherrill resigned and served in that role for five years. Having John David, the 1957 Heisman Trophy winner, attend meetings had collateral benefits since in the evenings after an adult beverage or two it was relatively easy to persuade him to hold court and tell stories from his fabled college and professional football career.

My memory may be faulty here, but I do not believe Jody Conratt, the UT women's AD, initially attended conference meetings, but I know she did later during my tenure.

Conference meetings could become volatile, although Commissioner Jacoby was outstanding at reaching compromise and quelling tempers.⁶ UT and Texas A&M frequently were at loggerheads and the University of Arkansas, as the sole conference school not in Texas, often had its disagreements.⁷ Further, the SWC had five large public schools and four smaller private institutions, and that made for contention and many closely divided votes.⁸

During my term as President of the SWC, Commissioner Jacoby encountered a serious health issue and thus the conference officers had more active roles in the day-to-day operation of the conference, typically through weekly conference calls with staff. Fred was thankfully able to return to the job, but did eventually retire and was succeeded as commissioner by the very able Steve Hatchell.

Of course, what is missing from all of this are the presidents of the universities that made up the SWC. It is today startling to realize that the SWC presidents historically had no role in the governance of the conference and never met as a group. That changed immediately after Ken Pye became SMU's president and orchestrated a change in the operation of the conference. The presidents began meeting together and independently of the SWC Council, and any significant action by the Council required their approval.

The question remains, however, as to why the old SWC had historically operated without the presidents' direct involvement. I am not sure but I suspect that the SWC was not atypical. It may

⁶ Fred Jacoby was also outstanding at identifying and hiring bright young people to serve as associate commissioners and then helping them develop. During the time I was involved in the SWC, associate commissioners included Kevin Lennon, Britton Banowsky, Kyle Kallander, Rick Chryst, and Bo Carter among others, all who have gone on to have significant careers in college athletics.

⁷ Of course, Arkansas left the Southwest Conference to join the SEC in 1992 and many believe that was the beginning of the end for the SWC.

⁸ The public schools were the University of Texas, Texas A&M University, the University of Arkansas, Texas Tech University, and the University of Houston. The private institutions were Baylor, Rice, SMU, and TCU.

be that since presidents selected their faculty athletic reps and hired their Athletic Directors, they felt like they had delegated authority over conference issues to those individuals. Since university presidents have broad responsibilities then and now, and at least then had no expertise in athletics, they were probably comfortable with the arrangement. Some may have believed athletics were not central to the academic mission of their universities and that their time was better spent elsewhere, where they did have experience and expertise.

As a result, faculty athletic reps in the SWC had significant stature, although then as now the role varied widely from campus to campus. As an example, when I was appointed, *The Dallas Morning News* ran a substantial story on me in the sports section. That was due in large part to the fact that the FAR I was replacing, Dr. Lonnie Kliever, had in many ways been the face of the university during the NCAA's investigation of our football program that led to its suspension, but more about that later.

It should be obvious to anyone with a sense of the history of the SWC that its governance structure did not stem the scandals plaguing the conference in the 1970s and 1980s. At the time, many believed the rampant violations resulted because its member institutions were in such close proximity to each other and were thus always recruiting the same blue-chip Texas athletes. That intense competition and institutional rivalries, it was thought, engendered cheating and the payment of recruits and players.

III.

Would the history of the SWC have changed if the presidents had become active and wrested, as it were, control of the conference from the faculty reps and athletic directors much earlier? I, for one, do not think so. For one thing, those SWC faculty reps were outstanding in every respect. They were all appointed by their presidents and took their jobs seriously. They were thoughtful, thorough, and cared about the welfare of student-athletes.⁹ The group worked tremendously well together

⁹ They were Jim Vick of the University of Texas, Tom Adair of Texas A&M University, Jim Castenada of Rice University, Joe Helmick of TCU, Bob Sweazy of

and its members were not afraid to disagree with their own athletic directors.¹⁰

It is my educated guess that the SWC's issues stemmed not from its governance, but rather from the lack of control and oversight of athletics at the institutional level. Initially, it is important to remember that for the most part athletics compliance offices did not exist. Sometimes faculty reps were the *de facto* compliance officers, but for the most part they were full-time faculty members or in a few cases university administrators without release time.

Additionally, athletics departments tended to be much more siloed than they are today. For example, at SMU prior to the death penalty, even the university's vice-president for legal affairs had no role with or oversight of athletics. Further, there was no independent oversight body such as an Athletics Council and no formal structure for oversight within the Board of Trustees. In those days, university presidents perhaps did not fully understand how quickly an athletics scandal could taint the entire university, impact his legacy, and even his job. They tended to become involved in athletics only in times of crisis. And faculty reps were often on the outside looking in, and worse than that, intentionally excluded during those same crises.¹¹

IV.

