Policy and Governance Implications of the Dear Colleague Letter of January 25, 2013 Related to the Inclusion of Athletes with a Disability into Intercollegiate Varsity Sports

Ted Fay, State University of New York at Cortland
Eli Wolff, Brown University

Governance

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This qualitative study will explore the policy and governance implications of the U.S. Office of Civil Rights (OCR) “Dear Colleague” Letter of January 25, 2013 related to the inclusion of athletes with a disability into intercollegiate varsity sports (OCR, 2013). This study will examine these implications by utilizing a set of interlinking conceptual frameworks that help provide a both a critical context a “systems approach” to examining how colleges and universities can create greater equity and inclusion in intercollegiate sports (Fay, 1999; Mintzberg, 2003). A particular focus of this study will center on four core inclusion principles that are defined in the proposed ECAC Inclusive Sport Model (ISM) that include a proposed introduction of NCAA-sanctioned varsity adaptive team sports (e.g., men’s and women’s wheelchair basketball, sled hockey, sitting volleyball and goal ball) along with adaptive events in existing individual varsity sports (e.g., track & field, rowing, swimming and tennis).

This presentation will also provide a brief background and context to the public laws, plus landmark sport policy and governance decisions beginning with the passage of The Educational Reform Act of 1972 (Title IX), the Rehabilitation Act of 1973, the Amateur Sports Act of 1978, the Americans with Disabilities Act of 1990, Ted Stevens Amateur Sports Act of 1998, Article 30.5 of the UN Convention on Human Rights for Persons with a Disability ratified in 2007 the Maryland Fitness and Sport Equity Act of 2008 culminating with the OCR “Dear Colleague” of 2013.

The authors will utilize a series of interlinking frameworks including the Sport Opportunity Spectrum, a nine point framework entitled Criteria for Inclusion, and a Critical Change Factors Model as they relate to the Organizational Continuum of Workplace Diversity to help provide a snapshot of the current realities facing athletes, coaches and administrators with disabilities in college sports including adaptive sports and how systems change approaches can create a new equity paradigm in sport that provides a more inclusive environment (Fay, 1999 & 2011; Wolff & Fay, 2009). Further these frameworks will help illustrate how individuals are often systematically excluded from intercollegiate sport opportunities (Wolff & Fay, 2009; Fay, 2011) or have been included discussing the phenomena of the “outlier effect” through providing a select number of brief bio-sketches of former intercollegiate athletes with disabilities (Fay, Wolff & Legg, 2014).

Finally, a set of preliminary findings will be presented that are drawn from a combination of an on-line survey of key college and university stakeholders within ECAC member institutions that is designed to sample the awareness and reactions of college athletic administrators from member institutions of the Eastern College Athletic Conference (ECAC) to the implications of the guidance presented in the OCR “Dear Colleague” Letter of January 25, 2013 regarding the status of inclusion of athletes with disabilities within intercollegiate sports (ECAC, 2014). A population study of 309 institutions that are represented by 90 Division I members, 33 Division II members and 186 Division III members will be conducted using a qualitative research methodology that includes an on-line questionnaire sent to all ECAC athletic directors, as well as set of in-depth interviews drawn from a subset of athletic directors, sport committee members and campus disability services coordinators from a group of targeted colleges and universities selected by the ECAC Commissioner and Board of Directors who have been identified as potential early adopters of the ECAC Inclusive Sport Model (ECAC, 2014a & b).

The on-line survey instrument will consist of a series of questions utilizing a 5 point Likert scale focused on present practices and future interest related to institutional adoption of the ECAC- Inclusive Sport Model (ECAC - ISM) as well as a series of more open-ended questions intended on capturing narratives related to policy, governance structures, and potential resources available on campus relative to the ECAC-ISM. Findings will be organized,
coded and analyzed using a content analysis approach to allow for a more comprehensive comparative analysis of responses between institutions as well as Divisional Levels.

The authors will conclude this presentation by outlining a series of strategic policy and governance recommendations that are necessary for the NCAA, its leagues and conferences including the ECAC, as well as its individual member institutions to adopt in order to implement and sustain the ECAC/NCAA Inclusive Sports Model that would put their respective colleges and universities in compliance with the guidance as outlined in the OCR “Dear Colleague” of January 25, 2013. Further, the authors will outline a call for more critical research and scholarly work focused on how the NCAA, their member conferences, and their individual institutional members at the Division I, II and III levels can take a lead in promoting greater equity, social and economic justice, and inclusion in sport for individuals with disabilities including adaptive sports as NCAA sanctioned sports (Nixon, 2008; Coakley, 2008).