I had a very different and probably unique experience during my first couple of years as the SMU faculty rep as we sought to rebuild our athletics program from the ashes. It is well known that SMU received the so-called Death Penalty in 1987 after the NCAA found repeat serious rules violations in our football

Texas Tech University, David Guinn of Baylor University, and Al Witte of the University of Arkansas. The University of Houston had a couple of FARs after I joined the SWC but Richard Scannell was appointed just before the demise of the SWC and still holds the position. Together, they were among the finest group of individuals I have had the privilege to work with.

¹⁰ I remember, for example, Al Witte, the long-time FAR at Arkansas, disagreeing in conference meetings on more than one occasion with Frank Broyles, the legendary Arkansas Athletic Director.

¹¹ That was certainly the case at SMU with my predecessor, Lonnie Kliever.

program within five years.¹² After the scandal, SMU had no permanent president or athletic director, and had no football coach. As I mentioned, the reconstituted Board of Trustees first named A. Kenneth Pye of Duke University to the presidency. One of President Pye's first tasks when he arrived in August 1987 was to conduct a search for an athletic director, so that we would have a permanent AD in place to hire a football coach. The appointment of an AD was so important that President Pye decided to chair the search committee himself. The president of the faculty senate, my law school colleague Peter Winship, asked me to serve on the search committee and I agreed. It was my first formal involvement with SMU athletics.

We hired Doug Single who was then Athletic Director at Northwestern to become our AD. Early in the fall, Lonnie Kliever announced his resignation as faculty athletics representative. Dr. Kliever had been treated unfairly by many on campus, who somehow thought the scandal was his fault.¹³ President Pye, who at the time knew few SMU faculty but did know me because of my service on the AD search committee, asked me to succeed Lonnie.

I did not fully realize it at the time, but I was presented with a unique opportunity to help rebuild and fashion an athletic program from the ground up. And that is what we tried to do. President Pye and I drafted a Manual of Governance that established fundamental Athletic Department policies and created an Athletics Council to oversee athletics from outside the department. It functions to this day and is made up of faculty, administrators, student-athletes, students, alumni, former Letter-

¹² Both involved the illicit payment of players. The NCAA suspended SMU's football program for the 1987 season and for 1988 restricted the program to seven games, all on the road against conference opponents. Subsequently, SMU decided to suspend football for the 1988 season as well. See generally David Blewett, *The Pony Trap: Escaping the 1987 SMU Football Death Penalty* (2012); David Whitford, *A Payroll to Meet: The Story of Greed, Corruption and Football at SMU* (1989); *The Bishops' Committee Report on SMU*, Friday, June 19, 1987: Report to the Board of Trustees of Southern Methodist University from the Special Committee of Bishops of the South-Central Jurisdiction of the United Methodist Church.

¹³ It bears repeating that the then powers that be at SMU excluded Kliever from knowledge that anything untoward was continuing.

winners, and trustees.¹⁴ We revamped the admissions policies and procedures for student-athletes, required them to live on campus for two years, and integrated their academic support and advising into the mainstream university programs.

In some cases, we probably went too far in trying to assure the integrity of our athletics programs. For example, we did not allow coaches to bring a prospective student-athlete (PSA) on campus for an official recruiting visit until he or she was “deemed admissible” by the university’s admissions office. We were trying to ensure that athletics brought to campus only PSA’s capable of succeeding academically at SMU. After a few years, however, we realized we were inadvertently placing our coaches at a distinct recruiting disadvantage. So, we were compelled to revisit and revise our admissions procedure, but not our policy of admitting only student-athletes with a reasonable chance of graduating from SMU.¹⁵

We fervently wanted our student-athletes to be fully integrated into campus life and treated like any other student. Sometimes, however, our zealotry carried us too far, and we eventually had to realize, that as good as complete integration sounds, student-athletes have inherent differences from other students on campus. For example, we initially did not provide any special registration status for student-athletes and purposely had no separate academic advising or tutoring, expecting that student-athletes simply use the services available to the general student body. Gradually, over a period of years, we have revised those policies, although we still require that student-athletes use the university academic advising services for their formal advising.

After we hired Doug Single as our AD, I served on the search committee that eventually hired SMU alum Forrest Gregg to be our head football coach, as well as on other head coach search committees as vacancies occurred.¹⁶ The larger point is, however,

¹⁴ I served as the first chair of our Athletics Council, but in recent years other university faculty members have chaired the Council while I have remained as a member. Dan Orlovsky of History is the current long-serving chair.

¹⁵ SMU does still have a faculty athletic admissions subcommittee that reviews some PSA admissions files.

¹⁶ I have served on every head football search since, numbering seven altogether thus far. Of course, football search committees today tend to be largely ceremonial

that as a new faculty athletics representative I had an almost unprecedented role in reconstituting SMU athletics and attempting to develop a model program.

V.

I also had a couple of memorable experiences in my external roles during my first year as Faculty Athletics Representative. I have already described the governance of the old Southwest Conference, but the first conference meeting I attended in the fall of 1987 with our new AD was anything but cordial. In fact, some schools in the conference greeted the new SMU “team” with open hostility. They were upset with SMU for the public approbation they believed we had brought on the conference and for representations SMU had apparently made to the conference membership about our compliance with NCAA rules.¹⁷ In subsequent meetings however, we were able to establish our credibility and good faith and the animosity abated.

We encountered even greater hostility when we appeared before the NCAA’s Infractions Committee the following spring. Because of the severity of our sanctions, the Infractions Committee required SMU to reappear before it within a year to report on our compliance with the sanctions and the requirements of our probation. As a result, early in 1988 President Pye, AD Single, VP for Legal Affairs Leon Bennett, and I traveled to Chicago to meet with the committee. When we entered the hearing room, the tension was palpable because a few months earlier it had become public knowledge that SMU may have been less than forthcoming in its earlier appearance before the committee.

The committee members were livid and sought to hold us all accountable, even though none of us, apart from Leon Bennett, were in our current positions at the time of the earlier hearing. We all felt blindsided. The committee took particular aim at

since coaches must often be hired very quickly and the hiring decisions are really made by the president and athletic director.

¹⁷ I also believe that some public institutions resented SMU then because SMU had tended to vote with the public schools in the SWC previously, but it quickly became apparent that the reconstituted SMU would tend to side with the other private SWC institutions.

Bennett who, as I mentioned, had no role or contact with athletics under SMU's previous structure. That had of course now changed, but the committee, incensed that previous institutional representatives had been less than truthful, was looking for a scapegoat. As a result, President Pye spent most of the hearing having to backtrack and defend the institution rather than report on the substantial progress we had made.

VI.

After the breakup of the SWC in 1996, SMU joined the Western Athletic Conference under the strong leadership of Commissioner Karl Benson. In the WAC, and subsequently after SMU joined Conference USA in 2005 at the invitation of Commissioner Britton Banowsky, the faculty rep roles were somewhat diminished, at least as compared to the old SWC. Of course, the university presidents in both conferences had active roles and met separate and apart from the Councils that consisted of the ADs, Senior Women Administrators, and Faculty Reps. The model was bottom up with the Council making recommendations to the presidents for their approval. However, in both conferences the ADs had the institutional vote rather than the Faculty Reps.

In looking back, I suspect my early experience both within the Southwest Conference and at SMU was likely not the norm. Today faculty athletic reps are easily marginalized and are in the position of constantly attempting to assert themselves, whether on their campuses, within their conferences, or within the NCAA's governance structure. For example, when SMU joined the Big East in 2013 I was informed that faculty reps did not have a role in the conference governance structure and did not even meet with the Presidents, Athletic Directors, and Senior Women's Administrators, but rather met separately with the Directors of Compliance.

The Big East soon splintered and the American Athletic Conference was born quickly after in 2013. At first faculty reps again had no real role in the conference governance, but with the help of SMU President Gerald Turner, we were included in the annual spring meeting which also included the head football and men's and women's basketball coaches. However, last year the conference hierarchy decided to, as a cost-cutting measure,

dispense with the traditional spring meeting and accommodate the conference football coaches who all meet as part of the Fiesta Frolic in Phoenix. The faculty reps met apart from the rest of the conference for a day at the DFW Grand Hyatt.

We as faculty reps have often had to claw our way into the NCAA governance structure as well as struggle to retain our appointments. The DI FAR organization has been an important force in keeping us in the national conversation on college athletics and in securing our representation on important NCAA committees.¹⁸ For example, thanks to that organization, I currently serve as the only faculty rep on the NCAA's Football Oversight Committee as well as the new Football Competition Committee, both in *ex officio* roles¹⁹

VII.

One might fairly ask why faculty reps are so easily marginalized, or so often treated as second-class citizens. I think it is in part because we are part-timers. That is, our primary job responsibility is teaching and research, not athletics.²⁰ For that reason, full-time athletic administrators and coaches often believe that since our livelihood is not derived from athletics, our roles are less important and should be more limited. Since our careers are not dependent on athletics, I have occasionally encountered resistance when asserting a student-athlete welfare issue because as an outsider, I have been told that I simply do not understand the real issue or that I am perhaps naïve.

Of course, university presidents are also outsiders but they are in a very different position than FARs. They are in-charge of

¹⁸ The DI FAR organization was founded by Percy Bates, long-time faculty rep at the University of Michigan and subsequently very ably chaired by Jo Potuto, faculty rep at the University of Nebraska. Brian Shannon of Texas Tech University and now Kurt Zorn of Indiana University have continued excellent leadership for the group.

¹⁹ As an example of our challenge to remain in the conversation within the NCAA governance structure, recently when the FBOC was considering its future makeup, one committee member openly questioned whether the committee needed a FAR.

²⁰ University administrators who serve as FARs similarly have other primary responsibilities at their universities. Of course, some FARs receive some release time (generally a one-course reduction) for their roles, but many do not. In my case, I have never had release time and in fact continued to serve as faculty rep during my nine years as dean of the law school. In recent years, I have received a small summer research allowance from the President's Office for serving as FAR.

and responsible for the entire university and are the individual to whom the AD usually reports directly. We do not have that hierarchal leverage nor do we have the responsibility for oversight that our presidents have. Our roles tend to be less well-defined and more amorphous. The fact that we are typically appointed by the president and report directly to her certainly gives us some credibility and influence and is our saving grace on campus. In fact, if a faculty rep is to be at all effective, it is imperative for him or her to have regular access to the president.

The campus role of today's FARs can vary greatly but, as I noted, it is easy for us to become marginalized internally as well. In my experience, the attitude of the Athletic Director towards the faculty rep is crucial. Some ADs view faculty reps with some suspicion or even disdain. When that is the case, communication becomes more difficult and it is much easier for a FAR to fall out of the loop. However, when the AD has respect for the role of the FAR and does not necessarily see her as a foe, it is much easier for a faculty rep to keep herself informed.²¹

In my experience, it is almost equally important for the faculty rep to have good communication with the Director of Compliance and the VP for Legal Affairs. I view oversight of compliance quite seriously, as I regard myself as the eyes and ears of the faculty in assuring that we have a strong rules and compliance program. Even so, over the years I have sometimes felt like an afterthought when we are investigating a potential serious rules infraction or dealing with a response to an NCAA inquiry. One mechanism that helps is that the Associate AD for Compliance, the VP for Legal Affairs, and I meet quarterly with the President before each Board of Trustees meeting for the sole purpose of covering everything relating to compliance for the prior quarter.

The real value of FARs on campus is our role as independent voices outside our athletic departments who are concerned with athletics compliance, academics as it relates to student-athletes, and student-athlete welfare, not wins and losses. The fact that we are academics first who teach students and student-athletes

²¹ I am very fortunate in that Rick Hart, SMU's AD, always returns my phone calls and emails promptly. I also have a standing once-a-month meeting with him and the chair of our Athletics Council, which aids immeasurably in my staying informed.

should serve to enhance that role. The fact that we do not depend on the athletic department for our paychecks, but presumably appreciate the role of college athletics on our campuses, should enable us thoughtfully to help achieve balance between athletics and academics.

It may be an obvious point, but it is important for faculty reps to develop good working relationships with all the senior athletic department staff, from the AD down, to effectively fulfill our role. Regular lines of communication can certainly foster that. Just as in any working relationship, if the FAR earns credibility and trust it makes it much easier to disagree or assert an unpopular position from time-to-time without damaging that relationship. For example, FARs often set forth positions favorable to student-athletes that may be contrary to a coach or administrator's take on an issue.²² A faculty rep who has developed credibility with the athletic department and takes a reasoned approach contrary to the department's position is more likely to influence the ultimate decision. In sum, good working relationships are key to a FARs ability to perform his or her job effectively.

VIII. CONCLUSION

Faculty reps face on-going challenges in striving to continue to be an important voice in college athletics. As so-called part-timers, it is incumbent upon us to take our roles seriously and to insert ourselves wherever we can have influence, whether on campus, within our conferences, or within the NCAA governing structure. We can easily be marginalized and it is sometimes tempting for us to accept a lesser role, since we all have significant responsibilities apart from athletics. Thus, it starts with a commitment that we should all have made when we accepted our FAR appointment to be an active and positive force for student-athlete welfare, as well as academic integrity and rules compliance within athletics. While each of our campus roles differ, we can maximize our effectiveness by establishing good working

²² I am thinking, for example, where a coach wishes to reduce or non-renew a student-athlete's financial aid on questionable grounds and secures the backing of the athletic department.

relationships and formal and informal lines of communication with key members of the athletic department and, of course, our presidents. If we can do so, we will assure that our voice is one that continues to have significant influence in intercollegiate athletics.